

# City of Placerville City Council Handbook



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# Introduction and Overview

As a City Councilmember, you not only establish important and often critical policies for the community, you are also a board member of a public corporation having an annual operating budget of over \$14 million. The scope of services and issues addressed by the City organization go well beyond those frequently reported in the newspaper or discussed at City Council meetings.

## **ICMA Handbook**

The International City Manager's Association (ICMA) Elected Official's Handbook is available for review in the City Manager's office.

## **Purpose of Placerville Council Handbook**

The City of Placerville has prepared its own Council Handbook to assist the City Council by documenting accepted practices and clarifying expectations. Through agreement of the City Council and staff to be bound by these practices, 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 Councilmembers in their actions.

## **Overview of Basic City Documents**

This handbook 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, 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 which establish City Council direction is provided below.

*Placerville Municipal Code:* The City Code contains local laws and regulations adopted by ordinances. The Title 1 Administrative and Title 2 Commissions and Boards, of the Code address the role and relationship of the City Council, Mayor and Vice-Mayor. It also describes the organization of City Council meetings and responsibilities and appointment of certain City staff positions and advisory commissions. In addition to these administrative matters, the Municipal Code contains a variety of laws including, but not limited to, zoning standards, traffic/speed regulations, and local taxes.

*California Government Code:* The state Government Code contains many requirements for the operation of City government and administration of meetings of city councils throughout the state. Many of these requirements, such as open meeting laws, are also replicated within the municipal code to ensure there is broad awareness of such requirements. Placerville is a "general law" City, which means it is organized in accordance with provisions of the Government Code. While Placerville is a general law city, some cities within California are "charter cities" and have adopted local provisions to determine how the City is structured.

The ICMA Manual and this Handbook combine to provide a summary of Council and staff expectations.

Also described within the Government Code is the Council-City Manager form of government, which is practiced in Placerville. Basically, this form of government prescribes that a City Council's role is to establish policies and priorities, while the role of the City Manager is to administer the affairs of the City government.

*Annual Budget:* The City's annual operating budget provides a description of ongoing City services and the financial resources used to provide those services. The document contains a broad overview of the budget as well as descriptions of programs offered within each department of the organization. The City's Capital Improvement Program budget provides descriptions of one-time capital projects and the resources used to fund the projects.

*General Plan:* Often referred to as a City's development constitution, a state mandated general plan addresses adopted future land development plans and policies.

*Emergency Operations Plan:* The City maintains an Emergency Operations Plan which describes actions to be taken in periods of extreme emergency. The City Council may be called upon during an emergency to establish policies related to the specific incident.

### **Orientation of New Members**

It is important that members of the Council gain an understanding of the full range of services and programs provided by the organization. As new members join the City Council, department heads are instructed to provide invitations for members to tour facilities and meet with key staff. At any time, if there are facilities or programs about which you would like more information, arrangements will be made to increase your awareness of these operations.

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# 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 has 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 Vice-Mayor 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 Councilmembers who held a minority opinion on an issue.

Limitations are imposed on a Councilmember's ability to serve on Council advisory boards or commissions of the City. State law expresses that no member of the Council shall be appointed to, or serve as a voting member of, any City board, committee, or commission, whether composed of citizen volunteers, City employees, or a combination of both. This is not construed as prohibiting members of the Council from serving on committees or subcommittees of the Council itself, or of agencies representing other levels of government.

## Role of Mayor and Vice-Mayor

*Mayor:* 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. 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 City Council selects one Councilmember as Mayor and one Vice-Mayor annually. As the ceremonial head of the City, the Mayor is responsible for:

- Signing all ordinances, resolutions and city correspondence in a timely manner.
- Meeting with the City Manager and Vice Mayor prior to each Council Meeting to go over the agenda.
- Representing the City at such events as the Memorial Day ceremony, Veteran's Day ceremony, the opening of the El Dorado County Fair, and

The Council acts as a body; staff is to implement the direction of the Council majority.

The Mayor runs meetings of the City Council and acts as ceremonial head of the City at functions.

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other celebrations requesting City participation. When attending official ceremonies, the Mayor is often called upon to present a Proclamation. If the Mayor is unable to attend, he or she is responsible for soliciting the participation of the Vice Mayor.

- Initiating an annual review of the City Manager, including salary adjustments. Annually, one month prior to the anniversary of the City Manager’s hiring date, the Mayor will distribute a performance evaluation to Council Members, collect and disseminate the results, and conduct a performance review in closed session with the City Council and City Manager.
- Delivering a *State of the City* address at a Council Meeting at the end of each calendar year.
- Writing an annual holiday letter to City employees. The letter should be submitted to the City Manager by the end of November so that it may be distributed to City staff.
- Finally, the Mayor will occasionally be called upon by the media to represent the City’s position on an issue or incident. While this can be an intimidating task, it is important to be prepared and to represent the position of the full Council, not just your personal opinion.

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*Vice-Mayor:* The Vice-Mayor shall perform the duties of the Mayor during the Mayor’s absence or disability. The Vice-Mayor shall serve in this capacity at the pleasure of the City Council.

### **Appointment of City Manager, City Attorney**

The City Council appoints two positions within the City organization: City Manager and City Attorney. Both positions serve at the will of the City Council. The City Attorney may be an employee or contractor for the City who attends all City Council meetings and other meetings at the request of the Council as deemed necessary. The City Manager is an employee of the City and has an employment agreement which specifies some terms of employment, including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City.

The City Council appoints only two positions within the City: City Manager and City Attorney.

### **Role in Emergency**

The City Council has some extraordinary powers in the case of an emergency. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the Council may be directed to assemble in the City’s Emergency Operations Center (EOC) to provide policy guidance and to receive information in an extreme emergency. The Emergency Operations Center is located at the Placerville Police Department, 730 Main St., Placerville, which is outfitted to accommodate representatives of all departments and contains communication equipment to monitor and manage emergency situations.

In an extreme emergency, the City Council may be directed to report to a pre-designated emergency operations center.

Should the City Council not be available during an emergency, state law specifies a hierarchy of others who may serve in place of the City Council.

