



**CITY OF ELK GROVE
CITY COUNCIL STAFF REPORT**

AGENDA TITLE: Consider revisions to the City of Elk Grove City Council Norms and Procedures Manual

MEETING DATE: February 22, 2017

PREPARED BY:
DEPARTMENT HEAD: Jason Lindgren, City Clerk

RECOMMENDED ACTION:

Staff recommends that the City Council review and provide direction as to any revisions to the City of Elk Grove City Council Norms and Procedures Manual (Norms and Procedures). Based on direction received, staff would return with a resolution for City Council consideration to implement requested changes.

BACKGROUND INFORMATION:

In September 2010, the City Council adopted its Norms and Procedures. Adoption of the Norms and Procedures satisfied one of the goals from the 2009 City Council goal setting process that identified the desire to create a set of processes and procedures regarding the conduct of City business in the City of Elk Grove. Since its initial adoption, the document has been modified five times (February 2011, October 2011, December 2012, June 2013, and March 2015).

At the City Council meeting of December 14, 2016, Vice Mayor Detrick received concurrence from the City Council to review the Norms and Procedures. Set forth below are some topics for possible revision.

Appointment of Elected Official Vacancies: Staff has identified modifications to the section related to appointment of elected official vacancies, noting that an earlier process for applications could be considered if a standing member of the City Council participates for any seat other than a City of Elk Grove position, and to detail the process

during a meeting for the appointment consideration (candidates speaking order alphabetical by last name, public comment opportunity is opened after the candidate opening statements and questions of the City Council).

Procedures for Proclamations. The procedures for proclamations and certificates of recognition are contained in Chapter 4 of the Norms and Procedures Manual. The current procedure is for all requests for proclamations and certificates to be submitted to the Mayor for approval. Staff recommends that the Council discuss whether the Mayor's approval is required for the issuance of proclamations and certificates of recognition.

Attendance on Legislative Advocacy Trips. Chapter 5 of the current Norms and Procedures Manual addresses attendance on legislative advocacy trips. This section designates the Mayor and Vice-Mayor as the City's "sole representatives on the annual Federal legislative advocacy visit made exclusively to solicit federal aid on behalf of the City of Elk Grove," and further provides that if "either is unavailable the Mayor shall solicit alternates to attend." Since the last review of the Norms and Procedures Manual, more legislative advocacy trips and study missions are available for Council Members to attend. Additionally, the City has not sent Council members on a spring Federal legislative advocacy visit in a number of years, as this visit has been coupled with the Sacramento Metro Chamber's annual "Capitol to Capitol" advocacy trip. Particularly with a new Federal Administration and Congress, it may be more advantageous for Council members to take a Federal advocacy trip at another time during the year. Staff recommends that the Council discuss possible changes to this section as to the designated Council representative designation given the changes in the nature of the City's legislative visits. For instance, the Council could consider default designation, as is the case now, or consider designating Council members as representatives on a case-by-case basis.

Administrative Support. Chapter 5 of the current Norms and Procedures Manual addresses administrative matters, such as administrative support and mail handling. Since the last review of the Norms and Procedures Manual, the Council has added an Administrative Assistant to the City Council position to the City Manager's Office. In addition, the current manual does not include the ability of Council members to hire part-time staff or use volunteers. To address these changes, the text in the "Administrative Support" paragraph is proposed to be amended as follows (new text underlined):

General staff and administrative support to members of the City Council is provided through the City Manager's Office. An Administrative Assistant to the City Council is assigned to provide Administrative services including scheduling of appointments, receipt of telephone messages, and word processing, and mail handling are available as needed. Each Council member also has access to up to 15 hours of part-time assistance per week to work on assignments as agreed upon between the specific Council member and his/her assistant. Council members are welcome to use volunteers if they wish; however, volunteers must work during City operating hours (7:30 a.m. to 6:30 p.m. Monday through Friday) and be cleared through the City's volunteer program. 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.

In addition, the second paragraph of "Mail, Deliveries" is proposed to be amended as follows:

Unless directed otherwise, the Administrative Assistant to the City Council will open, date-stamp, and deliver to each office all mail received and specifically addressed to the Mayor or a Council member. All intergovernmental correspondence with a time-certain request will be handled directly by the City Manager's staff. All mail received and specifically addressed to the Mayor or a Council member shall be placed in their office without first being opened. The envelope of each communication shall be date-stamped as to its receipt. Each Council member shall be responsible for providing correspondence to the City clerk that requires inclusion with agenda materials, as set forth in the Brown Act.

