

Rules of Procedure of the **Chowchilla City Council**

and all other Local Agencies for which Members of the City Council serve as the
Governing Body



Approved by the Chowchilla City Council on May 8, 2018

CITY OF CHOWCHILLA

City Council Core Values

- **Accountability**
- **Innovation**
- **Professional Excellence**
- **Respect**
- **Teamwork**
- **Trustworthiness**

Core values adopted by City Council November, 2013 with Resolution # 92-13

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The City of Chowchilla acknowledges and greatly appreciates the excellent work of the Cities of Menlo Park, Davis and Sanger, California, and their willingness to share their “procedures manual” as a helpful example to develop this document.

C H A P T E R 1

Introduction

The Chowchilla City Council establishes policies and priorities for the community and is responsible for the fiscal health of a public corporation.

Purpose of the Procedures Manual

City of Chowchilla staff prepared a procedures manual to assist the City Council by documenting currently accepted practices. Through agreement of the City Council and staff to be bound by these practices, with the City Administrator having overall responsibility, the effective administration of City Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Council Members in their actions. It is anticipated that this Procedures Manual may be revised from time to time.

Overview of City Documents

This Procedures Manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of a city council. Many other laws, policies, plans and documents exist which bind the City Council to certain courses of action and practices. A summary of some of the most notable documents that establish City Council direction is provided below.

Municipal Code: The Municipal Code contains local laws and regulations adopted by ordinances. The administrative chapter of the code addresses the time and place of meetings, compensation of council members and council member attendance at council meetings. It also describes the organization and appointment of advisory commissions. In addition to these administrative matters, the Municipal Code contains a variety of laws. The Municipal Code is available on the City's website.

California Government Code: The State Government Code contains many requirements for the operation of city government. Many of these requirements are also replicated within the Municipal Code to ensure there is broad awareness of such requirements. Chowchilla is a "general law" city, which means it is organized in accordance with provisions of the State Government Code. Also described within the government code is the Council-City Administrator form of government. Basically, this form of government prescribes that a city council's role is to establish policies, priorities, oversight and direction. The role of the city Administrator is to carry out the mission and direction of the Council while overseeing the operations of the city government.

Strategic Plan: Based on the Vision and Mission Statements and in consideration of the community's Values, four broad Strategic Plan categories and their applicable goals are identified for a five-year planning period. The categories provide an organizational framework for the strategic Action Steps that will be initiated to implement community consensus on these overall goals. These goals and ensuing Action Steps are the basic elements of the City's long-term efforts to help Chowchilla grow and thrive in the years ahead and will provide a metric to determine our progress toward addressing the concerns, desires and priorities of the community.

Annual Budget: The City's annual budget provides a description of city services and the resources used to provide services. The document contains both a broad overview of the budget as well as descriptions of programs and services organized for convenience by lead department. The City operates on a July 1 through June 30 fiscal year.

General Plan: The General Plan is comprised of a number of elements, such as land use, transportation, open space and housing, in accordance with State requirements, and provides a policy framework for various matters that fall within these areas.

Orientation of New Council Members

It is important that members of the Council have an understanding of the full range of services and programs provided by the organization. As new members join the City Council, the City Clerk coordinates an orientation session with each Council Member which includes meeting with Department Heads to provide tours of City facilities and meetings with key staff.

C H A P T E R 2

Powers and Responsibilities

City Council Generally

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

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tem have some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the Council is upheld. Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Council Members who held a minority opinion on an issue.

Limitations are imposed on a Council Member's ability to serve on appointed boards of the city. State law expresses that no member of the Council shall serve as a voting member of any city board, committee, or commission, such as the Planning Commission, Airport Advisory Committee and Heritage Preservation Committee, whether composed of citizen volunteers, city employees, or a combination of both.

This is not to be construed as prohibiting members of the Council from serving on committees or subcommittees of the Council itself, such as Council ad hoc committees, or of agencies representing other levels of government, including the Madera County Transportation Commission and the Madera County Economic Development Commission. In fact, Council Members often participate and provide leadership in regional and state programs and meetings. Council Members are strongly encouraged to report to the Council on matters discussed at subcommittees and other regional or state board/agency/group activities in which they have been involved.

Role of Mayor & Mayor Pro Tem

Mayor Selection: It is present practice to rotate the selection of Mayor annually. The Council vote decides the rotation selection of the Mayor. However, the Mayor's

position may be reappointed for consecutive years if the Council so chooses. The Mayor Pro Tem position is a natural ascendancy to Mayor, but not automatic. The Mayor and Mayor Pro Tem are peers of and serve at the pleasure of the other Council members.

Mayor: As reflected in the Municipal Code, the Mayor is to preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the Council or by vote of the people. As presiding officer of the Council, the Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the city for all ceremonial purposes. As such, the Mayor shall be the chief spokesperson for the City, representing the City at all ceremonial events and functions, and shall issue all ceremonial proclamations, certificates, and awards.

The Mayor, unless unavailable, shall sign all ordinances, and other documents that have been adopted by the City Council and require an official signature; except when the City Administrator has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tem's signature may be used.

The Mayor and Mayor Pro Tem shall consult and coordinate with the City Administrator in the development of agendas for meetings of the City Council. It is the responsibility of the City Administrator to oversee the addition and deletion of items on the City Council agenda. The scope of such review focuses on the timing of business items and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the Council or the introduction of new items not otherwise part of the Council's identified priorities or staff's work plan. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full City Council at an official Council meeting. The staff maintains a "tentative" Agenda Forecast that establishes when matters will likely be considered at future meetings.

Mayor Pro Tem: The Mayor Pro Tem shall be elected by the Council and serve at the pleasure of the Council. The Mayor Pro Tem shall perform the duties of the Mayor whenever the Mayor is absent or is unable to perform such duties.

Appointment of City Administrator, Police Chief

The City Council appoints two positions within the city organization: the City Administrator and Police Chief. Both positions serve at the will of the City Council. The City Administrator and the Police Chief are employees of the City and have employment agreements that specify certain terms of employment. The City Administrator is responsible for all other personnel appointments within the City.

Appointment of Advisory Bodies

The city has a number of standing advisory bodies. Chapter 2 of the Municipal Code contains adopted policy on the appointment, roles and responsibilities of the various Commissions and Committees. These procedures apply to all appointments and reappointments to standing advisory bodies.