**Appointment of Advisory Bodies**

The City currently has eight standing commissions/boards: Planning Commission, Recreation and Parks Commission, Economic Development Advisory Committee, Community Pride Committee, Personnel Board, Building Board of Appeals, Measure H Committee and Historical Advisory Committee. In addition, special purpose citizens committees and task forces are often appointed by the City Council to address issues of interest. The following procedures reflect the policy of the City Council regarding the appointment of volunteer citizens to the various advisory bodies of the City.

*Planning Commission:* Five members.

Qualifications: Must be 1) a resident of the City; 2) a property owner in the City limits who resides within the community region; or 3) a business owner in the City limits who resides within the community region.

Term: 4 years.

Appointment: Made by majority vote of City Council.

*Recreation and Parks Commission:* Five members plus one student.

Qualifications: Must be a resident of the City.

Term: 4 years.

Appointment: Made by majority vote of City Council.

*Economic Development Advisory Committee:* Seven members.

- One Placerville Downtown Association representative
- One Placerville Drive Business Association representative
- One Broadway Business Association representative
- Three at-large members (residing within the City limits of Placerville)
- One Chamber of Commerce representative

Qualifications: Interest in economic development in Placerville.

Term: 4 years.

Appointment: Made by a majority vote of City Council.

Staff Liaison: The City Manager or a designee shall act as staff liaison to the Economic Development Advisory Committee.

*Community Pride: (Beautification Committee):* Five members.

Qualifications: Community-at-large.

Term: 4 years.

Appointment: Made by majority vote of City Council.

*Personnel Board:* Five Members

The City currently has eight standing commissions/ boards: Planning Commission, Recreation and Parks Commission, Economic Development Advisory Committee, Community Pride Committee, Personnel Board, Building Board of Appeals, Measure H Committee and Historical Advisory Committee.

Qualifications: Community-at-large.  
Term: 4 years.  
Appointment: Made by majority vote of City Council.

*Building Board of Appeals:* Five members

Qualifications: Community-at-large with experience or knowledge in building construction.  
Term: 4 years.  
Appointment: By Mayor with approval of City Council.

*Measure H Oversight Committee:* Five members

Qualifications: Three residents of the City, no more than one of which may be a renter; and two commercial property or business owners within the City.  
Term: 4 years.  
Appointment: Made by majority vote of City Council.

*Historical Advisory Committee:* Five members

- Three citizens
- One registered architect; or one registered landscape architect; or building designer
- One state-licensed general building contractor

Qualifications: Committee members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archeology, or other historic preservation-related disciplines, such as urban planning, American Studies, American Civilization, cultural geography, or cultural anthropology, to the extent that such professionals with relevant experience are available in the community. Committee members shall also include lay members who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American Studies, cultural anthropology, cultural geography, or other historic preservation-related disciplines.

Term: 4 years.  
Appointment: Made by majority vote of the City Council.

**Appointment to Ad-Hoc/Special Assignment Committees**

*Policy:* From time to time the City of Placerville appoints ad-hoc committees to assist the Council in gathering pertinent information, obtaining public input and making recommendations to the Council on various issues and projects. It is the Council's desire to appoint Committees that meet the following objectives:

From time to time the City of Placerville appoints ad-hoc committees to assist the Council in gathering pertinent information, obtaining public input and making recommendations to the Council various issues and projects.

1. Are knowledgeable and educated on the issues facing the Committee.

2. Fairly represent a broad cross-section of the cultural, ethnic, and political views of the community.

*Implementation:*

1. Each applicant for an ad-hoc committee shall be required to complete a City application for volunteers.

2. Each committee shall include at least one and no more than two City Councilmembers, at least one City employee and one or more public-at-large members.

3. A written scope of work shall be established clearly defining the duties, responsibilities, authority, timeline and reports due.

4. Candidates shall be interviewed by the City Council or a sub-committee of the Council regarding their knowledge of the issues relating to the position, their availability to fulfill the time commitments of the position, and any potential or real conflicts or bias regarding the issues of the committee. Any real or perceived conflict shall disqualify the candidate from appointment to the committee.

5. Any Councilmember with a real or perceived conflict of interest or bias should be disqualified from participating in the selection, assignment, work, or reports of the Committee.

## Support Provided to City Council

### Staff/Clerical Support

General staff and administrative support to members of the City Council is provided through the City Manager's office. This consists of the City Manager, City Clerk and the Secretary to the City Manager. Sensitivity to the workload of support staff members in the City Manager's office is appreciated. Please note that individuals may have other work assigned with high priority. Should requested tasks require significant time commitments, prior consultation with the City Manager is requested.

Perhaps the most fundamental role of a Councilmember is communication—communication with the public to assess community options and needs—communication with staff to provide policy direction and to gain an understanding 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 for the Council. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised. Finally, members of the Placerville City Council should direct their communications solely to the City Manager who can engage other staff members, if necessary. Under no circumstances should members of the City Council direct the actions of other Department Heads or Employees.

### Mail, Deliveries

Members of the City Council receive mail and other materials from the public, private interests and staff. The City maintains mailboxes for each member. In addition, a City courier will often deliver materials to the home of Councilmembers when materials are time sensitive. Meeting agenda materials are generally delivered on Thursday afternoons. Other courier deliveries are scheduled as needed.

Staff within the City Manager's office provides a wide array of services for members of the Council.

The City Manager encourages regular one-on-one meetings with Councilmembers to provide information and on various issues before the Council.

## Financial Matters

### Council Compensation

State law and the City Municipal Code provide for modest compensation to members of the City Council. Currently, members receive a salary of \$353 per month. In addition, Councilmembers are eligible to receive Health and Welfare Benefits in the same fashion as those provided to City employees.

### Expenditure Allowance

The annual City budget also includes a line item for expenses necessary for members to undertake official City business. Eligible expenses include membership in professional associations, attendance at conferences or educational seminars, and purchase of publications and annual subscriptions. In addition, travel expenses including meals for Councilmembers and mileage reimbursement are made for City business. Donations to organizations are not eligible nor are meals for individuals other than Councilmembers.

### Expenditure Guidelines

It is very 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. For example, reimbursements are not permissible to pay for meals at a meeting to discuss political or campaign strategies. It would also be inappropriate for City funds to pay for a meal or other expenses of a private citizen or spouse attending a meeting.

