



# CITY OF COLUSA

## CITY COUNCIL HANDBOOK

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# Chapter 1

## Colusa City Council: General 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 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 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 implemented. Actions of staff to pursue the policy direction established by a majority of Council does not reflect any bias against Council Members who held a minority opinion on an issue.

### **Role of Mayor and Mayor Pro-Tem**

*Mayor:* The role of the Mayor is to preside at all meetings of the City Council and to perform such other duties consistent with the office as may be imposed by the Council. The Mayor does not possess any power of veto. 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.

The Mayor is elected by the City Council and serves at the pleasure of the City Council. Currently the Mayor's seat is changed on an annual basis, generally in the month of December. Serving as Mayor, or Mayor Pro-Tem is considered to be a privilege, not a right. At the time of selection of Mayor, any member of the City Council may be nominated to serve as Mayor or Mayor Pro-Tem.

The Mayor shall preserve order and decorum at all City Council meetings. The Mayor may debate and vote on any item before the City Council. The Mayor may move, second and debate from the chair, subject only to limitations of debate as are imposed on all City Council members. The Mayor shall not be deprived of any of the rights, privileges or obligations of a City Council member by reason of his/her role as presiding officer.

The Mayor shall consult and coordinate with the City Manager in the development of agendas for City Council meetings. The scope of such review focuses on the timing of business items and the volume of business which 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. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by a majority of the City Council at a City Council meeting. In order to add items to the agenda for consideration, there must be support from two or more Council Members.

The Mayor may, at his/her discretion, nominate a resident for the annual City of Colusa Lifetime Achievement Award.

*Mayor Pro Tem:* The Mayor Pro-Tem shall perform the duties of the Mayor during the Mayor's absence or disability. The Mayor Pro-Tem serves in this capacity at the pleasure of the City Council. This position is rotated on an annual basis, generally in the month of December. In the event the Mayor is unavailable, the Mayor Pro-Tem may sign documents on behalf of the City. The Mayor Pro-Tem in conjunction with the Mayor, shall be responsible for, and endeavor to develop on behalf of the City, positive relationships and open lines of communications with other elected officials.

### **Appointment of City Manager and City Attorney**

The City Council appoints two positions within the City organization: The City Manager and the City Attorney. Both positions serve at the will of the City Council. City Attorney services have been provided by contract. The City Manager is an employee of the City and has an employment agreement which specifies terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City.

### **Role in Disaster**

The City Council has some special extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations.

### **Appointment of Advisory Bodies**

The City has currently three Commissions. In addition, special purpose committees, and task forces are often appointed by the City Council to address issues of interest. Information on appointments to advisory bodies is included in the City's Municipal Code. The following procedures reflect the general guidelines of the City Council regarding the appointment of volunteer residents to the Commissions and Committees of the City. The Appointment process for specific committees/task forces may vary depending on the purpose of the committee/task force.

The establishment of these procedures ensures that well-qualified, responsible and willing citizens are given the opportunity to serve the City and to participate in the governing of their community. These procedures apply to all appointments and reappointments to standing advisory bodies.

*Qualifications:* A member must be knowledgeable of and experienced in the areas of interest of the board/commission on which he/she wishes to serve. Depending on the type of the

committee, the member may be required to live within the City or may be required to live within the City's sphere of influence.

*Terms:* The term of office on most board/commissions is outlined in the Municipal Code. To allow the greatest opportunity for participation, an appointee shall generally be limited to serving on only one City committee, commission, or board at a time.

The term of any appointee may automatically be extended for not more than ninety (90) days pending the qualification of his/her successor.

*Outreach/Posting:* On or before December 31<sup>st</sup> of each year, the City Clerk shall prepare an appointment list of all regular and ongoing committees, commissions and boards which are appointed by the City Council. This listing shall contain the names of all appointees, their terms, the date of appointment and the date the term expires. This listing shall be posted at City Hall.

Whenever an unscheduled vacancy for an appointment occurs, a special notice shall be posted in the office of the City Clerk, and the City Web site as soon as practical but at least within twenty (20) days after the vacancy occurs. Final appointment shall not be made by the City Council for at least ten (10) working days after the posting of the notice in the Clerk's Office. If the Council finds an emergency exists, the Council may fill the unscheduled vacancy immediately on a temporary basis.