Representation at Ceremonial Functions. Chapter 7 of the current Norms and Procedures Manual addresses City Council representation at ceremonial functions. Since the last review of the Norms and Procedures Manual, there have been instances where Council assistants have assumed Council representation when the Mayor or Council member could not attend a ceremonial function. To address this issue, the text in the first paragraph of subsection A, "City Sponsored Events," could be revised to read as follows (new text underlined):

The Mayor, or Vice Mayor in his/her absence, shall represent the Council at functions organized by the city. The Mayor or Vice Mayor may, at his/her own discretion, ask another Council member to represent the Council at that function when neither is available. In the absence of such request, if neither the Mayor nor Vice Mayor is present at an event, but one or more other Council members is present, the most senior Council member, in terms of time served on the Council, shall represent the Council at the event. Only a Council member (including the Mayor) may represent the Council at such event.

Additionally, subsection B, entitled “Non-City Sponsored Events” could be similarly modified to add the following (new text underlined):

Staff shall invite all Council members to attend non-City sponsored events in which the City has some involvement. As a general rule, the Mayor, or Vice Mayor in his/her absence, shall represent the Council at these functions. If neither the Mayor nor the Vice Mayor is available to attend a non-City sponsored event, any Council member may represent the Council. Only a Council member (including the Mayor) may represent the Council at such event. Nothing in this provision is meant to preclude a Council member from representing the Council at a ceremonial function where the event organizer has requested that a specific Council member attend the function

The City Council may also offer other proposed amendments in this review; staff would return with a resolution for City Council consideration to implement requested changes.

FISCAL IMPACT:

None except for staff time to prepare this report and the revised Norms and Procedures document. Staff would return with further fiscal analysis for any proposed amendments to the Norms and Procedures.

ATTACHMENT:

1. City of Elk Grove City Council Norms and Procedures Manual (version dated March 11, 2015, with draft, proposed changes)

Elk Grove City Council

Norms & Procedures Manual



Adopted by the Elk Grove City Council on March 11, 2015
*(proposed changes presented 02-22-2017 display additions
shown in underline, and deletions in strikethrough)*

TABLE OF CONTENTS

TABLE OF CONTENTS	1
CHAPTER 1 - INTRODUCTION	2
CHAPTER 2 - ROLES	3
CHAPTER 3 - COUNCIL MEETINGS	4
CHAPTER 4 - AGENDA	7
CHAPTER 5 - ADMINISTRATIVE MATTERS	11
CHAPTER 6 - RELATIONSHIP AND CONDUCT	15
CHAPTER 7 - COMMUNICATION & REPRESENTATION	19
CHAPTER 8 – ADVISORY BODIES	23
CHAPTER 9 - STANDING AND AD HOC COMMITTEES	23

CHAPTER 1 - INTRODUCTION

A *Norms and Procedures Manual* may assist the City Council by documenting currently accepted practices and procedures for the effective conduct of City business. Through agreement of the City Council and staff to be bound by these practices, the effective administration of City Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Council members in their actions. It is anticipated that this *Norms and Procedures Manual* will be reviewed every two years and may be revised from time to time.

CHAPTER 2 - ROLES

It is important to recognize that the City Council acts as a body. No member has extraordinary powers beyond those of other members. While the Mayor and Vice Mayor may have additional ceremonial and administrative responsibilities, in the establishment of policies, voting and in other significant areas, all members are equal. Policy is established and direction is given to City staff by a majority vote of the Council.

While individual Council members may disagree with decisions of the majority, a decision of the majority binds the Council to a course of action and provides staff with direction to follow. In turn, it is staff's responsibility to ensure the policy of the Council is implemented and upheld consistent with the wishes of the majority. Implementation of Council policy by staff does not reflect a bias against Council members who held a minority opinion on an issue.

MAYOR & VICE MAYOR

The Mayor is elected by the voters of the City of Elk Grove and serves a two-year term. The Vice Mayor is selected annually by the City Council and serves a one-year term.