City budgetary practices and accounting controls apply to expenditures within the City Council budget. Councilmembers should plan expenditures which will allow them to remain within the annual budget. When exceptional circumstances require that additional amounts be appropriated, the request must be made to the City Manager, and City Council action may be necessary. Reimbursement requests should be made through the City Manager's office, with receipts. A travel reimbursement form is included as Appendix C to this handbook. Expenditure records are public information.

All expenditures must be for public purposes. An improper expenditure may result in personal liability of the individual Councilmember.

Please Note: All City Expenditure records are public information.

# Communications

## Overview

Perhaps the most fundamental role of a Councilmember is communication—communication with the public to assess community options and needs—communication with staff to provide policy direction and to gain an understanding 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 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 Councilmembers

Members of the City Council will often 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. Individual members of Council will often prepare letters for constituents in response to inquiries or to provide requested information.

The following is the policy of the Placerville City Council relative to official and non-official correspondence by members of the City Council.

Councilmembers shall not write and/or send letters on City stationary without Council concurrence.

The Mayor is authorized to send thank-you and acknowledgement letters as they directly pertain to the City in its usual course of business. Said correspondence shall not represent or include City endorsements, positions, etc. In addition, the Mayor may sign correspondence drafted by the City Manager which the City Manager believes is more appropriately signed by the City’s chief elected official. Such correspondence may include public notices, invitations, information, etc. All correspondence signed by the Mayor shall have a copy forwarded to each Councilmember.

Councilmembers may endorse political candidates, initiatives, legislation or positions using their own stationary. They may identify themselves by City position and title, but in no case shall said endorsements infer that the City of Placerville or City Council supports said position or candidate. Members are encouraged to notify and/or send copies of said endorsement to the full Council.

The City of Placerville City Council policy is that it will not support individual political candidates, but may vote to support or take stands on initiatives, measures (i.e. school bonds) or other legislation as appropriate and permissible under state law. The Mayor shall be authorized to sign letters stating the Council’s position.

Letters from members of the City Council must reflect the positions of the Council as a whole.

Letters sent after a position has been adopted should reflect that position or be sent as a private citizen.

## **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 “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.

## **Local Ballot Measures**

At times, ballot measures may be placed on ballots that affect City Council policy. There are restrictions regarding what actions City Council or individual members may take on ballot measures.

## **State Legislation, Propositions**

The City Council is frequently requested to take action on pending state legislation. The Council has adopted a practice of requiring analysis of bills prior to taking any official position. The analysis is to include a summary of the legislation’s purpose and a listing of those entities both in support of and against the proposed legislation. Any member requesting support or opposition to legislation should request that the analysis be placed on the Council agenda for consideration.

## **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). As part of his/her ceremonial responsibilities, the Mayor is charged with administration of Proclamations. Individual Councilmembers do not issue proclamations, but may request that the Mayor issue a proclamation.

## **Social Media in Times of Crisis**

When dealing with an emergency situation or crisis, it is critically important to only push out official, sanctioned information and not engage in rumor, hearsay or speculation. Most social media communication during an emergency will be handled through the City Manager’s office. However, Council may be requested by the City Manager’s office to assist in disseminating emergency information.

The Council has adopted a practice of requiring analysis of bills prior to taking any official position.

# Conflicts and Liability

## Conflict of Interest

State laws are in place which attempt to eliminate any action by a Councilmember 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 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 which regulate conflicts are very complicated. Violations may result in significant penalties, including criminal prosecution.

While not inclusive, a general summary of conflict rules has been prepared and appears below.

There are two primary laws that govern conflicts of interest for public officials in California – the Political Reform Act and Government Code Section 1090. In general terms the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; Section 1090 prohibits a public official from having a financial 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 him- or herself from acting on or participating in the decision before the City, and during that discussion must leave the Council Chambers or other area where the discussion is taking place.

An official has a financial interest if “it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally,” in a financial interest of the official or a member of the official's immediate family.

Determining whether a Councilmember has a financial interest is very complicated and fact specific. Financial interests include interests in businesses worth \$2,000 or more, interests in real property, both ownership and leases, worth \$2,000 or more, and gifts of \$250 or more provided or received within one year of the decision.

Often the financial interest involved is real property owned or leased by the Councilmember. In these cases, determining whether the Councilmember has a conflict requiring disqualification involves an analysis of the distance the property is from the property involved in the governmental decision, the uniqueness of the property use, what is between the two properties, exactly what decision is before the Council, and other factors that would influence whether the decision before the Council would have a material financial effect on the Councilmember's property.

State conflict law is complex; consultation with legal counsel is encouraged.

Generally, if a Councilmember owns interest in property within 500 feet of the property involved in governmental decision, a conflict may exist.

The Fair Political Practices Commission, or 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.

Government Code Section 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 Section 1090 are different than those in the Political Reform Act. Having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating Section 1090 are severe. If a Councilmember 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, which are highlighted in the League of California Cities *Handbook*. 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 a personal liability for individual Councilmembers.

### **Publication of City Attorney Conflict Advice**

Advice provided to members of the Council or Commissions regarding potential conflicts of interest are public information and should be circulated to all members of the City Council. The rationale for this policy is that the City Attorney is employed by the entire Council utilizing taxpayer funds. The findings of the attorney, therefore, should be made public. Members may seek a private attorney to receive advice on potential conflicts. In such cases, no disclosure policy would apply, as the opinion rendered would be paid for by the Councilmember using his/her own funds.

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. Members of the Planning Commission may also wish to seek opinions and advice on potential conflicts of interest.

The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest wherever possible.

Advice provided to members of the Council or Commissions regarding potential conflicts of interest are public information and should be circulated to all members of the City Council.

## **Conflict of Interest Forms**

Annual disclosure statements are required of all Councilmembers, designated Commissioners and senior staff, which indicate potential conflicts of interest, including sources of income, ownership of property and receipt of loans and gifts. Councilmembers often serve on the governing board of other agencies as a result of the Council position (e.g. SACOG, etc.). These agencies will also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

Annual disclosure statements are required of all Councilmembers

## **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 belongs to an agency, PARSAC, with other cities, in order to manage insurance and risk activities. When claims are filed against the City, they are sent to our claims examiner to review and make recommendations. Unless there is a clear liability on the part of the City, the claim will normally be recommended for denial. The claim is placed on the Council agenda for rejection, but will only be discussed in closed session if Council desires. Council should be careful discussing details of a claim or lawsuit outside of closed session.