*Recruitment:* At least one month before regular terms expire, or immediately following receipt of a resignation, the City Clerk shall distribute the vacancy notice as follows, but is not limited to:

- City Council and City Manager
- City Hall posting board and electronic sign
- City Web site
- Notice in Paper
- Colusa Chamber of Commerce
- Members of City commission, boards and committees
- Council Chambers (copies available at public meetings)
- Any interested parties

#### *Applications*

1. Application forms are available on the City Web site and in the City Clerk's Office.
2. Applications must be received by the City Clerk by the published deadline to be considered.
3. After the application deadline, timely applications will be copied and provided to the City Council and the public.
4. An ad hoc Council committee may be directed by the City Council to conduct interviews and provide recommendations to the full Council. Should the full Council wish to interview candidates, a special open meeting will be called for that purpose.

5. Appointments will be made following a vote of the Council at an open and public meeting. Open ballots may be distributed, or an oral vote may be taken. The City Clerk will announce the votes.
6. Appointees will be provided with a letter of appointment and will receive the Oath of Office. Appointees may also be required to complete Statement of Economic Interest forms.

# Chapter 2

## Support Provided to City Council

### **Staff/Clerical Support**

Administrative support to members of the City Council is provided through the City Manager's Office. Clerical services including scheduling of appointments and attendance at conferences, receipt of phone messages, and word processing are available as needed. Staff members who provide administrative support to the five City Council Members include the City Manager's Office staff. Sensitivity to the workload of staff, as well as all City departments is appreciated. Should requested tasks require significant time commitments, prior consultation with the City Manager is requested and must have support of three or more Council Members.

### **Meeting Rooms**

City Hall meeting space can also be reserved for use of City Council Members by front counter City Staff.

### **Mail and Deliveries**

Members of the City Council receive a large volume of mail and other materials from the public, private interests, and staff. Mailboxes are maintained for each member at City Hall. Staff opens mail and reviews any time sensitive invitations, meeting notices or materials. Time sensitive materials are faxed to Council Members or a phone call is made/email is sent regarding the materials.

# Chapter 3

## Financial Matters

### **Council Compensation**

State law and the City Municipal Code provide for modest compensation to members of the City Council. Currently, pursuant to State statute, members receive a salary of \$300.00 per month.

### **Travel and Reimbursement**

The City has adopted a travel and expense reimbursement policy, which shall apply to all Council Members, Boards, and Commission members.



# Chapter 4

## Communications

### **Overview**

Perhaps the most fundamental role of a Council Member is communication--communication with the public to assess community opinions and needs and communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the City Council acts 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 for the Council. 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 will often be called upon to write letters to residents, businesses, or other public agencies. Typically, the Mayor shall be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Individual members of the Council will often prepare letters for constituents in response to inquiries or to provide requested information. City Council 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 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 clearly indicate within letters that they are not speaking for the City Council as a whole but for themselves as one member of the Council.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While members who may disagree with a position are free to prepare correspondence on such issues as private citizens, members should not use City letterhead, official Council title, and staff support for this purpose. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

### **Responding to Public Complaints**

When Council Members receive a complaint or inquiry from the public that involves a significant amount of staff work, and/or large financial cost, the Council Member should acknowledge the requestor's communication without making promises about what will happen on behalf of the City Council and forward the message to the City Manager.

### **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 his/her vote on a matter by stating, "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.

### **State Legislation, Propositions**

The City Council is frequently requested to take action on pending state legislation. The Council has adopted a practice of having the Council request information about legislation or propositions if there is a local impact. The Council can then choose whether to take a formal position in support or opposition.

### **Proclamations/Certificates**

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). Certificates of commendation, recognition and appreciation are often presented to individuals for their accomplishments.