In addition, resident committees and task forces are occasionally appointed by the City Council to address issues of interest. A task force or other ad hoc body is a body created by Council for a specific task. Council subcommittees, when used, are to help the Council do its job. Committees ordinarily will assist the Council by preparing policy alternatives and implications for Council deliberation. Council subcommittees will normally not have direct dealings with staff operations. Council subcommittees may not speak or act for the Council. Subcommittees will be used sparingly and ordinarily in an ad hoc capacity. This policy applies to any group that is formed by Council action, whether or not it is called a subcommittee. Unless otherwise stated, a subcommittee ceases to exist as soon as its task is complete. The Council may assign, and specify the role of, one or two Council Members to the task force (if more, it becomes a defacto Council meeting). Unless otherwise specified, Council Members have all the rights, and only the rights, of ordinary citizens with respect to task forces and other ad hoc bodies.

Note that both appointed advisory bodies and ad hoc committees are usually subject to the open meetings laws commonly known as the Brown Act. A complete list of these advisory bodies and committees are maintained by the City Clerk. There is one exception to subcommittees being subject to the Brown Act: ad hoc advisory committees consisting of less than a quorum of members of the governing body and with the following conditions: (1) the committee must be purely an advisory committee with no decision making authority; (2) the committee must be composed solely of less than a quorum of members of the governing body; (3) the committee must not have continuing subject matter jurisdiction; and (4) the committee must not have a meeting schedule fixed by formal action of the governing body.

Council Relationship with Advisory Bodies

The City Council has determined that Council Members should not lobby commissioners/committee members for particular votes. However, Council Members may attend meetings as residents and request that commissioners/committee members consider certain issues during their deliberations or in unusual instances as Council Members to reflect the views of the Council as a body.

Council Members choosing to attend commission or committee meetings should be sensitive to the fact that they are not participating members of the body. Council Members have the rights, and only the rights, of ordinary citizens with respect to Commissions – including the right to write to and speak to the Commission during public comment periods.

Role of Commission/Committee Liaison

Members of the Council are assigned to serve in a liaison capacity with one or more city commissions and/or committees. The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, members may elect to attend commission/committee meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission/committee chair on a regular basis.

Members should be sensitive to the fact that they are not participating members of the commission/committee, but are there rather to create a linkage between the City Council and commission/committee. In interacting with commissions/committees, Council Members are to reflect the views of the Council as a body. Being a commission liaison bestows no special right with respect to commission business.

Typically, commission/committee liaison positions are assigned to annual terms beginning in January. The Mayor will ask Council Members which liaison assignments they desire and will submit recommendations to the full Council regarding the various committees, boards, and commissions which City Council Members will represent as a liaison. In the rare instance where more than one Council Member wishes to be the appointed liaison to a particular commission, a vote of the Council will be taken to confirm appointments.

Additionally, members of the Council are assigned to serve as representatives or designees to outside agencies and boards.

C H A P T E R 3

City Council Meetings

General Procedures

By resolution, the City Council adopts this document as a modified version of Roberts Rules of Order.

Presiding Officer: The Mayor is the presiding officer and acts as chair at Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro Tem serves as presiding officer. In the absence of both, the Council Members present shall elect a Presiding Officer for that meeting.

Seating arrangement of the Council: The Mayor Pro Tem is seated immediately next to the Mayor. The Mayor, with the approval of individual Council Members, shall establish the seating arrangement for regular Council meetings.

Quorum: Three-fifths of the Council Members constitute a quorum for the transaction of Council business. If a quorum is not in attendance, those attending will be named in the minutes. They shall reschedule the meeting to a later set time. If there are repeated absences by Council Members, those members in attendance may adjourn from day to day and/or institute proceedings to compel attendance of the absent Council Member as prescribed by law.

Council Member Attendance: In accordance with the Municipal Code, members of the City Council are expected to attend all meetings. If a Council Member is absent from one-half or more of a Council meeting, as measured by the time duration of that meeting, then the Council Member will be considered to have been absent from that entire meeting.

Additionally, if a Council Member has unexcused absences from three (3) consecutive regular meetings or half or more of all regular meetings held in a given calendar quarter of the calendar year, then the City Council may declare the absent Member's seat abandoned and vacant [California Government Code § 36513(a)]. An absence will be considered unexcused unless the City Council finds that at the time of the absence the Council Member was performing services for the city, was ill or on sequestered jury duty or the absence was due to a hardship deemed acceptable by the City Council.

City Administrator Attendance: The City Administrator shall attend all meetings of the Council unless excused. In his/her absence, the City Administrator shall designate a substitute. The City Administrator may make recommendations and have the right to take part in all discussion of the Council when recognized by the Mayor to do so, but shall have no vote.

City Attorney Attendance: The City Attorney shall attend all meetings of the Council unless excused. In his/her absence, the City Attorney shall designate a substitute. The City Attorney shall give opinions, either written or oral, on questions of law and shall act as the Council's parliamentarian.

City Clerk Attendance: The City Clerk shall attend all meetings of the Council unless excused. In his/her absence, the City Administrator shall designate the Deputy City Clerk as the substitute. The City Clerk shall prepare and post the agenda, record, prepare and maintain the official record of the Council, and perform other related duties as prescribed by the Council and/or City Administrator.

Department Heads/Employee Attendance: Department Heads and City employees, as directed by the City Administrator, shall attend Council meetings.

Media Attendance: In accordance with the Brown Act, all meetings of the City Council and City Boards/Commissions (except closed sessions as authorized by State law) shall be open to the media, and may be recorded and/or broadcast by tape, radio, television or photography, provided that the manner in which such recording or broadcast is made does not unreasonably disrupt the meeting.

Minutes of Proceedings: An account of all public proceedings of the City Council shall be recorded by the City Clerk and entered into official minute books of the Council. The minutes shall publicly report any action taken and the vote or abstention on that action of each member present for the action. The minutes shall be available for inspection by the public.

Right of Floor: A member desiring to speak shall first be recognized by the Mayor and shall confine his/her remarks to the subject under consideration.

Preservation of Order: The Mayor shall preserve strict order and decorum, and except for matters raised by members of the public during the Public Forum, shall confine debate to the item under discussion.