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 any form of harassment based on race, religion, gender, age, disability or sexual orientation. Violations of such policies may find Councilmembers personally exposed through legal action.

# 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. The City of Placerville 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-Manager Form of Government

Placerville adopted a City Council-City Administrator (City Manager) form of government in 1988. Basically, this structure reflects that it is 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 is to work through the City Manager in dealing with City staff. Indeed, the Municipal Code requires Councilmembers to work through the City Manager unless simply requesting information from other staff members.

The Council-Manager form of government became popular nationally at the turn of the century as a part of a government reform movement and in response to the impact of big city "bosses" and corresponding corruption. The model has matured in that city management is now considered a profession, with managers having graduate degrees in public administration and devoting careers to work with cities.

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 Councilmembers, 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 City 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.

The City Council is to evaluate the City Manager on a regular basis to ensure that both the City Council and City Manager are in agreement about performance and goals based on mutual trust and common objectives.

A proper understanding of the roles of elected officials and staff is essential to a productive relationship.

The Council is similar to a board of directors, while the City Manager acts as the CEO and runs the organization on the Council's behalf.

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 encourages regular one-on-one meetings with Councilmembers to provide information on various issues before the Council.

The City Manager encourages regular one-on-one meetings with Councilmembers to provide information and on various issues before the Council.

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

The City Manager is subject to a professional code of ethics from his/her professional association. These standards appear in Appendix A of this manual. 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. This code is posted in the City Manager's office.

The City Manager is subject to a professional code of ethics.

### **City Council-City Attorney Relationship**

The City Attorney is the legal advisor for the Council, City Manager and department heads. The general legal responsibilities of the City Attorney are to:

- Provide legal assistance necessary for formulation and implementation of legislative policies and projects;
- Represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings;
- Prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and
- 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 Councilmembers have free access to information from the City and to insure that such information is communicated completely and with candor to those making the request. To carry out this responsibility, however, Councilmembers must avoid intrusion into those areas which are the responsibility of staff. Individual Councilmembers may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and 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 Councilmembers,

Staff is to make recommendations based on judgment and standards as professionals in their field. The City Council ultimately makes policy decisions based on a broad array of factors.

and to allow staff to execute 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, workloads and schedules, departmental priorities, and the performance of City business.

Individual members of the City Council should not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities without the prior knowledge and approval of the Council as a whole. If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedules and priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

*Access to Information:* Individual Councilmembers, as well as the Council as a whole, are permitted complete freedom of access to any information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information.

There are limited restrictions when information cannot be provided. Draft documents (e.g. staff reports in progress, administrative draft EIRs) are under review and 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. Confidential personnel information also has restrictions on its ability to be released.

*Staff Roles:* The Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole, through the City Manager or from the appropriate management supervisors. Staff is directed to reject 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 Councilmembers for information or assistance, provided that, in the judgment of the City Manager, 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.

### **Dissemination of Information**

In cases where a staff response to an individual Councilmember request involves written materials which may be of interest to other Councilmembers, the City Manager will provide copies of the material to all other Councilmembers. In making this judgment, the City Manager will consider whether the information is

Draft documents are not generally available for review.

A priority of staff is to keep the City Council informed.

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

**Magnitude of Information Request**

Any information, service-related needs, or policy positions perceived as necessary by individual Councilmembers which cannot be fulfilled based on the above guidelines should be raised by the individual Councilmember under the “other matters” portion of a regularly scheduled City Council meeting. If so directed by action of the Council, staff will proceed to complete the work within a Council established timeline.

**Staff Relationship with Advisory Bodies**

Staff support and assistance may be provided to commissions and task forces, but 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/committee are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with the policies outlined in the Placerville Municipal Code.

Staff support includes preparation of a summary agenda and 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, unless a committee member or commissioner has been assigned that role. In that case the secretary shall forward minutes to the City Clerk.

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. Individuals who would like a commission to review a particular issue must also gain approval for such a request from the full City Council. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

**Restrictions on Political Involvement by Staff**

Local governments are non-partisan entities. Reflected within the Council-Manager form of government is a principal of professional staff which 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, fundraisers, 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.

Requests which require significant staff time should be approved by the full City Council.

A Councilmember asking staff to sign petitions or similar items can create an awkward situation.

However, there are limitations to such involvement. Different restrictions apply to management and general employees.

For management staff, the City Manager strongly discourages any involvement in a local campaign even while on personal time. Such involvement erodes the tenet that staff are to provide an equal level of service to all members of the City Council.

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 political activities while in 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 Councilmember asking staff to sign petitions or similar items can create an awkward situation.

### **Ethics Training for Public Officials**

In 2006, Assembly Bill 1234 was passed requiring all public officials who receive compensation for their office, to go through a minimum two hours of ethics training within one year of taking office. The training must then be renewed every two years.

City staff will coordinate and assist Council, Planning Commission and others with finding ethics training courses. Some staff members may also be required to take the course.

For management staff, the City Manager strongly discourages any involvement in a local campaign even while on personal time.

Assembly Bill 1234 requires ethics training for all Councilmembers

# City Council Meetings

## Meeting Schedule

Regular meetings are held in the Town Hall, 549 Main Street. Meeting time and date are established by ordinance. Regular City Council meetings are scheduled for 7:00 p.m. on the second and fourth Tuesdays of the month. Closed sessions, when scheduled, are generally held before open session as needed. No meeting will be held in the event that a regular meeting of the Council falls on a legal holiday.

## Special Meetings

Special meetings may be called by the Mayor or by three members of the City Council. Written notice must be given to the City Council and to the media 24 hours prior to a special meeting (*Cal. Govt. Code* Section 54956). No business other than that announced may be discussed.

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 be available for public inspection.

