



Date: August 8, 2023

Honorable Mayor and Council Members:

Author and title: Judy Price, Town Clerk.

Title: **Code of Conduct, Council Norms and Ordinance update for Board and Commission appointment process and attendance.**

Jen Callaway, Town Manager

Recommended Action: Introduce Ordinance 2023-07 modifying Title 2 of the Town's municipal code to address the appointment process and attendance for the Town's board and commission members, adopt the Council's Norms and adopt Resolution 2023-51 approving the Town's Code of Conduct.

Discussion: During the Council's 2023 retreat, Council identified their desire to change the method in which board and commission member are placed in Town service, and create a Code of Conduct for the council, boards, commissions and committees to adhere to. One of the items to be in the Code was expectations regarding attendance. Since attendance is addressed as part of the Town's municipal code, staff is recommending changes to Title 2 for attendance and the process of appointment.

At the retreat the Council directed staff to make some modifications to the Council Norms to add a section that addresses Council with the public interactions. The Norms included with this item reflect the direction from Council.

The third item discussed at the retreat was establishing a Code of Conduct for the Council and appointed boards, commissions and committees. Staff started with several example codes adopted in other California cities and drafted a Code for Truckee. Council provided some direction to staff regarding what the code should address. Staff believe the code attached to Resolution 2023-51 reflects Council's direction.

Mayor Romack and Council Member Zabriskie had interest in this item and volunteered to serve on a committee to guide staff. The committee made several recommendations that included a number of word modifications and substantive changes which include:

Council Norms:

- Council-Staff Interactions: Adding Item 13
- Council Member – Public Interaction: added the entire section.
- Council Member – Candidate and Measure Endorsements: Added Items 11 and 12.

Municipal Code Modifications – Title 2 Administration-Personnel

- Modified language in sections 2.04.010 and 2.04.020 to include "in consultation with Council".
- Modification to 2.06.020 to reflect the ability to have boards and commissions with more than five members (this has been the Town's practice).
- Deleted section 2.06.040 applying retention period to applications. (Retention periods are tracked, modified and adopted through the Town's retention schedule.)
- The significant changes are to memorialize the method in which the board and commission members are appointed. Sections 2.06.020 through 2.06.080.

- Town has appointed members to the Historic Preservation Advisory Commission, Truckee Tax Measure Citizens Oversight Board, and other previous Boards and commissions with a majority vote from the Council. This is being memorialized in the Municipal Code and will now apply to Planning Commission appointments in the future.
- The modification to address acceptable absences from meetings in section 2.06.090.
 - Adding language to address absences that are excessive, but not necessarily consecutive.

Town legislative bodies have experienced issues regarding attendance that have made assembling a quorum a challenge. Although staff supports stronger language for attendance in the municipal code, it is worth noting, staff will be responsible for tracking attendance of legislative bodies and providing feedback to members when they are getting close to the limits and again when they have exceeded limits. Staff will also make some assessments on whether an absence should be excused or not.

Staff consulted with a city that has this language in their code. The City Clerk stated staff tracks attendance and when providing feedback to members, the majority of the time when members are notified of the attendance, the member resigns voluntarily. If they do not resign, then staff writes a staff report to Council to consider excusing the absences or replacing the member.

Regarding what is excused and unexcused, staff believe majority of adults are familiar with acceptable and unacceptable absence excuses. Staff could research and provide guidance on specific policies if Council deems it necessary.

The Code of Conduct will be a new document for the Town of Truckee. Staff reviewed several examples of codes from other California cities and has drafted one that reflects the Council’s concerns from the retreat. The Town attorney has the document committee has developed.

Priority:

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| <input type="checkbox"/> Enhanced Communication | <input type="checkbox"/> Climate and Greenhouse Gas Reduction | <input type="checkbox"/> Housing |
| <input type="checkbox"/> Infrastructure Investment | <input type="checkbox"/> Emergency and Wildfire Preparedness | <input checked="" type="checkbox"/> Core Service |

Fiscal Impact: none.

Public Communication: This staff report.

Attachments:

- Attachment 1 - Ordinance 2023-07 modifying Title 2
- Attachment 2 – Council Norms
- Attachment 3 – Resolution 2023-51 adopting a Code of Conduct