Point of Order: The Mayor shall determine all points of order, subject to the right of any member to appeal the decision to the full Council. If an appeal is taken, the question to the Council may be: "Should the decision of the Mayor be sustained?"

Rules of Order: Except in cases of conflict with these Rules or the Brown Act, the current official edition of Robert's Rules of Order shall govern the proceedings of the City Council.

Motion and Vote to be Stated: The Mayor, or a Council Member designated by the Mayor, shall state any motion submitted for a vote, and the Mayor shall announce

the result of all votes. A roll call vote shall be taken by the City Clerk upon the request of any Council Member.

No Secret Ballots or Voting: Except as otherwise allowed by the Brown Act, all votes shall be conducted in public and the Council shall not take any action by secret ballot, whether preliminary or final. All actions of the Council require a majority affirmative votes.

Meeting Schedule

All meetings of the City Council (except closed sessions authorized by State law) shall be open to the public. No member of the public may be required, as a condition to attendance at a Council meeting, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any other condition precedent to his/her attendance.

Regular meetings are usually held in the Council Chambers, 130 South Second Street, on the second and fourth Tuesdays of the month. Typically, closed sessions convene at 3 p.m. and regular sessions convene at 4 p.m. The City will schedule Town Hall meetings from time to time during the year.

No Council meeting will typically be held in the event that a regular meeting of the Council falls on a legal holiday. Other meetings throughout the year may be cancelled as well. Council Members should inform the City Administrator as soon as possible if they intend to be out of town on a set meeting date. On occasion, arrangements may be made in order for Council Members to remotely participate in Council meetings by telephone conference call when out of town, as spelled out in the Brown Act.

Special Meetings

Special meetings may be called by the Mayor or by a majority of the City Council, in accordance with the Brown Act. The call for a special meeting shall specify the date, place, and time of the meeting, and all items of business to be considered. At least twenty-four (24) hours written notice of the special meeting shall be delivered to and received by all Council Members, to each local newspaper of general circulation, and to each radio and television station that requested such notice in writing. The notice of special meeting shall also be posted at the front entrance of City Hall, and a copy thereof shall be sent to the Public Library. Only those matters specified in the call for the special meeting may be discussed at the meeting. Every notice of a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to address the Council directly on that item before action is taken.

Adjourned Meetings

Any meeting of the City Council may be adjourned by a majority vote to a later date, place, and time, provided that no adjournment is for a period beyond the next regular

meeting. The Clerk shall conspicuously post the notice or order of adjournment at the front entrance of City Hall and send a copy thereof to the Public Library within 24 hours of adjournment of the meeting.

Development of Agenda

Staff will provide a yearly meeting calendar identifying meeting dates and to aid members and staff with planning and scheduling.

All agenda items must be within the subject matter jurisdiction of the City.

A draft of the agenda for each Council meeting shall be prepared by the City Clerk under the direction of the City Administrator. The final agenda shall be posted and delivered to the Mayor and Council Members no later than 6:00 p.m. on the Saturday preceding the Tuesday meeting.

Any agenda item not in compliance with the procedures established herein is subject to being removed from the Agenda by the Council.

City Council meetings shall end, as appropriate, by no later than 10:00 p.m. At 10:00 p.m., the City Council will vote to either proceed with the meeting or carry the remaining items over to the following City Council meeting.

Given this agenda development schedule, it is extremely difficult when Council requests at a Tuesday meeting that a report be prepared for consideration the following regular meeting. Preparation of an agenda item which includes vetting by the City Administrator, Finance Director and City Attorney takes a considerable amount of time. Complex reports, of course, will require even greater time to prepare. As such, new agenda items requested by Council will be brought back to Council no less than two council meetings later. Among other considerations, the ability to schedule new agenda items depends on, the nature of the item itself, other agenda subjects that are already scheduled, and the amount of time available in a Council meeting. On occasion there will be an item of an extraordinary nature necessitating quick resolution. If possible, staff will strive to bring that item back to Council as soon as possible.

Placing Items on Agenda

City Council: There are two routes for placing an item on the Council agenda. A Council Member may request an item be considered on a future agenda and, upon agreement of a majority of Council, staff will prepare a staff report if formal Council action is required. Council Members may make this request verbally during a meeting or may submit written requests. Normally, the process involves two steps: initial consideration of the request by the full Council during the Council Reports section of the agenda with comments to be by the full Council. The matter is then scheduled for consideration on an upcoming meeting agenda.

Members of the Public: Requests by members of the public for placement of an item on the Agenda shall be referred to the City Administrator, who shall determine if and when such matters shall be placed on the Agenda.

Emergency and Subsequent Need Items: Emergency and subsequent need 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 very rare. After the agenda is posted an item (subsequent need) arises that requires Council action. Subsequent need items may be added to the agenda only if the 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 City Council. These findings must be approved by two-thirds (2/3) vote; if less than five members of Council are present, the findings require a unanimous vote of those present.

Notification and Advertising

The City publicizes matters of significant neighborhood or community public interest that appear on a City Council agenda, as well as all matters where required by law. These publications, such as advertisements and notifications, are intended to inform all interested individuals.

The process of publication includes posting the agenda at the front entrance of Chowchilla City Hall and a copy sent to the Public Library at least 72 hours before any regular meeting. Included in this publication is the time, date, and location of the meeting and a brief description of each item of business to be transacted or discussed at the meeting, including closed session items, and any other information required by law.

Order of Business

The order of the agenda is as follows:

1. Normally, at 3:00 pm, the Council will convene, with a public Call to Order; Roll Call; Consideration of Approval of Agenda where the Council will then consider Agenda approval: additions, deletions, modifications, and at the discretion of the Mayor, the order of agenda items can be re-arranged; and Public Forum regarding Closed Session agenda items. The Council will then adjourn to Closed Session. If any Closed Session agenda item has not been completed in the time allotted, then the Council may carry it over to a later time during the meeting, and/or to another regular or special meeting of the Council.
2. If time allows, Council Members may meet and greet members of the public from approximately 3:30 – 4:00 p.m.