As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations and certificates on behalf of the City Council. Staff will work with the Mayor and City Manager to determine the appropriate delivery method of the proclamation or certificate. In some instances, a proclamation or certificate may be presented at an event by the Mayor. Individual Council Members do not issue proclamations or certificates. If a Council Member receives a request for recognition, the request should be forwarded to the City Clerk's Office for processing. Types of requests for recognition may include:

- Community Events, Community Organizations
- Athletic/Academic Accomplishments
- Acts of Heroism
- Non-profit Organizations, Yearly Commemorative Events
- Eagle Scouts and Golden Arrow Scouts
- City Commissioner Appointments and Resignations
- Regional Events and Recognition for Other Cities

### **Social Media Rules, Recommendations & Guidelines**

Social Media such as Facebook, Twitter, Instagram, TikTok, and others are a prevalent part of the 21<sup>st</sup> century media landscape. Often, Councilmembers will have a pre-existing personal social media account or 'page' prior to being elected and will be accustomed to posting opinions on any subject or topic they choose.

Once elected, a Councilmember is expected to follow the rules of AB 992, passed by the California Legislature and effective January 1, 2021. Specifically, those rules dictate that a Councilmember cannot:

- Comment, Share, Like, Re-Post, or add an ‘emoji’ to another Councilmember’s post about a City-related issue

For questions about this legislation, please contact the City Manager or City Attorney.

Additionally, the City of Colusa is offering the following *Ethical Recommendations and Guidelines* to help Councilmembers best communicate with their constituents as well as limit opportunity for mistakes or potential liability to the City.

- 1) Anything a Councilmember posts regarding City business should be accurate and true. Councilmembers are advised to check with the relevant staff member as needed before posting to ensure the highest level of accuracy.
- 2) If a Councilmember accidentally shares inaccurate information, they should make every effort to publicly correct the mistake on the same platform.
- 3) Members should be conscious about the effects a post may have on City staff and City operations. For example, be very cautious about discussions about confidential employment matters.

# Chapter 5

## Conflicts & Liability

### **Conflict of Interest**

State laws are in place which attempt to eliminate any action by a Council Member which may reflect 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 Council Member believes a potential for conflict of interest exists, he/she should consult with the City Attorney for advice. Staff may also request an opinion from the City Attorney regarding a member's potential conflict. Laws which regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

The Fair Political Practices Commission (FPPC) has published lengthy regulations and opinions on conflicts of interest that are useful in determining whether a particular financial interest or decision could give rise to disqualification based on a potential conflict of interest. The FPPC also puts out informational pamphlets to assist public officials in determining what types of situations may give rise to prohibited conflicts of interest. The FPPC can be reached at [www.fppc.ca.gov](http://www.fppc.ca.gov) or (1-866-275-3772).

There are a number of other restrictions placed on Council actions which are highlighted in the League of California Cities Mayors and Council Members Resources Guide. Such restrictions 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.

Additionally, the City has adopted a Conflict of Interest Code, which must be reviewed biennially.

### **The Political Reform Act**

The Political Reform Act controls conflict of interests through disclosure of financial interests and prohibition participating in decision-making. Elected and appointed officials are prohibited 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 they have a financial interest. Financial interests can arise out of property ownership, business investments, leadership in a business entity, and receipt of income and gifts. Nevertheless, under certain circumstances, elected & appointed officials with conflicts may be allowed to participate in decision making.

Regulation 18702.3 explains how to determine when an official is using or attempting to use his or her official position to influence a governmental decision:

(a) With regard to a governmental decision which is within or before an official's agency or an agency appointed by or subject to the budgetary control of his or her agency, the official is attempting to use his or her official position to influence the decision if, for the purpose of influencing the decision, the official contacts, or appears before, or otherwise attempts to influence, any member, officer, employee, or consultant of the agency. Attempts to influence include but are not limited to appearances or contacts by the official on behalf of a business entity, client or customer.

The above is a summary of the Political Reform Act, for additional information or clarification, contact the City Attorney's Office.

### **City Attorney Conflict Advice**

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, and legal protection for Council Members, 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.

### **Conflict of Interest Forms**

Council Members and Commissioners and designated staff must fill out annual disclosure statements identifying sources of income, ownership of property, and receipt of loans and gifts. The City Council has adopted its own Conflict of Interest Code.