## Placing Items on the Agenda

*City Council:* Any Councilmember may request an item be placed on a future agenda. Agenda items are due to the City Clerk by Tuesday preceding the Council Meeting. In order to research and prepare a staff report for agenda items, requests for adding items to the agenda should be given to staff as early as possible and in no case later than the 5:00 p.m. deadline on Tuesday. This allows staff the time to put the agenda together and distribute to Council in a timely manner. Under normal circumstances, Councilmembers should make a request to add something to the agenda during the “Councilmember Reports/Items Initiated by a Councilmember” 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, through other communication with Councilmembers, or through a written request to the City Manager. If there is concern whether or not an item should be on the agenda, it should be brought before the Council for consideration to be placed on a future agenda and upon consensus of a majority of Council, a staff report will be prepared and approved by the City Manager, or his/her designee.

*Emergency and Non-Agenda Items:* Emergency and non-agenda 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. More likely, an item arises after the agenda is posted that the Council would like to act on. Non-agenda items may be added to the agenda only if the Council makes findings that:

The Mayor or 3 Councilmembers may call a special meeting.

The items from the Council portion of the agenda present an opportunity to gain full support of the Council to place an item on the agenda.

1. the need to consider the item arose after 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 a four-fifths (4/5) vote; if less than four members of Council are present, the findings require a unanimous vote of those present.

### **Meeting Attendance:**

It is imperative that Councilmembers fully participate in all City Council meetings and other Agency meetings they are assigned to. If a Councilmember cannot attend a Council meeting, he or she is required to notify the Mayor and the City Manager of their absence. Section 1-14-2 of the Placerville Municipal Code states that "If a councilman absents himself from all regular council meetings for sixty (60) days consecutively from the last regular meeting he attended, his office becomes vacant and shall be filled as any other vacancy."

If a Councilmember cannot attend another Agency meeting, they are required to ensure that their alternate can attend in their place as well as notifying the Agency Director of the change. If a Councilmember neglects to fulfill their Board/Commission assignments on a regular basis, the Mayor reserves the right to change the Board/Commission appointment.

### **Tips on the Dais**

Televised meetings: As part of its franchise agreement with the City of Placerville, Comcast provides the City with a channel on the local cable television system (Channel 2) as a means for providing municipal information to the citizens of Placerville.

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

- When you want to talk, speak directly into the microphone.
- Never say things near a microphone you do not want heard.
- Have all speakers come forward to the podium. Do not allow people to speak from the audience.
- Turn off your microphone when not speaking publicly.

### **Order of Business**

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

Never say things near a microphone that you do not want heard.

At all regular and special meetings, public comments must be permitted before or during consideration of an agenda item. Public comment is appropriate on any matter within the jurisdiction of the City Council.

- Closed Session (if necessary)
- Call to Order and Pledge of Allegiance
- Roll Call
- ~~Announcements to the Public~~ Presentations To The Public
- Closed Session Report
- Adoption of Agenda
- Ceremonial Matters
- Public Comment – Brief – Non-Agenda Items
- Consent Calendar
- Items Pulled From Consent Calendar
- Ordinances
- ~~Council Reports and Requests for Future Agenda Items~~
- ~~Consent Calendar~~
- ~~Ordinances~~
- Public Hearings
- Discussion/Action Items
- ~~Items Pulled from Consent Calendar~~
- Council Reports From Other Agency Meetings
- Request For Future Agenda Items
- City Manager and Staff Reports
- Upcoming Items
- Adjournment

*Closed Session:* Council meets from time to time in closed sessions, which are duly held meetings or a portion thereof, at which certain actions may be taken and are not open to public and news media. These are:

1. Closed sessions held at such times pursuant to Government Code Section 54957.6 where the Council meets with its designated representatives prior to and during consultation and discussions with representatives of employee organizations.
2. Security or emergencies.
3. Personnel sessions.
4. Closed sessions to consider potential or pending litigation in which the City or an officer or employee is or could be a party.
5. Meetings with real property negotiators to discuss property sale or acquisition.

Matters discussed in closed sessions are considered confidential

- A. Labor Relations: As a matter of policy, Council Acknowledges that the City and its taxpayers are best served

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Contents of discussion within closed sessions shall not be disclosed.

if positions authorized during such sessions are presented as those of the Council as a whole. Members of the City Council agree that positions and agreements shall not be divulged.

- B. Personnel Sessions: Matters discussed and reviewed in personnel sessions shall remain confidential in order to protect employees' rights to privacy.
- C. Security – For obvious reasons: Arrangements made to address threats to the City or its property must be kept confidential.
- D. Litigation: Discussion of probable or pending litigation could waive attorney-client privilege to the detriment of the City's position.

*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, final reading and adoption of ordinances, various resolutions approving agreement, minor budgetary items, status reports, and routine City business.

Councilmembers 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, the City Council must concur in such a request. Items that are removed ("pulled") by members of the Council for discussion will typically be heard near the end of the agenda immediately after the consent calendar is approved unless the majority of the Council chooses an ~~earlier or~~ later time.

Minor questions: A Councilmember may ask questions on any item on the consent calendar. When a Councilmember 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. Councilmembers are encouraged to seek clarifications prior to the meeting, if possible.

No vote: When a Councilmember wishes to pull an item simply to register a dissenting vote, Councilmember shall inform the presiding officer that they wish 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" vote in the minutes.

*Items from the Public:* Individuals desiring to speak are to address the Council from the speaker podium. Speakers are requested to give their name; however, it is not required.

Councilmembers 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.

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.

Groups or applicant representatives desiring to speak shall address the Council from the speaker podium after giving the name of the group, its purpose, if necessary, and the representative’s name.

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 presiding officer.

*Public Hearings:* Generally, public hearings, other than those of a quasi-judicial nature (quasi-judicial matters are those matters where the City Council is interpreting and applying regulations, such as consideration on use permits or zoning issues), shall be conducted in the following order:

- Staff review
- Questions of staff by Council
- Hearing opened by Mayor
- If desired, hearing closed by Mayor
- Questions by Council
- Discussion by Council
- Action by Council

Questions and comments from the public shall be limited to the subject under consideration. Depending on the extent of the agenda, and the number of persons desiring to speak on an issue, the Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual. Any person may speak for a longer period of time, by majority vote of the City Council, when this is deemed necessary in such cases as when a person is speaking as a representative of a group or has graphic or slide presentations requiring more time.