3. Normally, at 4:00 p.m., the Council will reconvene in Open Session, with a Pledge of Allegiance, and Invocation.
4. The City Attorney and/or City Administrator will announce any reportable Closed Session actions.
5. The Council will next consider Presentations/Workshops: Proclamations, Presentations, Awards, Guest Introductions, and Ceremonial Resolutions.
6. Workshops (as needed).
7. Public Forum (Open).
8. Council and Staff Reports (as needed).
9. The Council will next consider the Consent Calendar. Consent items are of a routine nature that do not set new Council policy.
10. The Council will next hold any listed Public Hearings.
11. The Council will next consider Deferred Business. This pertains to New Business agenda items carried over from a previous Council meeting.
12. The Council will next consider Department Reports.
13. Continuation of Closed Session, if needed.
14. Reconvene in Public Session, if continuation of Closed Session held.
15. The City Attorney and/or City Administrator will announce any additional reportable Closed Session actions.
16. Announcements.
17. Adjournment.

The following section describes the various types of meeting components

Closed Sessions (*closed to the public*): The ability of the City Council to conduct sessions not open to the public is restricted by state law to ensure open proceedings. Certain defined circumstances exist wherein a city council may meet without the public in attendance. While the Government Code allows for various reasons permissible for closed session, some of the major reasons include:

Real Property: The purchase, sale, exchange or lease of real property with the City's negotiator; the real property and the person(s) with whom the City may

negotiate must be announced in open session prior to the closed session (*Cal Govt Code 54956.8*).

Litigation: Pending or a significant exposure to litigation or the decision to initiate litigation; the litigation title must be identified in open session prior to the closed session unless the Council states that to do so would jeopardize its ability to conclude existing settlement negotiations or effectuate service of process.

Compensation: Salaries and benefits of employees; Council meets in closed session to review its position and instruct designated representatives (*Cal Govt Code §54957.6*).

Personnel: A closed session is held to discuss the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear a complaint against the employee unless the employee requests a public hearing (*Cal Govt Code §54957.6*).

It is critical to stress that there shall be no disclosure of closed session confidential information. Members of the Council, employees of the City, or anyone else present shall not disclose to any person, including affected/opposing parties, the press, or anyone else, the content or substance of any discussion which takes place in a closed session without Council direction and concurrence. Whenever possible, written reports received for closed session items will be turned in at the end of the meeting.

Typically, closed sessions will be scheduled prior to the public portions of the meeting or at the end of the meeting after public business has been concluded. This is done so public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain. On occasion, during the course of a regular meeting, an issue arises that requires the Council to adjourn to a closed session on the advice of the City Attorney.

Consent Calendar: Those items on the Council agenda that are considered to be of a routine and non-controversial nature by the City Administrator are placed on the "Consent Calendar." These items shall be approved, adopted, accepted, etc., by one motion of the Council. Typical consent calendar items include the final reading and adoption of ordinances, various resolutions approving agreements, awards of contracts, minor budgetary adjustments, meeting minutes, status reports, and reports of routine city operations.

Council Members may request that any item listed under "Consent Calendar" be removed from the Consent Calendar, and Council will then take action separately on this item. A member of the public may request that an item listed under "Consent Calendar" be removed and Council action taken separately on the item; the City

Council must concur with such a request. Items that are removed ("pulled") by members of the Council for discussion will typically be heard during the New Business section of the agenda after other Consent Calendar items are approved unless the majority of Council chooses an earlier or later time.

Council Members are encouraged to contact the City Administrator's office prior to 12:00 noon on the day of a Council meeting day to provide notification of items to be removed from the Consent Calendar. This practice allows the City Administrator to notify staff that may need to be present to respond to removed items.

Public Comment: During the Public Forum portion of the meeting, any person may address the Council on any item of interest to the public, provided that the item is within the subject matter of the jurisdiction of the Council and is not otherwise on the agenda. Except as allowed by the Brown Act, no action shall be taken by the Council on any item not on the agenda.

When written materials are presented, they should be submitted to the City Clerk for distribution and record keeping. Comments are typically limited to three minutes per speaker so that all have an opportunity to address the Council.

Before any item is opened for public comment, the Mayor may inquire as to the number of persons wishing to address the Council on that item. If more than five (5) persons wish to address the Council on the same side of an item, the Mayor may direct that such persons designate a limited number of speakers (the number to be determined by the Mayor based on the complexity and controversial nature of the issue) to represent that side of the issue. If such persons fail or refuse to designate representative speakers, the Mayor may do so for them. The representative speakers shall be limited to five (5) minutes, and shall be allotted sufficient time to fairly address the issue. If a speaker is being repetitious or discussing matters that are not relevant to the issue under consideration, the Mayor may limit the speaker's comments.

All remarks shall be directed to the Mayor and the Council as a body, and not to any particular Council Member, or member of staff. No person, other than members of the Council and the person having the floor shall be permitted to enter into the discussion unless requested by the Mayor to speak. No member of the public shall direct questions to Council Members individually, or to members of staff, except through the Mayor.

Persons making impertinent or slanderous remarks, or who become boisterous so as to disrupt the meeting, may be requested by the Mayor to leave. The Mayor shall discourage demonstrations before the Council, such as applauding or "boeing." Upon instructions by the Mayor, a police officer may be called for the purpose of removing any person who, in the Mayor's judgment, is disrupting the meeting. Persons ejected for disrupting Council meetings shall be subject to prosecution for violation of Penal Code Section 403 and/or the Brown Act.

Any person may submit written comments to the Council through the City Clerk or City Administrator's Office, and request that members of the Council receive copies of such materials in the agenda packet, provided that such materials are received in sufficient time to be included for distribution in the agenda packet. Otherwise, such materials shall be distributed prior to or at the meeting during which the subject matter will be considered. The Clerk shall charge for the cost of reproducing copies of such written materials if they are in excess of three (3) pages.

Videos, PowerPoint or similar presentations may accompany in-person testimony but are subject to the same speaking time limits. Prior notice and coordination with the City Clerk is strongly encouraged and the Mayor reserves the privilege to limit such requests as necessary for the effective conduct of the meeting. Speakers are to address their comments to the City Council from the podium.

Public comment on regular business items normally follows staff's presentation of the staff report, clarifying questions from Council Members as necessary and appropriate.

Council and Staff Reports: Council and Staff Reports provide an opportunity for Council members, City Administrator and Department Directors to address the Council on matters of importance or to update the Council and community on studies that are underway.

Department Reports: Regular items are shown on the agenda and are normally taken in the order listed.

