



## ADMINISTRATIVE PROCEDURE

Number: I-31

Issued: March 14, 2013

Jurisdiction: City Council

### City Council Abstentions

#### **I. PURPOSE**

The purpose of this procedure is to set forth consistent procedures concerning City Council abstentions. The Fair Political Practices Commission (FPPC) has adopted a process for determining when an official must disqualify him or herself from participating in a decision. These regulations state that Council Members are prohibited from participating in governmental decisions that may have a material financial effect on their economic interests, including the economic interest that every public official has in his or her personal finances.

#### **II. POLICY**

Each Council Member in attendance at a Council meeting has a responsibility to vote on each item presented to Council for action. It may be tempting to abstain because of concerns about making an unpopular decision or simply not knowing which decision is best. As hard as some decisions are, making decisions is what you were elected to do. Decisions made should reflect the views of every voting elected official who can participate in the decision. Responsibility is a key component of ethical behavior. Attending and being prepared for meetings is a major element of an elected official's responsibilities and hence, ethical behavior. So is voting in general.

#### **III. PROCEDURE**

If a member of the Council has any legitimate basis for not voting on a particular item other than that set by FPPC the Council Member may abstain from voting by complying with the following procedures:

- A. It shall be the practice of the Councilmembers to vote on items that are placed on the agenda for consideration if the Councilmember has no conflict of interest. Councilmembers shall not abstain simply to avoid casting a controversial vote.
- B. If a Councilmember has any legitimate basis for not voting on a particular item, the Councilmember may abstain from voting by complying with the following procedures:
  1. During the Council meeting, and prior to the vote on the item being considered, the Councilmember shall announce the intention to abstain from voting on the item, and disclose the basis for abstention in sufficient detail to be understood by the public. Examples of legitimate bases for abstention include:
    - a. The Councilmember does not have sufficient information regarding the item under consideration (for example, the item was previously considered by the Council in the member's absence, and the Councilmember did not have an opportunity to review the record of Council's previous consideration).
    - b. The Councilmember is concerned about the perception of personal or financial conflict even if there is no reasonable good faith belief of a required disqualification (e.g., an effect on the financial interest of a relative [other than a spouse or dependent of the Councilmember]).

- C. It is inappropriate for a Councilmember to participate in a City Council debate, ask questions, express opinions and then abstain from voting.
- D. Any Councilmember who abstains from voting on an item shall be counted as a member of the quorum of the City Council, and the member shall be counted as going along with the vote of the majority of those members voting on the item; provided, however, that Councilmember shall not be entitled to make a motion or make a second on the item, and that Councilmember shall not be entitled to make a motion for reconsideration. (As an example of counting votes of abstention: (a) 2 yes, 2 no, and 1 abstain would fail; (b) 2 yes, 1 no, and 2 abstain would pass; (c) 2 yes, 2 no, and 1 recuse would fail; and (d) 2 yes, 1 no, and 2 recuse would pass).

Note: If a Council Member has reservations regarding potential abstentions it is recommended that he or she contact City Attorney for assistance as early as possible prior to the meeting.

Approved and authorized by the Capitola City Council at its meeting of February 28, 2013.

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Jamie Goldstein, City Manager