Councilmembers should not speak to an issue until the public hearing has been closed. Councilmembers are encouraged to gather as much information as possible prior to a meeting. This sometimes involves meeting with a proponent/developer to become more educated on a project. If a Councilmember has met with a proponent/developer or opponent of the subject hearing, he/she should consider acknowledging such meeting prior to opening of the hearing at the Council meeting, but it is not required.

Once a hearing is closed, it is inappropriate for the public to speak except to answer an inquiry of Councilmembers addressed through the Chair.

**Regular Business Items:**

Questions and comments from the public shall be limited to the subject under consideration.

If a Councilmember has met with a proponent/developer or opponent of subject hearing, he/she should consider acknowledging such meeting prior to opening of the hearing at the Council meeting, but it is not required.

Regular items shown on the agenda include public hearings, adoption of resolutions and ordinances, and other matters that require Council action. Typically, public hearings are scheduled as near the beginning of the agenda as possible.

## **Resolutions**

*Definition.* As a rule, it can be said that legislative acts of the City Council (rules of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by “resolutions.” The term “resolution” in its general sense will denote any action taken affirmatively via a vote of the Council, other than one taken by ordinance, which is memorialized in a separate document (Placerville Municipal Code). In Placerville, however, two methods of action are in general used to accomplish such non-ordinance actions:

A resolution, in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence and preserved in a separate set of books. Such “resolutions” are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document to facilitate such future reference and research.

*Motion.* A motion is recorded by minute entry. The “motion” (assuming it was one which passed) is a Council action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it. Procedural actions (such as a motion to continue a hearing) are always done by motion, and, in addition, many administrative matters (such as directing the City Manager to furnish a report) are done by motion.

## **Ordinances**

*Requirements of Ordinances.* Except as hereafter provided, no ordinance shall be adopted by the Council on the day of its introduction, nor within one week thereafter, nor at any time other than at a duly assembled meeting. If an ordinance is altered after its introduction (except for the correction of typographical or clerical errors), it shall be adopted at a meeting held at least one week after the date of such alteration.

At the time of introduction or adoption of an ordinance, the title need only be read, unless reading of the ordinance in full is requested by any member of the Council.

*Emergency Ordinances.* Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at the same meeting if passed by at least three affirmative votes.

No ordinance shall become effective until thirty days from and after the date of its adoption, except as provided by law.

### **Method of Action**

*Ordinances and Resolutions:* Legislative action shall be taken by the Council only by means of an ordinance or resolution.

An ordinance or resolution may be adopted by a motion, duly seconded, and passed by three (3) votes of the City Council.

*Ayes and Noes:* The Council shall pass ordinances and resolutions only by taking the ayes and noes by an open vote, which shall be entered in the minutes of the meeting.

Resolutions are prepared in advance and contain a brief title which indicates the subject and purpose. The procedure for adoption is a brief explanation by staff, motion, second, discussion and vote. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

The two are equally as legally effective and binding; they vary in the formality of respective memorialization. The more formal is referred to as “ordinance.”

### **General Procedures**

The City of Placerville conducts meetings as provided herein.

*Presiding Officer:* The Mayor is the presiding officer and acts as Chair at Council meetings. In the absence or incapacity of the Mayor, the Vice-Mayor serves as presiding officer.

*Seating Arrangement of the Council:* The Mayor, with the approval of individual Councilmembers, shall establish seating arrangements for Council meetings.

*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 Vice-Mayor may sign documents.

*Quorum:* Three-fifths (3/5) of the Councilmembers constitutes a quorum for the transaction of business.

### **Discussion Rules**

To assist the City Council in the development of a structure for orderly discussion of items, rules have been prepared which represent accepted practices for management of Council meetings.

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. Cross-exchange between Councilmembers and public should be avoided.
2. *Questions to Staff:* A Councilmember shall, after recognition by the Mayor, address questions to the designated staff member.
3. *Interruptions:* Once recognized, a Councilmember should not be interrupted while speaking except to make a point of order or personal privilege. If a Councilmember 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 Councilmember should not speak more than once on a particular subject until every other Councilmember has had the opportunity to speak. Councilmembers are encouraged to discuss items during the decision-making process.
5. *Tabling Procedure:* Immediately stops discussion and causes a vote to postpone matter indefinitely or to a time and date certain.
6. *Right of Protest:* A Councilmember is never required to state reasons for a dissenting vote.

### **Other Protocol**

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

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

A member of the City Council or staff shall first address the Mayor and gain recognition.

Discourage side conversations, disruption, interruptions or delaying efforts.

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. The Council may adopt a policy to discourage applause, booing or other similar behaviors from the public during meetings.

- Recognize that only the City Council and staff shall be permitted to sit at the dais.

*Enforcement of Order:* The Police Chief or his designee acts as the Sergeant-At-Arms. Any Councilmember 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. The Sergeant-at-Arms shall enforce rules of protocol as requested by the presiding officer including removal of disruptive persons.

*Values of Respect:* The City Council has recognized 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 by the City Council include:

- Discussion should focus on policy matters
- Personal criticism of members is inappropriate
- Proper decorum should be displayed as other members express their views.

### **Voting Procedures**

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 Councilmember will step down from the dais, remove themselves from the room 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 Councilmembers.

Upon the request of any Councilmember, a roll call vote will be taken and recorded.

*Reconsideration:* Reconsideration of an item shall be allowed in accordance with the following Council guidelines. Re-submittal of issues previously acted upon is discouraged; however, requests will be considered by a majority vote of the Council. A motion for reconsideration must be made by a

Personal criticism of members is inappropriate

member of the prevailing majority when the previous vote was taken. The City Council may wish to determine that any motion for reconsideration should be made within two meetings of the previous action. No motion for reconsideration will be entertained after this deadline unless the City Council determines significant new information has arisen which warrants such action. If a member is absent from a meeting(s), a motion for reconsideration may be entertained on the first meeting of his/her return.

### **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. Advertisements are to include location maps, project descriptions and, in some instances posting of property, if required, written in plain English in order to fully inform all interested individuals.

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

### **Development of Agenda**

Following is City policy regarding submission of Council agenda items both by the public, City staff and City Council.