Public Hearing: In the case of public hearings, once the Council has voted to close the hearing, no member of the public shall be permitted to address the Council or the staff from the audience, except at the discretion of the presiding officer (Mayor). Procedures regarding public hearings are as follows:

Introduction

The Mayor announces the subject of the public hearing and declares the public hearing open.

Staff and Written Material Presentation

1. Staff reports and other written materials included in the agenda packet are received and filed. Written comments previously submitted to staff or the Clerk (e.g. letters, protests, and the like) are noted in the record. All parties to the public hearing shall have a reasonable opportunity to review and comment on any written materials submitted to the Council before action is taken.
2. Oral reports are presented by staff members.

3. Staff responds to Council Member questions.

Public Comment

1. The purpose of the public comment is to provide an opportunity for the applicant and members of the public to testify in support or in opposition to the matter being heard.
2. The Mayor instructs members of the public:
 - a. To speak into a microphone (so as to maintain a public record).
 - b. That repetition should be avoided.
3. The applicant and/or his/her representative will normally speak first. The applicant (and/or his/her representatives and witnesses), as well as any organized opposition to the matter under consideration (and their representatives and witnesses), will be limited to a total of twenty (20) minutes per side. The applicant shall also be entitled to rebuttal, not to exceed five (5) minutes. The Mayor may inquire as to the number of persons wishing to speak for or against the matter under consideration; or the Mayor may direct all persons wishing to address the Council on the item to submit written requests to speak with the Clerk. If more than five (5) persons wish to address the Council on the same side of the item, the Mayor may direct such persons to designate a limited number of speakers (the number to be determined by the Mayor based on the complexity and controversial nature of the issue) to represent that side of the issue. If such persons fail or refuse to designate representative speakers, the Mayor may do so for them. In complex or controversial matters, the Mayor may extend the time limits commensurate with the amount of time reasonably necessary to present the matter fully.

Testimony

Testimony need not be given under oath, and cross examination of witnesses is not permitted, unless either is required by law.

Council Deliberation

1. After the Mayor has determined that no other member of the public wishes to speak, or that all other speakers will be repetitious of the matters previously stated, the item shall be returned to the Council for deliberation.
2. Council Members make and second a motion, and then discuss the motion.
3. Members of the public may request permission of the Mayor to comment on the motion.
4. The Mayor, at his/her discretion, may allow public comment on the motion.

Council Action

1. The Council may continue the open public hearing to a specific date if it wishes to receive additional information (e.g., a supplemental staff report); or
2. The Council may:
 - a. Close the public hearing and vote on the motion on the floor;
 - b. Offer amendments or substitute motions (additional public comment on the amended or substitute motion is subject to the Mayor's discretion); or
 - c. Close the public hearing and continue the matter to a later date for decision (no additional reports or testimony may be received unless the hearing is reopened).

Order of Presentation of Agenda Items

1. The Mayor introduces the agenda item.
2. The relevant City Staff as identified in the agenda item presents a 'brief' overview of the specific agenda item.
3. The floor is returned to the Mayor.
4. The Mayor entertains questions of Council.
5. The time allotted for public comment on both information and action agenda items is limited to three (3) minutes per person, except that the Mayor has the discretion to allow more time as circumstances warrant. Questions and/or requests are to be directed to the Mayor. Upon closing of public comment ALL questions and requests shall be addressed by the Mayor to appropriate staff person.
6. The Mayor will return time to Council Members for follow-up comments/questions and/or closing remarks associated solely with the specific agenda item.
7. The Mayor asks for a motion and second based on the recommendation of City Staff and/or Council desire. The Mayor shall then call for a vote on motions properly made and seconded. The Mayor shall be in charge of making a record and/or providing said wording when requesting motion. Requests for additional wording may be entertained in the form of a motion.
8. If a motion fails, the Mayor may request another motion.
9. When the Council has completed its consideration of an agenda item, then the Mayor shall call the next agenda item.

Ordinances, Resolutions, and Contracts

All ordinances, resolutions, and contracts shall be approved as to form and legality by the City Attorney and as to content by the City Administrator, before submission to the Council. All contracts shall be executed by the other party before submission to the City Council. The City Administrator may waive this requirement.

Unless a member requests full reading, a proposed ordinance will be read by title only. An affirmative vote of at least three members of the full Council shall be necessary to adopt any ordinance. Urgency ordinances and supplemental appropriations must be adopted by at least a four-fifths (4/5) vote of the full Council.

The City Clerk will assign a number to the ordinance, and publish and post the ordinance, or a summary thereof, as required by law. Any summary must be approved by the City Attorney before it may be posted and published. The ordinance shall be filed and preserved in the City Clerk's office.

Discussion Rules

To assist the City Council in the orderly discussion of items, rules are followed which represent accepted practices for the management of Council meetings.

A. Interruptions:

- 1) Once recognized, a Council Member is considered to have the floor, and another Council Member may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the Council Member holding the floor shall cease speaking until the point of order or privilege is resolved.
- 2) Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.

B. Discussion: A Council Member should not speak more than once on a particular subject until every other Council Member has had the opportunity to speak. Council Members are encouraged to discuss items during the decision-making process and may ask the City Administrator to respond when appropriate. The Mayor normally allows other members to speak first, then will give his/her views and summarize.

C. Tabling Procedure: Tabling an item immediately stops discussion and causes a vote to postpone the item indefinitely or to a time and date certain. A motion to "continue" an agenda item has the same effect, but is generally used when a scheduling problem arises or when insufficient time is available to address the matter thoroughly.

- D. **Right of Protest:** A Council Member is not required to state reasons for a dissenting vote, but may do so if done in a professional manner.
- E. **Calling for the Question:** The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A Council Member may move to “call for the question” on an item which is being considered. The motion requires a second, is not debatable, and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable and the City Council must vote on the item.
- F. **Personal Privilege:** The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which the integrity, character, or motives of the Council Member have been brought into question. The Council Member shall not interrupt the speaker and shall be recognized by the Mayor before speaking.

Voting Procedures

When present, all Council Members are to vote.

Council Members wishing to abstain from a particular vote shall orally state their abstentions.

No ordinance, resolution or motion shall be passed or become effective without an affirmative vote by the majority with a quorum present or as required by law.

A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected Council Member will step down from the dais and leave the Chambers.