### **Liability**

The City is a large institution offering a variety of services and may often 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 which reduces risk to all involved; however, with such a wide variety of high profile services (e.g. police) risk cannot be eliminated. The City currently purchases its insurance services from a joint powers authority.

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

### **Harassment**

State law prohibits and the City has policies and procedures which prohibit any form of racial or sexual harassment. Council Members should be familiar with the City's sexual harassment policies. Violations of such policies may find Council Members personally exposed through legal action.

# Chapter 6

## Interaction with City Staff/Officials

### **Overview**

City Council policy is implemented through professional staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so policies and programs may be implemented successfully. To maintain effective relationships between members of the Council and staff, it is important that roles are clearly recognized.

### **Council-Manager Form of Government**

Like most general law cities, Colusa has adopted a council-manager form of government. This structure reflects the City Council's role to establish City policy and priorities. The Council appoints a city manager to implement this policy and undertake the administration of the organization. The City Council must work through the City Manager in dealing with City staff.

The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of City government, to prepare and monitor the municipal budget, and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council rather than to individual Council Members and directs and coordinates the various departments.

### **Council/Manager Relationship**

The employment relationship between the City Council and City Manager honors the fact that the City Manager is the chief executive officer of the City. The City Council should avoid situations that can result in staff being directed, intentionally or unintentionally, by one or more members of the City Council. Regular communication between the City Council and City Manager is important in maintaining open communications. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the City Manager.

As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects and is sensitive to the political responsibility of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council. The City Manager communicates with City Council in various ways. There are informal briefing meetings with individual Council Members as needed, informational memoranda and monthly department reports. Communication must be undertaken in such a way that all Council Members are treated similarly and kept equally informed.

### **City Manager Code of Ethics**

The City Manager is subject to a professional code of ethics from his/her professional association. It should be noted that this code binds the City Manager to certain practices which are designed to ensure actions are in support of the City's best interests. Violations of such standards can result in censure by the professional association.

### **City Council/City Attorney Relationship**

The City Attorney is the legal advisor for the Council, City Manager, and City staff. 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 ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) to 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.

### **Dissemination of Information**

In cases where a staff response to an individual Council Member request involves written materials which may be of interest to other Council Members, the City Manager will provide copies of the material to all other Council Members. In making this judgment, the City Manager will consider whether the information is significant, new, otherwise not available to the Council, or of interest to the Council.

### **Staff Relationship with Advisory Bodies**

Staff support and assistance may be provided to commissions and task forces; however, advisory bodies do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and City Council. 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 any Council policies.

Staff support may include preparation of reports providing a brief background of the issue, a list of alternatives, recommendations, 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 serves as secretary, taking minutes as needed.

It is important that advisory bodies wishing to communicate recommendations to the City Council do so through adopted or approved Council agenda procedures. In addition, when a commission wishes to correspond with an outside agency, correspondence should be reviewed and approved by the City Council. Members of the public that who would like a commission to review a particular issue that will involve significant Staff and Commission time, should bring the request to the City Council, who then can refer the matter to the advisory body. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

# Chapter 7

## City Council Meetings

### **Meeting Schedule**

Regular meetings are held in the Colusa Council Chambers at 425 Webster Avenue on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of the month. Meeting times and dates are established by resolution of the City Council. The regular City Council meetings begin at 6:00 p.m. with closed sessions generally being convened earlier as needed. Occasionally, work sessions are held prior to a Council meeting. No Council meeting will be held in the event that a regular meeting of the Council falls on a legal holiday. From time-to-time, regular City Council meetings may be cancelled. Written notice must be given to the City Council, the public and the media at least 72 hours prior to a regular meeting. (More details are contained in the Open Meeting Laws section.)

### **Special Meetings**

Special meetings may be called from time-to-time. Written notice must be delivered to the City Council, provided to the public by posting, and to the media (if requested in writing) 24 hours prior to a special meeting (*Cal Govt Code Section 54956*). No business other than that announced may be discussed. Public comment is taken at Special Meetings.