*Persons wishing to place an item on the agenda* – should give notification to the City Clerk at least 10 days prior to a Council business meeting date. Notification shall be in writing and should outline the issues and scope of the request and supporting documentation. Any applicable fees must be paid.

The City Clerk shall refer such agenda item request to the appropriate department and the City Manager for their review, comment and/or response.

The City Clerk or designee shall notify the person requesting the agenda item of any problems, deficiencies or additional information as quickly as possible, but not later than 5:00 p.m. of the Tuesday immediately preceding the regular Council meeting.

The City Clerk, City Manager and/or designated staff may request additional information, delay the matter for staff research or refer the matter to the appropriate commission or agency for further action. The applicant shall be notified of such delays or referrals. The City Clerk, with direction from the City Manager, shall attempt to balance agendas in terms of workload and number of items. The Council may not consider all items on an agenda should the meeting proceed late into the evening.

The City Clerk may allow late agenda items, minor matters and other deviations from this policy to be brought before the Council should circumstances warrant and allow. The Council may also allow additional agenda items after the publication of the agenda as provided for under California Government Code.

### **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. 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). A current copy of the Brown Act is available in the City Clerk’s office. The provisions that most directly affect the Council are summarized below.

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

2. **Meetings:** All meetings shall be open and public. A meeting takes place whenever a quorum (three 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 Councilmembers for the purpose of deliberating or acting upon an item pending before the City Council (does not apply to the public or media).

3. **Agendas:** Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.

4. **Actions:** No action can be taken on any item not appearing on the posted agenda.

Exceptions:

A. An emergency situation exists (determined by a majority of Council).

The law provides for misdemeanor penalties for members of a body who violate the Act.

No action can be taken on any item not appearing on the posted agenda.

B. The need to take action arises subsequent to the agenda being posted and there is a need for immediate actions (determined by 2/3 vote of the Council; or if less than 2/3 are present, by unanimous vote).

C. The item is continued to another meeting that is scheduled and posted within 5 days of the original agenda.

5. 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. The City has the right to establish time limits on speakers and the total time allocated for a particular issue.

6. Public Disruptions: A portion, or all, of the public may be removed if willful disruption makes conducting a meeting “unfeasible.” The press may remain unless they participate in the disruption.

7. Correspondence: All writings distributed for discussion or consideration at a public meeting are public records.

8. Special Meetings: Special meetings may be called by the Mayor or a majority of the Council with strict notification requirement delivered to the media and Council 24 hours before the time of the meeting.

9. 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 an emergency meeting without notification.

10. 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.

**Appendix A**  
**ICMA Code of Ethics**

## ICMA Code of Ethics

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

### Tenet 1

Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

### Tenet 2

Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant

### Tenet 3

Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

### Tenet 4

Recognize that the chief function of local government at all times is to serve the best interests of all people.

### Tenet 5

Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

### Tenet 6

Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

### Tenet 7

Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

### Tenet 8

Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

### Tenet 9

Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10

Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Tenet 11

Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

Tenet 12

Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

**Appendix B**  
**City Code of Ethics**

## CODE OF ETHICS

### *Declaration of Policy and Purpose*

The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people, that government decisions and policy be made in the proper channels of government structure, that public offices not be used for personal gain, and that the public have confidence in the integrity of its government.

In recognition of these goals, this Code of Ethics for the City of Placerville is hereby established for all officials, elected, appointed or employed, paid or unpaid, who shall be referred to hereinafter throughout as "officials."

The purpose of this Code is to establish ethical standards of conduct for all such persons by setting forth those acts or actions that are incompatible with the best public interest or with the best interests of the City, and to direct the disclosure by such officials of private, financial and/or other interests affecting the City.

While not all conduct will fit neatly under a Code of Ethics, officials must have a standard of conduct that avoids even the appearance of impropriety. It is not the purpose of this Code, however, to establish unattainable standards of behavior.

The provisions and purposes of this Code of Ethics and such Rules and Regulations as may be established, are hereby declared to be in the best interests of the City, and are for the protection of the public welfare of its citizens.

1. *Confidential Information - Disclosure Prohibited*

Disclosure of confidential information by any City official is prohibited. Officials must respect and protect information that they have access to by virtue of their position and office. No official shall be a party to illegal or improper activity associated with access to confidential information. No official shall use confidential information to advance their personal, financial, or other private interest.

2. *Incompatible Activity*

No official shall engage in any business or have a financial interest which is in conflict with the proper discharge of their official duties. Officials are also subject to Government Code Sections 1090, 1126 and 87100.

In order to assure their independence and impartiality on behalf of the common good, officials shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest.

3. *Gifts and Gratuities*

Officials shall not accept money or other consideration or favors from anyone other than the City, for the performance of an act which they would be required or expected to perform in the regular course of their duties.

Officials shall not accept any gifts, gratuities, or favors of any kind which might reasonably be interpreted as an attempt to influence their action or actions with respect to City business, or as a reward for performance of a service rendered in the course of their official duties.

Officials shall not accept any fee, compensation, gift, or payment of expenses which results in private gain in return for preferential treatment.

4. *Favored Treatment*

No official shall grant any special consideration, treatment or advantage to any person beyond that which is available to every other person in similar circumstance.

5. *Influence Decision*

Staff is directed to reject any attempts by individual members of the Council to unduly influence or otherwise pressure them into making, changing or suppressing staff decisions or recommendations, or changing departmental work schedules and priorities. Staff shall report such attempts to influence them, in confidence, to the City Manager, who may inform the Council as a whole of such attempts. Staff is to be protected from undue influence and pressure, and must be allowed to execute priorities given by the City Manager, department heads and Council, as a whole, without fear of reprisal.

The City Manager shall establish a procedure by which the Councilmembers can direct complaints, suggestions and information, directly and quickly, to department personnel. It is important that problems be handled promptly through the City Manager's office for the satisfaction of the Councilmember and their constituents.

If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedules and priorities of the staff, that member must prevail upon the Council as a whole to do so as a matter of Council policy. Individual Councilmembers are not entitled to staff cooperation for personal benefit.

Individual Councilmembers, as well as the Council as a whole, shall be permitted complete freedom of access to any information requested of staff, and shall receive the full cooperation and candor of staff in being provided with any requested information.

It is the duty of every official to discourage any inappropriate contact or encroachment on one's official duties by others seeking to influence a decision.