Upon the request of any Council Member, a roll call vote will be taken and recorded by the Clerk on the motion before the Council. The Mayor’s name shall be called last with other member’s names called at random by the City Clerk. Members shall not give explanations for their vote during a roll call.

Tie Vote: A tie vote is equivalent to a motion that has failed. The presiding officer may publicly explain the effect of the tie vote for the audience or may direct a member of the staff to do so.

Rules of Debate: The Mayor as presiding officer may move, second, and debate items from the Chair, and shall not be deprived of any rights or privileges of a Council Member. Any ruling of the Mayor may be appealed at the request of any Council Member. The Mayor shall call for a roll call vote to determine if the ruling is upheld.

When a motion is before the Council, no motion shall be entertained except:

- A. **Motion to Amend.** Amendments that modify a motion on the floor are in order and may be debated only if the modification does not significantly alter the substance of the original motion. The proposed amendment is voted on first; the main motion is voted on last (as amended or in its original form if the amendment is defeated). A motion may be amended more than once with each amendment being voted on separately. There shall be only one amending motion on the floor at any time.
- B. **Motion to Postpone.** A motion to postpone the debate indefinitely is always in order and is subject to debate. If such a motion is adopted, then the discussion on the issue before the Council ends with no further discussion. A motion to postpone to a definite time is always in order, but is not subject to debate except as to the proposed continued date. If such a motion is adopted, then the discussion on the issue is delayed to a later date.
- C. **Motion to Table.** A motion to table is always in order. It is not subject to debate or to amendment. The purpose of a motion to table is to bypass the item temporarily. If a motion to table is adopted, the item may be taken from the table at any time prior to adjournment of the next regular meeting. Items that are tabled shall automatically be set on the agenda for the next regular meeting. If the item is not taken from the table within the time specified, the principal question is lost.

Continuation of an Item: Any Council Member may, as a matter of personal privilege, continue an item that is not subject to a deadline to the next regular Council meeting. This continuance may be overruled by majority vote of the Council Members present.

Any person may request continuance of an item. The Council, by majority vote of those present, may grant the continuance.

Motion to Reconsider: A motion to reconsider any action taken by the Council may be made within thirty (30) days after the Council's vote. A four-fifths (4/5) vote of the full Council shall be required for the Council to change any action after the City has completed the activities authorized in the Council's prior vote.

Other Guidelines

Other guidelines have been developed to ensure that meetings of the Council are conducted in a civil and professional manner. Council Members and staff shall:

- A. Work to preserve appropriate order and decorum during all meetings.
- B. Discourage side conversations, disruptions, interruptions or delaying efforts.
- C. Inform the Mayor before departing from a meeting.

- D. Limit disruptive behavior. The Mayor will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the Mayor may call a recess, request the removal of such person(s) from the Council Chambers, adjourn the meeting, or take such other appropriate action. The Council has a policy to discourage applause, booring or other similar behaviors from the public during meetings.
- E. Limit breaks of the City Council to 5-10 minutes. The Mayor may resume the meeting if a quorum exists and other members have not returned from the break within the announced time period.
- F. Impose time limits on speakers. While the City Council encourages and embraces the need for and right of public participation, it acknowledges that public comments must, at times, be limited. Therefore, the Mayor, as presiding officer, may poll the audience for an indication of the number of people wishing to speak, and to impose time limits per speaker. Typically, speakers are limited to three (3) minutes but a shorter time limit may be established as deemed necessary. When a member of the public is to speak on behalf of others in attendance, a maximum time limit of ten (10) minutes is usually imposed. After the time limit, Council may ask questions of the speaker for clarification, if needed. Each speaker will be thanked for his or her participation.

Values of Respect: The City Council has also recognized the importance of approaching the public's business in an environment of personal respect and courtesy, which places emphasis on the consideration of policy and avoids personalization of comments. Some guidelines utilized by the City Council include:

- A. Discussion should focus on policy matters
- B. Personal criticism of members is inappropriate
- C. Proper decorum should be displayed as other members express their views
- D. Treat members of the public equally, applying rules in a fair and consistent manner

Enforcement of Order: The Police Chief or his/her designee acts as the Sergeant-At-Arms. The Mayor may request the Police Chief or his/her designee to enforce the rules of protocol.

Open Meeting Laws (“The Brown Act”)

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

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

- A. **Applicability:** The Act applies to Council and all commissions, boards and Council appointed subcommittees (except if comprised entirely of two Council Members) and task forces that advise Council. Staff cannot promote actions that would violate the Act.
- B. **Meetings:** All meetings shall be open and public. A City Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless city business is discussed.

Serial meetings take place when any member of Council or city staff contact more than two Council Members for the purpose of deliberating or acting upon an item pending before the City Council. This restriction does not apply to the public or media who may contact Council Members. Correspondence that merely takes a position on an issue is acceptable. Note that the Brown Act applies to City Council Members immediately after their election and prior to their swearing-in ceremony.

- C. **Agendas:** Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.
- D. **Actions:** No action can be taken on any item not appearing on the posted agenda.

Exceptions

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

E. **Public Input:** The public, by law, has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council, at the time the matter is heard. The Mayor has the right to establish a time limit on speakers and the total time allocated for a particular issue. Three

minutes per speaker has been standard, but in unusual cases either shorter or longer time periods may be established by the Mayor or the Council.

- F. **Public Disruptions:** A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption. (Government Code Section 54957.9)
- G. **Correspondence:** All writings distributed for discussion or consideration at a public meeting are public records.
- H. **Special Meetings:** Special meetings may be called by the City Clerk or City Administrator with strict notification requirements for delivery to the media and Council 24 hours before the time of the meeting.
- I. **Emergency Meetings:** Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.
- J. **Other Provisions:** The Act provides many other restrictions and requirements; this chapter is intended merely as a Council summary and overview of the Act, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the City Attorney and/or the City Clerk for more information.

C H A P T E R 4

Council Communications

Overview

Perhaps the most fundamental role of a Council Member is communication—communication with the public to assess community opinions and needs—communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking as a Council Member. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

Correspondence from Council Members

Members of the City Council may occasionally be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Correspondence sent on behalf of the Council is placed on official City letterhead and is signed by the Mayor or City Administrator. Individual members of Council may prepare letters to constituents in response to inquiries or to provide requested information. Individualized City Council Member letterhead is available for this purpose, and staff can assist in the preparation of such correspondence.