The Mayor is the presiding officer at all meetings of the City Council and performs duties consistent with the ceremonial office as may be delegated by the City Council. Neither the Mayor nor Vice Mayor possesses the power of veto or any other policy making authority beyond that of the other Council members. As presiding officer at City Council meetings, the Mayor, or the Vice Mayor in his/her absence, is to faithfully communicate the will of the Council majority in matters of policy. The Mayor, or the Vice Mayor in his/her absence, is the official head of the City and recognized spokesperson for ceremonial purposes. Consistent with State law governing general law cities, the Mayor makes appointments to boards and commissions, subject to confirmation by the full Council.

The Mayor, whenever available, shall sign all ordinances, and other documents that have been adopted and authorized by the City Council and require an official signature; except when the City Manager or another City Official has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor shall sign in the Mayor's absence.

CHAPTER 3 - COUNCIL MEETINGS

REGULAR MEETINGS

Rules of meeting conduct and procedure are adopted by resolution and amended from time to time. Regular meetings of the Elk Grove City Council shall be held the second and fourth Wednesdays of the month at 6 p.m. at 8400 Laguna Palms Way. No new business of the Council shall be considered after 10 p.m. unless by a vote of the Council. Any new business of the City Council shall be carried over to the next regular City Council meeting or the meeting may be adjourned to a date specific at Council's direction. All regular Council meetings are televised when possible and available for viewing on the City's website.

SPECIAL MEETINGS & EMERGENCY MEETINGS

Special meetings and emergency meetings of the City Council may be called by the Mayor or majority of the City Council and held from time to time consistent with and pursuant to the procedures set forth in the Ralph M. Brown Act. Any special meeting called pursuant to this section shall not be scheduled unless a majority of the City Council has confirmed their availability.

To be respectful of the public, in the event business agendized for special meetings of the City Council scheduled immediately prior to regularly scheduled meetings is not completed prior to the regular meeting time, unfinished business of the special meeting should be suspended until adjournment of the regular meeting.

CLOSED SESSIONS

The City Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter that is authorized by State law. The City Council may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions. The general subject matter for consideration shall be shown in the agenda posted for such session pursuant to the procedures set forth in the Ralph M. Brown Act.

DECORUM

The Elk Grove City Council has established the code of ethics and values to be followed by City Council members, City employees, officers, commissioners, and elected or appointed officials (Res. No. 2005-119). Council members value and recognize the importance of the trust vested in them by the public to accomplish the business of the City. All Council members shall accord the utmost courtesy and professionalism toward each other, to City employees, and to the public appearing before the City Council. At all times, Council members in the minority on an issue shall respect the decision and authority of the majority. The use of cellular telephones, portable computing devices, and the like are discouraged during council meetings in order to remain attentive to members of the public, staff or others as they are speaking to the Council.

PUBLIC HEARINGS

Public hearings may be required on certain items as prescribed by the Elk Grove Municipal Code or by state or federal law. The general procedure for public hearings is as follows:

1. Staff presents its report. Council members may ask questions of staff.
2. The Mayor opens the public hearing.
3. The applicant and/or appellant have the opportunity to present his/her comments, testimony, or arguments. Adequate time must be allotted for the applicant and/or appellant to present his/her case. If the applicant and appellant are different persons, the applicant and appellant should each be given equal time to present his/her views.
4. Members of the public may present their comments subject to time limits established by the Mayor.
5. The applicant and/or appellant have the opportunity to present his/her rebuttal comments, testimony, or arguments. Adequate time must be allotted for the applicant and/or appellant to present his/her rebuttal case. If the applicant and appellant are different persons, the applicant and appellant should each be given equal time to present his/her views.
6. The Mayor closes the public hearing after everyone wishing to speak has had the opportunity to do so.
7. Council deliberates and takes action.

When the City Council acts in an adjudicatory or quasi-judicial capacity, the agenda shall reflect that each member must (1) disclose on the record the general nature and substance of any ex parte communications relating to the matter; and (2) provide interested parties full and fair opportunity to rebut or explain the information obtained from those communications.

VOTING

All members of the council, when present, must vote. If a member of the council states that he or she is not voting, his or her silence shall be recorded as an affirmative vote unless, however, the council member abstains from voting by reason of his/her interest in the matter before the council and that reason is stated at the meeting.