Notice requirements of the Brown Act shall be complied with for all meetings; minutes of the meeting shall be taken by the City Clerk or designee and shall, upon Council approval, be available for public inspection.

### **Placing Items on Agenda**

*City Council:* A Council Member may request an item be considered on a future agenda as long as he/she receives support from one or more City Council Members. Staff will prepare a staff report if formal Council action is required. Council Members may make this request during the “Council Communications” portion of a meeting.

*Members of the Public:* A member of the public may request an item be placed on a future agenda during public comment or through other communication with Council Members. The item will be placed on a future agenda upon agreement of two or more Council Members or by City Manager discretion.

*Emergency and Non-Agendized Items:* Emergency and non-agendized items may be added to an agenda for a regular meeting 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. More likely, an item arises after the agenda is posted that the Council would like to act on. Non-agendized 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) that there is a need to take



immediate action at this meeting of the City Council. These findings must be approved by a 4/5th vote; if less than four members of Council are present, the findings require a unanimous vote of those present.

## **Tips on the Dais**

The City Council Chamber is equipped with a public address system. The system provides microphones at the dais, staff table, and podium. There are several issues related to the sound system which are important to keep in mind:

- Turn the microphone on when you want to talk and speak directly into the microphone.
- Turn the microphone off when you are through talking, during recesses, and after the meeting.
- Never say things near a microphone you do not want heard; and
- Have all speakers come forward to the podium. Do not allow people to speak from the audience.

## **Order of Business**

The City Council establishes the general order of meetings through the adoption of a resolution. This section summarizes each meeting component.

***1. Closed sessions (closed to the public):*** The ability of a 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. Such circumstances 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 Section 54956.8*).

**Litigation:** pending or a significant exposure to litigation, or the decision to initiate litigation; the litigation or 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. The purpose is to confer with, or receive advice from, legal counsel on such litigation. (*Cal Govt Code Section 54956.9*).

**Compensation:** (salaries and benefits) of employees; to review its position and instruct designated representatives (*Cal Govt Code Section 54957.6*).

**Personnel:** the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear complaints against the employee unless the employee requests the discussion occur in public (*Cal Govt Code Section 54957*).

Members of the Council, employees of the City, or anyone else present shall not disclose to any person the content or substance of any discussion which takes place in a closed session unless authorized by the Council. All written materials distributed at a Closed Session shall be returned to staff at the end of the Closed Session.

Typically, closed sessions will be scheduled before the public portions of the meeting. This is done so that 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.

At closed sessions, the public is invited to speak under Public Comment, but can only speak on the closed session agenda item(s).

**2. Study Sessions:** Study Sessions are meetings with staff to discuss current issues. These meetings are different from special meetings in that Council cannot take action on items discussed in the study session. These meetings are open to the public. Study Sessions (sometimes referred to as Work Sessions) can be held on a regular Council meeting day or as part of a special meeting.

**3. Consent Calendar:** Those items on the Council agenda which are considered to be of a routine and non-controversial nature by the City Manager are placed on the "Consent Calendar". These items shall be approved, adopted, accepted, etc., by one motion of the Council. For example, approval of minutes, final reading and adoption of ordinances, various resolutions approving agreements, minor budgetary items, status reports, and 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; however, a majority of the City Council must concur with such a request. Items which are removed ("pulled") by members of the Council for discussion will typically be heard after other Consent Calendar items are approved unless the majority of Council chooses an earlier or later time.

**Minor questions:** A Council Member may ask questions on any item on the Consent Calendar. When a Council Member has a minor question for clarification concerning a consent item which will not involve extended discussion, the item may be pulled for clarification and the questions will be addressed along with the rest of the Consent Calendar. Council Members are encouraged to seek clarifications prior to the meeting, if possible.

**Correction of Minutes:** Minutes of the City Council meetings are submitted to the Council for approval and/or correction in draft form at a subsequent regular meeting. It is the policy of the City Council that only members of the Council and the City Clerk have the authority to make revisions to the minutes subject to a majority vote of the City Council. Council Members having only typographical corrections to minutes are encouraged to provide such corrections to the City Clerk directly and need not wait to submit such corrections at a meeting.