On occasion, members may wish to transmit correspondence on an issue upon which the Council has yet to take a position or about an issue for which the Council has no position. In these circumstances, members should use their individualized letterhead and clearly indicate within letters that they are not speaking for the City Council as a whole, but for themselves as one member of Council.

Council Members may be asked to prepare letters of recommendation for students and others seeking appointment. It is appropriate for individual Council Members to utilize City letterhead and their Council titles for such letters. No review by the full Council is required, however, copies will be kept on file.

Speaking for “The City”

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

that those in attendance gain an understanding of the City Council's position rather than that of an individual member.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the City Council if time allows. The City Administrator or a Department Head may be authorized to speak on issues within their expertise. Similarly, when the City issues a Press Release, the Mayor is consulted in terms of any Council Member quotes or references. The City Administrator, in consultation with the Mayor, decides whether staff is available to respond to media requests directly or not.

Local Ballot Measures

At times measures that affect City Council policy may be placed on the ballot. There are restrictions regarding what actions a City Council or individual Members may take on ballot measures. Guidelines as to what is permissible are available from the City Clerk or City Attorney upon request.

State Legislation, Propositions

The City has been a member of the League of California Cities for many years. When an advisory is received from this organization or as a result of City staff following key legislative bills of importance to the City, the Council is at times requested to take a position or an action on pending state legislation. No position can be taken without a majority of the Council, voting in an official meeting of the Council, supporting the position. Unless Council has previously acted on a similar bill in the recent past, in which the City's position is clear, the Council has a practice of requiring analysis and discussion of bills prior to taking an official position. The analysis includes a summary of the legislation's purpose and a listing of those entities both in support of and against the proposed legislation.

Proclamations

Ceremonial proclamations are often requested of the City in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the city can make special recognition of an event (e.g., Recycling Week) or individual. As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations. Individual Council Members do not issue proclamations. Proclamations can be sent to the requestor or presented at a City Council meeting as arranged with the requesting body and at the Mayor's discretion.

C H A P T E R 5

Interaction with City Staff

Overview

City Council policy is implemented on a daily basis through staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so that policies and programs may be implemented successfully. The City of Chowchilla has a long tradition of positive relationships between members of the City Council and staff. To maintain these effective relationships it is important that roles are clearly recognized.

Council-Administrator Form of Government

Like most California cities, Chowchilla has adopted a City Council-City Administrator form of government. The Council appoints a City Administrator to implement policy, enforce its laws, to direct the daily operations of city government, and to prepare and monitor the municipal budget. Council Members work through the City Administrator in dealing with City staff. The City Administrator is responsible to the City Council as a body rather than to individual Council Members.

Council-Administrator Relationship

The employment relationship between the City Council and City Administrator reflects the fact that the City Administrator is the chief executive officer of the City. The City Administrator has an employment agreement with the City Council. Regular communication between the City Council and City Administrator is important in maintaining effective interpersonal relations. All dealings with the City Administrator, whether in public or private, should be consistent with the authority of the City Administrator in administrative and personnel matters. Council Members should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more members of the City Council. Further, Council Members should avoid involving themselves in matters regarding individual City employees or related affairs.

As in any professional relationship, it is important that the City Administrator keep the City Council informed. The City Administrator respects that the final responsibility for establishing the policy direction of the City is held by the City Council. The City Administrator communicates with City Council in various ways. In addition to the formal Council meetings, there are periodic briefing meetings with individual Council Members and written memoranda and email. Communication must be undertaken in such a way that all Council Members are treated similarly and kept equally informed. It is also important that the Council provide ongoing feedback, information and perceptions to the City Administrator including responses to written communications and surveys requesting feedback.

City Administrator Code of Ethics

The City Administrator is subject to a professional code of ethics, as outlined by the International City/County Management Association (ICMA), that binds the City Administrator to certain practices that are designed to ensure his or her actions are in support of the City's best interests. Violations of such standards can result in censure by ICMA.

City Council-City Attorney Relationship

The City Attorney is the legal advisor for the Council, City Administrator and departments. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare and/or review ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual members of Council, but the City Council as a whole.

Roles and Information Flow

Objectives: It is the intent of staff to ensure Council Members have free and easy access to information from the City and to ensure that such information is communicated completely, with candor and without bias. Individual Council Members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Council Members, and to allow staff to execute the priorities given by management and the Council as a whole without fear of reprisal.

Council Roles: The full City Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, workloads and schedules, departmental priorities, and the performance of City business. If a Council Member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

Should a Council Member become dissatisfied about a department, he/she should always talk it over with the City Administrator, not the Department Head. Concerns about a Department Head must be taken to the City Administrator only.

Access to Information: Individual Council Members as well as the Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The City Administrator or appropriate staff will inform

council when a critical or unusual event occurs about which the public would be concerned.

To assist the City Administrator in his ability to monitor the flow of information, requests for information are best tracked if submitted in writing, either in memorandum form or through email.

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

City Council Members have a responsibility in this information flow as well. It is critical that they make use of staff reports and commission minutes. Council Members should come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from the City Administrator. If a Council Member has questions on an agenda item, that member should preferably contact the City Administrator or the relevant department head prior to the meeting in order to allow staff time to research a response for the meeting.

Staff Roles: The Council recognizes the primary functions of staff as serving the community, executing Council policy and actions and in keeping the Council informed. Staff is obligated to take guidance and direction only from the City Administrator who operates at the guidance and direction of the Council. Staff is directed to report to the City Administrator any attempts by individual members of the Council to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual Council Members for information or assistance; provided that, in the judgment of the City Administrator, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council. If a request by an individual Council Member is determined by the City Administrator to take one hour or more of staff time to complete, that request may be included on the formal Council agenda for full Council discussion.

Dissemination of Information

In cases where a staff response to an individual Council Member request involves written materials that may be of interest to other Council Members, the City Administrator will provide copies of the material to all other Council Members. In making this judgment, the City Administrator will consider whether the information is

significant, new, and otherwise not available to the Council or of interest to the Council.

Magnitude of Information Request

Any information, service-related request, or revised policy position perceived as necessary by individual Council Members, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual Council Member in writing to the Council as a whole. When raised at a Council meeting, the full Council can decide whether and when to agendize the request for further consideration. The City Administrator will seek necessary clarification as to whether the Council desires 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.