CHAPTER 4 - AGENDA

The following rules for the preparation of the agenda for the City Council meetings are based on the premise that it is in the interest of good government that the City Council be fully informed on all matters upon which it is called upon to act. The City Council relies upon the members of the City staff to perform research, review potential courses of action, furnish technical information and recommend solutions to various problems of City Government, and recognizes that proper, thorough research and investigation requires time to ensure that the City Council has sound background information before it takes action.

ORDER OF THE AGENDA

The Elk Grove City Council has established the order of business for City Council meetings (Res. No. 2010-24). Consideration of the public's interest shall be prioritized when considering the order of business on the agenda. When feasible, topics anticipated to be of greatest interest to the public will be placed at the beginning of the agenda.

DEVELOPMENT OF AGENDA

A "draft agenda" document is prepared by the City Clerk and is provided to staff and the Mayor every Friday. A copy of the draft agenda is reviewed by the City Manager, City Attorney, and other Executive Staff (Assistant City Manager, Police Chief, Human Resources Director, and Finance Director) at a standing meeting held each Monday morning.

City staff is required to submit reports for a Wednesday Council meeting:

- To the City Clerk by 5:00 p.m. on Wednesday **the week prior to the meeting;**
- To the City Manager by 5:00 pm on Monday **two weeks prior to the meeting;**
- To the Finance Department by 5:00 pm on Wednesday **three weeks prior to the meeting.**

Based on these deadlines, staff usually requires at least a month to properly prepare a matter for a Council agenda.

Agenda packets are ready for the Council on the Friday preceding regularly scheduled meetings.

The City Manager reviews and approves all items for the Council agenda. Agenda packets are compiled, photocopied, converted electronically, posted to the Web, and distributed through the City Clerk's Office, pursuant to the *Agenda Preparation & Staff Report Guidelines for City Council Meetings*.

Once the agenda packet has been delivered to the City Council, items may be added to an agenda only upon the concurrence of the Mayor and only as authorized by the Ralph M. Brown Act.

EXTERNAL AGENDA REQUESTS

A member of the public may request that an item be placed on a future agenda during public comment or through other communication with Council members. Upon approval by a majority of Council, the item will be agendized and a staff report prepared. The City Manager will inform the Council of the potential impact the request will have on established priorities or staff workload and seek approval by the City Council before authorizing the work or scheduling the item as appropriate. Again, based on the Finance Department, City Attorney, and City Clerk deadlines, staff usually requires at least a month to prepare a matter for a Council agenda.

COUNCIL MEMBER AGENDA REQUESTS

A Council member may request an item be considered on a future agenda and, upon agreement by a majority of Council, staff will prepare a staff report. Council members may make requests verbally during a meeting or may submit written requests. If the item is raised during the Council member comment section of a regular meeting, the City Manager shall prepare, for consideration at the next regular meeting, a brief staff report that provides a general outline of the steps to be taken. Before implementation of the steps, the full Council will then provide direction pursuant to that agenda item.

PRESENTATIONS

Most requests for presentations by civic groups and local organizations and requests for recognition of Eagle Scouts or for excellence in academics, athletics, etc. shall be honored as feasible and appropriate and placed under the "Presentations" segment of the agenda. All ceremonial/special presentations will be calendared and coordinated with the Mayor, through the City Clerk's Office, and planned not to exceed 10 minutes at each Council meeting.

The "Presentations/Announcements" section of the Council Agenda is for the purpose of allowing a brief (5 to 10 minutes each) opportunity at the beginning of a Council meeting to recognize individuals, organizations, and businesses for their achievements and contributions to the community or for Council to receive information from outside agencies or Council

appointed Boards, Commissions or Committees. It is not meant for a topic that would require lengthy deliberation, debate, or action. Items can be placed on the presentation section of the agenda at the request of Council or City staff with the City Manager’s concurrence. Approval to place a presentation on the agenda that has been requested by a community member must be obtained through the City Manager’s Office.

PROCLAMATIONS AND CERTIFICATE OF RECOGNITION/APPRECIATION

All requests should be submitted to the Mayor, through the City Clerk’s Office, for consideration. The subject or recipient should be Elk Grove-related. It is within the Mayor’s discretion whether to prepare such a document and/or place it on the agenda.

KEY TO THE CITY

The “Key to the City” is a symbolic gesture of appreciation and welcome to a person or entity. Because it is one of the City of Elk Grove’s highest honors, the Key will only be presented in a manner that is consistent with the City’s vision, mission, and goals.