No or Abstain vote: When a Council Member wishes to pull an item simply to register a dissenting vote, the Council Member shall inform the City Council that he or she wishes to register a dissenting vote without discussion. These items will be handled along with the rest of the Consent Calendar, and the City Clerk will register a “no” or “abstain” vote in the minutes.

**4. *Public Comment:*** Individuals desiring to speak are to address the Council from the speaker podium after giving their name.

Comments should focus on a specific matter within the Council’s jurisdiction with reasons for the position taken. Written comments are encouraged during the public comments section or during public hearings. When materials are presented during public hearings, they should be submitted before the public hearing is closed on the item. Comments may be limited so that all have an opportunity to address the Council. Normally, speakers are limited to three minutes each. The Mayor has the discretion to lengthen or shorten the allotted times. Any materials submitted during public comments (or for public hearings) become part of the public record and may be subject to disclosure under the Public Records Act. This includes, but is not limited to PowerPoint presentations, videos, letters and photographs.

Letters sent to Council in advance of a meeting, yet after the preparation of agenda will be placed at the Council Member's position on the dais.

Each person desiring to address the Council shall approach the microphone. The Council requests that each person state his or her name and address for the record, state the subject he or she wishes to discuss, state whom he or she represents if applicable, and unless further time is granted by majority vote of the Council, shall limit his or her remarks to the time specified by City Council. This is to assist in record-keeping purposes, but members of the public are not required to state his/her name or address for the record. All remarks shall be addressed to the Council as a whole and not to one particular member of the Council or to the audience or staff members. No questions shall be asked by a Council Member or by a member of the City staff without obtaining permission of the Mayor. Members of the public are requested to fill out a speaker slip for record-keeping purposes. Speaker slips are public records.

In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the council on the same subject matter, it shall be proper for the presiding officer to inquire whether or not the group has a spokesperson and if so, that he/she be heard with the following speakers in the group to be limited to facts not already presented by the group spokesperson. It is the Council’s practice not to allow speakers to transfer their time to another speaker.

**5. *Public Hearings:*** Hearings on matters of importance or legal requirement. These items require the Council to review the written public record and to hear and weigh public testimony during the public hearing before taking action. Hearings are noticed according to law by publication in the local newspapers and/or by mailed notices to property owners; and can be continued to any subsequent meeting. Public hearings should be “opened” and “closed” and reopened if necessary.

After public hearings are closed, no member of the public shall be permitted to address the Council or the staff from the audience, except at the discretion of the Mayor.

**6. *Council Consideration:*** Regular items are shown on the agenda in the order that they will be considered. At times, the Council may decide to adjust the order of the agenda to better accommodate the public. Depending on the type of public hearing, public testimony may be limited. The City Attorney should be consulted if there are any questions.

**7. *Department Reports:*** This section of the meeting provides staff an opportunity to give the City Council brief informational updates on various projects.

**8. *City Manager Items:*** The purpose of this section of the agenda is to provide the Mayor and City Council with pertinent information as well as brief comments on City business, operations, projects, and other items of general interest.

**9. *Comments by Council Members/Item(s) Requested by Council Members/Future Agenda Items:*** The purpose of this section of the meeting is to provide members of the Council an opportunity to introduce discussion on matters not currently before the Council including brief announcements, questions of staff, and request for items to be placed on the agenda at a future meeting. Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from individuals or from the public, requests to agendaize future items, announcements of interest to the public, reports on regional board activities, and solicitations of Council's input on these efforts.

An item may be put on a future agenda by a Council Member if he/she gets a second/support from at least one other Council Member.

State law provides that the Council can take action only on such matters which have been properly noticed and agendaized, unless special circumstances are found to exist (as mentioned above). Subject to that exception, action or approval on non-agendaized items is not allowed, and such items should be placed on the agenda of the next regular meeting.

## **General Procedures**

The Council has adopted general rules of procedure for Council Meetings. Over the past ten years, the Council has established certain practices including:

*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.

*Signing of City Documents:* The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts, and other documents which have been adopted by the City Council and require an official signature except when the City Manager 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.