Staff Relationship with Advisory Bodies

Staff support and assistance is typically provided to commissions and task forces. However, advisory bodies do not have authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Administrator. The members of the commission/ board/committee are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with City policies.

Staff support often includes preparation of an agenda and its posting in compliance with the Brown Act. Staff may also prepare reports providing background on the issue, alternatives, a recommendation, and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person may serve as secretary, taking minutes as needed. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

It is important that advisory bodies wishing to communicate recommendations to the City Council do so through approved Council agenda procedures. In addition, if a commission wishes to correspond with an outside agency, that correspondence will be prepared by staff for review by the City Administrator and possible approval by the City Council. Individuals who would like staff to perform research or for the commission to review a particular issue must gain the approval for such a request from the full City Council before any work is planned or done.

Restrictions on Political Involvement by Staff

Local governments are non-partisan entities. Professional staff, as reflected within the principles of the Council-Administrator form of government, formulates recommendations in compliance with Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fund-raisers, or other means.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and to general employees.

General employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No City resources 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 City uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the City Council in these matters is requested. A Council Member asking staff to sign petitions or similar items can similarly create an awkward situation.

For management staff, the City Administrator strongly discourages any involvement in a local campaign even while on personal time. Such involvement could erode the tenet that staff is to provide an equal level of service to all members of the City Council. The City Administrator specifically prohibits any political involvement in local campaigns by Department Heads.

C H A P T E R 6

Support Provided to City Council

Staff Support

General administrative support to members of the City Council is provided through the City Administrator's Office. Secretarial services including scheduling of appointments, receipt of telephone messages, and word processing are available as needed. In addition to supporting the five City Council Members, the administrative support staff member also assists the City Administrator and acts as Deputy City Clerk. Sensitivity to the workload of support staff members in the City Administrator's Office is appreciated. Should requested tasks require significant time commitments, prior consultation with the City Administrator is requested.

Office Equipment

To enhance Council Members' ability to communicate with staff and the public, the City Council office is equipped with a computer and telephones with voicemail. The Council can also receive and send faxes. In addition, Council Member's cell phones can be used to access their City email.

These technologies facilitate efficient communication by Council Members. However, their use also raises important legal issues to which Council Members must pay special attention. First, the Brown Act prohibits members from using "technological devices" to develop a concurrence by a majority regarding an action to be taken by the Council. "Technological devices" under the Brown Act include phones, faxes, computer email, public access cable TV and video. Council Members should not use e-mail, faxes or phones for communicating with other Council Members in order to develop a majority position on any particular issue that may come before the full Council.

Be aware that most emails sent by Council Members probably are public records under the Public Records Act. Even though it does not create paper, sending email is more similar to mailing a letter than placing a telephone call. The information in the email is stored on the computer network until deleted, and may continue to exist on the network's back-up systems even after being deleted. As a result, emails can become records of the City maintained in the course of business, and thus available for public disclosure under the Public Records Act. This restriction applies to the conducting of City business on a private email account as well.

Finally, the City's email system is intended for the conduct of official business, and not for political reasons. See CHAPTER 8 for a detailed discussion on the prohibition against using City property and funds for personal or political purposes.

Meeting Rooms

An office is available for shared use by members of the City Council. Council Members can also reserve larger meeting space for use by contacting the City Administrator's Office staff.

Mail, Deliveries

Members of the City Council receive mail and other materials from the public, private interests and staff. The City Administrator's Office staff maintains a mail folder for each member. Meeting agenda materials are typically available for pick up Friday evenings at 6:30 p.m. and are posted on the City's website.

C H A P T E R 7

Financial Matters

Council Compensation

State law and the Municipal Code provide for modest compensation to members of the City Council. State law limits an increase in city council salaries to 5% per year, effective only following the next election after adoption. Currently, Council Members receive a stipend of \$300 per month. Council Members are also eligible for participation in group insurance benefits including medical, dental, vision, and life insurance plans. Additionally, the City may budget for travel and training required of Council members. Such expenditures should correlate with a Council member's Council responsibilities and committee assignments.

Expenditure Allowance

The annual city budget includes limited funding for members to undertake official City business. Eligible expenses include travel for attendance at conferences or educational seminars, and the purchase of publications and annual subscriptions. Travel expense reimbursement for meals does not allow reimbursement for alcohol. Donations to organizations are not eligible nor are meals for individuals other than Council Members. Available funds are disbursed on a first come first served basis, with the Finance Director and City Administrator monitoring expenses during the year. During the course of the fiscal year, financial allocations are made within the context of the City's limited budgetary resources.

Expenditure Guidelines

It is important to note that any expense must be related to City affairs. Public property and funds may not be used for any private or personal purpose. Courts have ruled that this prohibition includes personal political purposes. For example, reimbursement could not be allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen.

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

C H A P T E R 8

Conflicts & Liability

Conflict of Interest

State laws are in place to prevent an action by a Council Member 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. At any time a Member believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a member's potential conflict. Laws that regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

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

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

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

There are a number of other restrictions placed on Council actions that include prohibitions on secrecy and discrimination as well as assurance that all city funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual Council Members.

City Attorney Advice

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

Conflict of Interest Forms

Annual disclosure statements are required of all Council members, designated commissioners and senior staff which indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Council Members and the City Administrator often serve on the governing board of other agencies as a result of their positions. These agencies also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

Liability

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

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

C H A P T E R 9

Additional Training & Resource Materials

League of California Cities

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

Local Government Commission

The Commission is a California-based organization that focuses largely on planning and resource conservation issues. It conducts workshops, offers periodic seminars, and publishes newsletters.

International City/County Management Association (ICMA)

ICMA is a professional association of local government chief executives/city Administrators. The association has an extensive list of publications to assist local officials.

Other Reference Material Available

Open & Public IV: A Guide to the Ralph M. Brown Act (LOCC publication)

A Guide to the Political Reform Act

City Council Resource Binder that includes publications relating to:

- Responsibilities & Powers
- Leadership Skills
- Public Trust & Transparency
- Making Decisions
- Land Use
- Finance Management
- Working with Residents and the Media
- Working with Staff

City of Chowchilla Municipal Code