6. *Uphold Laws*

All officials must uphold and adhere to all federal, state and local laws, ordinances and regulations, and never be a party to their evasion.

7. *Diligent Work and Effort*

All officials shall conduct and perform duties and responsibilities diligently and promptly, giving a full day's work for a full day's pay.

8. *Be Efficient and Economical*

All officials should, on a continuous basis, seek to find ways to do their jobs more efficiently and economically.

9. *Expose Corruption*

It is the duty of every official to expose corruption wherever discovered.

10. *Public Office Held as Public Trust*

All officials of the City shall uphold the principles of this Code, mindful that public office is a public trust and that local government exists to serve the needs of all the citizens of the City.

11. *Private Use of Government Resources Prohibited*

The following rules govern the personal use by officials of City-owned equipment, other than motor vehicles.

- a. No City equipment will be used by an official in his or her private business.
- b. No City equipment will be removed from City premises where it is normally kept, for an official's personal use, unless such equipment is available to the general public.
- c. With permission of their supervisor, officials may use City equipment occasionally for personal tasks, as long as these tasks are performed on the official's own time, and the equipment is not removed from the premises where it is normally kept.
- d. Officials will be responsible for any damage to the City equipment occurring during their personal use thereof.

- e. Officials will reimburse the City for any supplies consumed in their personal use of City equipment.
- f. The City's letterhead will not be used for personal correspondence or for personal business correspondence.
- g. Individual departments may establish more strict rules governing the use of specific types of equipment.

12. *Honesty and Integrity in Public Duties*

Officials shall dedicate themselves to the highest ideals of honor and integrity, and conduct official duties in a professional and caring manner.

13. *Communication on Issues by City Officials Using City Title and/or City Letterhead*

Any communication by a City official to the public, to other governmental agencies, to private organizations, and/or to the press, which states or implies that the communication represents the City's position on an issue, and/or which uses City stationery, shall be permissible: (1) if the communication accurately represents the City Council's approved policy; (2) the City Council has approved the communication; and (3) if the communication does not include the City official's personal position on the issue.

It is permissible for City officials to use City stationery for City-related ceremonial letters, correspondence to City constituents, and when requesting information relating to issues affecting the City, and to use their title when doing so.

City officials, as private individuals, can communicate to any party their personal position on any issue, but shall not use City stationery when doing so, and shall state that they are expressing their personal opinion, and not City policy, if they use their City title.

"City official" includes all persons appointed by the City Council to advisory boards, commissions, committees and all City staff.

14. *Protection from Reprisal*

No official shall use or threaten to use their official authority or influence to discourage, restrain, or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the City Council or other appropriate agency, office or department, any information which, if true, would constitute a work-related violation of any law or regulation. Such violations could include waste of City funds, abuse of authority, a specified or

substantial danger to public health or safety due to an act of an official, use of a City office, position or resource, for personal gain, or a conflict of interest for an official.

15. *Positive Work Place Environment*

Officials shall support the maintenance of a positive and constructive work place environment for City officials and for citizens, and businesses dealing with the City.

16. *Representing Private Interest before City Agencies*

Officials shall not appear on behalf of private interest before any council, commission or department of the City. They shall not represent private interests in any action or proceedings against the interests of the City in any litigation to which the City is a party.

Officials may appear before City departments and commissions or the City Council, on behalf of constituents in the course of their duties as representatives of the electorate, or in the performance of public or civic obligations. However, no retainers or compensation contingent upon a specific action by the City can be accepted. This section cannot be construed as prohibiting the appearance of any official when subpoenaed as a witness by parties which might also involve the City, or the appearance for support of an official's own interest or that of an official's spouse or children.

Actions which may be lawful, but have the appearance of impropriety, should be avoided.

17. *Lobbying*

During City service, or for one (1) year after leaving City service, no official shall attempt to lobby or influence any current official on matters pending before the City. This rule shall be strictly enforced against both persons, the lobbyist and the person contacted. (For this paragraph, a "lobbyist" is defined as a person paid to try to influence legislation.)

18. *Independence of Boards and Commissions*

Because of the value of independent of boards and commissions to the public decision-making process, members of the City Council shall refrain from using their position to duly influence the deliberations or outcomes of board and commission proceedings.

19. *Advocacy*

Officials shall represent the official policies or positions of the City Council, board or commission, to the best of their ability when designated as delegates for this

purpose. When presenting their individual opinions and positions, officials shall explicitly state that they do not represent their body, or the City of Placerville, nor shall they allow the inference that they do.

20. *Implementation*

As an expression of the standards of conduct for officials expected by the City of Placerville, this Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when officials are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientation for all City officials. Officials entering office or employment shall sign a statement affirming that they read and understood the City of Placerville Code of Ethics. In addition, this Code of Ethics shall be annually reviewed by the City Council, and the City Council shall consider recommendation from boards and commissions, and updated as necessary.

**Appendix C**  
**Travel Reimbursement Form**

**City of Placerville  
Conference and Travel Expense Reimbursement Request Form**

Employee Name:								
Request Date:								
Conference Title:								
Destination:								
Travel Period:								
Purpose:								

**Please attach all receipts to this Form.**

	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.	
Date:								
Lodging:	\$	\$	\$	\$	\$	\$	\$	\$
Breakfast:								\$
Lunch:								\$
Dinner:								\$
Transportation:								\$
Parking/Tolls (total):								\$
Taxi:								\$
Rental Car:								\$
Other (specify)								\$
<b>Total</b>	<b>\$</b>							

*Mileage Reimbursement:*

Dates	From	To	Miles	2007 Rate	Total
				\$0.485	\$
				\$0.485	\$

The undersigned hereby certifies that the above claim and the items listed are true and correct and that the amount therein is justly due and hereby requests approval of the above.

Total Expenses & Mileage Reimbursement	\$
Less Non-Reimbursable City Credit Card Charges	\$( )
Balance to/from Employee	\$

Account Number \_\_\_\_\_ \$

Account Number \_\_\_\_\_ \$

Account Number \_\_\_\_\_ \$

All expenses reported on this form must comply with the City's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the City's policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Head Signature \_\_\_\_\_ Date \_\_\_\_\_