## **Discussion Rules**

To assist the City Council in the development of a structure for orderly discussion of items, the Council generally follows the procedures below:

*1. Obtaining the Floor:* A member of the City Council or staff shall first address the Mayor and gain recognition. Comments and questions should be limited to the issue before the Council.

*2. Questions to Staff:* A Council Member shall, after recognition by the Mayor, address questions to the designated staff member.

*3. Interruptions:* Once recognized, a Council Member should not be interrupted while speaking except to make a point of order or personal privilege. If a Council Member is called to order while speaking, the individual shall cease speaking until the question order is determined. 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.

*4. Discussion Limit:* 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.

*5. Tabling Procedure:* Immediately stops discussion and causes a vote to postpone the matter indefinitely or to a certain time and date.

*6. Right of Protest:* A Council Member is never required to state reasons for a dissenting vote.

### **Other Protocol**

Other guidelines have been practiced to ensure meetings of the Council emphasize the importance of the business being conducted in a professional manner. Council Members and staff shall:

- a. Work to preserve appropriate order and decorum during all meetings.
- b. Discourage side conversations, disruption, interruptions, or delaying efforts.
- c. Inform the Mayor when departing from a meeting.
- d. Limit disruptive behavior. Persons demonstrating rude, boisterous or profane behavior will be called to order by the Mayor. 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 as permitted by the Brown Act.

*Enforcement of Order:* The Police Chief or his/her designee acts as the Sergeant-at-Arms. Any Council Member may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

*Values of Respect:* The City Council recognizes the importance of approaching the public's business in an environment of personal respect which places emphasis on the consideration of

policy and avoids personalization of comments. Some general guidelines utilized by the City Council include:

Discussion should focus on policy matters;

Personal criticism of members is inappropriate; and

Proper decorum should be displayed as other members express their views.

*Courtesy:*

- **Council Members:** Council Members shall accord the utmost courtesy to each other, City staff and the public appearing before the City Council and shall refrain at all times from rude and derogatory remarks, public criticism of staff, remarks as to integrity, abusive comments and statements as to motives and personalities.
- **City Employees:** Employees of the City shall observe the same rules of order and decorum applicable to the City Council.
- **Public Speakers:** Members of the public attending a City Council meeting shall be encouraged to observe the same rules of order and decorum applicable to the City Council. Any person who becomes boisterous while addressing the City Council or while attending the City Council meeting, or behaves in such a way as to be disruptive of the meeting, shall be removed from the room if the Sergeant-at-Arms is so directed by the Mayor and such person may be barred at that meeting from further audience before the City Council.
- **Appointed Members of Boards, Commissions and Committees:** Appointed members of Boards, Commissions and Committees of the City shall observe the same rules of order and decorum applicable to the City Council.

*Noise in the Chamber:* Noise emanating from the area immediately outside the City Council Chambers which disrupts City Council meetings shall not be permitted.

*Crowd Control in Council Chambers:* If the City Manager, or the City Manager's designee, anticipates in advance a crowd larger than the maximum number of attendees allowed in the City Council Chambers, he or she shall provide for overflow elsewhere if needed.

*Smoking, Food and Drink:* It is unlawful for any person to smoke in the City Council Chambers (GCS 7597).

*Distribution of Literature and Other Materials in City Council Chambers:* No person shall distribute flyers, leaflets, placards, or other literature or circulate any petition within the City Council Chambers. Such literature may be displayed or distributed outside the City Council Chambers area.

## **Voting Procedures**

When present, all Council Members are to vote. Failure of a seated member to orally express a vote constitutes an affirmative vote. No ordinance, resolution, or motion shall be passed or become effective without an affirmative vote.

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, leave the Council Chambers and not participate in the discussion or vote on the item.

General consensus may be declared at the discretion of the presiding officer if there are no negative votes or objections by Council Members.

*Tie vote:* A tie vote is equivalent to a vote which has failed or lost motion. 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.

In case of a tie vote, any Council Member may offer a motion for further action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the appealed decision stands as decided by the decision-making person or body from which the appeal was taken.

The City Attorney should be consulted during or before a Council meeting, if questions arise regarding voting procedures.

### **Notification and Advertising**

The City attempts to publicize matters of significant neighborhood or community public interest which appear on a City Council or Planning Commission agenda, as well as all matters where advertising is required by law.

All advertising is to be accomplished in legal and economical manner. All affidavits of publication shall be reviewed by the City Clerk and will be available to interested members of the public.

### **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 for former state legislator Ralph M. Brown). Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below for your information and future reference.

*Applicability and Penalties:* The entire City organization conducts its business in compliance with the Ralph M. Brown Act, State Government Code Section 54950 *et seq.* The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings. The law provides for misdemeanor penalties for members of a body who violate the Act (*Cal Govt Code Section 54959*). In addition, violations are subject to civil action (*Cal Govt Code Section 54960*). The provisions that most directly affect the Council are summarized in this chapter.

*A. Applicability:* The Act applies to the Council and all commissions, boards, and task forces that advise the Council. Staff cannot promote actions which would violate the Act.

*B. Meetings:* All meetings shall be open and public. A 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.

*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 has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council during regular meetings and on any agenda item during special meetings. The City has the right to establish time limits on speakers and the total time allocated for a particular issue.

*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.

*G. Correspondence:* All writings distributed for discussion or consideration at a public meeting are public records. This includes PowerPoint presentations, photos, handouts, videos and letters.

*I. Special Meetings:* Special meetings may be called by the Mayor or a majority of the Council with strict notification requirements delivered to the media and Council 24-hours before the time of the meetings.

*J. Emergency Meetings:* Emergency meetings may be called due to the disruption or threatened disruption of public facilities without notification. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.

*K. Teleconference Meetings:* Teleconference meetings are allowed in limited emergency circumstances or if the Council finds “just cause” to do so and will be subject to the requirements set forth in Government Code Section 54953 as modified by AB 2449. (AB 2449 expires on January 1, 2026.)



*L. 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. The City Attorney provides periodic trainings on the Brown Act.

## **Minutes**

The minutes serve as a source of information for the Council and for the public. Meeting minutes include the following information:

- Members present;
- Motions, proposals, resolutions, orders, ordinances, and other items of business and their disposition; and
- Results of all votes.

The minutes are generally a summary of the action that took place and do not include a verbatim transcript. The City Clerk is responsible for recording, preparing, and filing Council minutes. It is the City Clerk's goal to bring the minutes to the Council for approval within one month of a meeting. Once approved, Council meeting minutes are available for review in the City Clerk's office.

## **Tape Recordings**

All meetings (except closed sessions) of the City Council shall be audio recorded, unless in specific circumstances the equipment is not working.

# Chapter 8

## Leaving Office

### **Filling Council Vacancies**

Generally, if a vacancy occurs on the City Council during a member's term (e.g. resignation) the Council may appoint an individual to serve the remaining term or call for a special election, in accordance with State law.

# Chapter 9

## Additional Training & Resource Materials

### **League of California Cities**

The League is an association of virtually all of the cities in California. It provides many levels of service including the production of educational conferences for local officials, publication of various newsletters, and a monthly magazine, *Western City*. The League also has lobbyists on staff that represents the interest of cities before the state legislature and federal government. Committees having local officials as members are also organized around the interests of City departments (e.g. City Council, City Manager, City Clerk, Fire, Police, Community Services, Community Development) to address issues as they arise. The League's Web site is [www.cacities.org](http://www.cacities.org). Their phone number is (916) 658-8236.

The League of California Cities has established the Elected Officials Leadership Academy. The Academy has developed a curriculum which addresses subjects and skills utilized by members of city councils. Credits are awarded for attending designated programs.

### **International City Management Association (ICMA)**

ICMA is a professional association of local government chief executives. The association has an extensive list of publications to assist local officials. The Association's *Elected Officials Handbook* series can be of great value to Council Members. Publications have also been developed on every basic city service.

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Adopted by Resolution 11-27 (August 11, 2011)

Revised by Resolution 12-12 (March 6, 2012)

Updated to include Social Media Policy (April 6, 2021)

Updated to include Teleconference Meetings (November 15, 2022)