A Review Panel shall be convened by the City Manager on an as needed basis upon the receipt of nominations under the “Key to the City” Program. The Review Panel shall consist of members from other public agencies and/or the public drawn from an eligibility pool approved by the Mayor. Meetings of the Review Panel will be open and public meetings, subject to the Brown Act. The Review Panel shall submit recommendations to the City Council for final approval.

The Mayor, or his/her designee, presents the “Key to the City” to the recipient at a City function.

The “Key to the City” of Elk Grove Program is intended to honor:

- An Elk Grove resident or entity with significant accomplishments in one or more of the following categories:
 - Professional or amateur sports
 - The entertainment industry
 - Military service
 - Public service
 - Humanitarian efforts
- An Elk Grove resident reaching the age of 100 years
- A person who performed an act of heroism while in the City Limits
- A dignitary or celebrity visiting the City

All requests for a Key to the City nomination should be submitted to the City Manager for consideration. Requests for a Key to be presented in recognition of circumstances other than those listed above will be considered by the Review Panel on a case-by-case basis.

CHAPTER 5 - ADMINISTRATIVE MATTERS

ADMINISTRATIVE SUPPORT

General staff and administrative support to members of the City Council is provided through the City Manager's Office. ~~An Administrative Assistant to the City Council is assigned to provide Administrative services including Administrative services including scheduling of appointments, receipt of telephone messages, and word processing, and mail handling are available as needed are available as needed. Each Council member also has access of up to 15 hours of part-time assistance per week to work on assignments as agreed upon between the specific Council member and his/her assistant. Council members are welcome to use volunteers if they wish; however, volunteers must work during City operating hours (7:30 a.m. to 6:30 p.m. Monday through Friday) and be cleared through the City's volunteer program. 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.~~ 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.

MAIL, DELIVERIES

Members of the City Council receive a large volume of mail and other materials from the public and staff. The City Manager's Office maintains an office inbox for each member. In addition, a city courier may deliver materials to the homes of Council members when materials are time sensitive. Members are encouraged to return unwanted reports and documents to staff for distribution to the public or for recycling.

~~Unless directed otherwise, the Administrative Assistant to the City Council will open, date-stamp, and deliver to each office all mail received and specifically addressed to the Mayor or a Council member. All intergovernmental correspondence with a time-certain request will be handled directly by the City Manager's staff. All mail received and specifically addressed to the Mayor or a Council member shall be placed in their office without first being opened. The envelope of each communication shall be date-stamped as to its receipt. All mail received and specifically addressed to the Mayor or a Council member shall be placed in their office without first being opened. The envelope of each communication shall be date-stamped as to its receipt.~~ Each Council member shall be responsible for providing correspondence to the City Clerk that requires inclusion with agenda materials, as set forth in the Brown Act.

E-MAIL

The City of Elk Grove encourages the public to send correspondence to the entire City Council, either by traditional post or by e-mail.

Any e-mail sent or received may constitute a public record and may be disclosable upon request. Council members have no reasonable expectation of privacy in any e-mail correspondence received by them at their City of Elk Grove domain e-mail address.

Any written correspondence or other materials, when distributed to all, or a majority of all, of the members of the City Council by any person in connection with a matter subject to discussion or consideration at a public meeting, are disclosable public records under the California Public Records Act and shall be made available upon request without delay. Writings that are public records and that are distributed during a public meeting shall be made available for public inspection at the time of the meeting if prepared by City staff or a member of the City Council, or after the meeting if prepared by some other person. All writings referenced herein shall be provided to and documented with a received/filed date by the City Clerk.

E-mail communication sent to the City Council related to an item on an agenda will be received in the City Clerk's office up to the close of business (5:00 p.m.) on the date of the meeting and will be provided to Council members via "green sheet". The Mayor will allow his/her e-mail to be automatically forwarded to the City Clerk in order to ensure that all such public records will be handled in accordance with Government Code section 54957.5.

CITYISSUED EQUIPMENT

To enhance Council members' ability to communicate with staff and the public, city-purchased equipment can be provided.

The use of technological devices to communicate with a majority of other Council members on any official action to be taken falls within the provisions of the Brown Act. Technological devices include, but are not limited to, phones, faxes, computer e-mail, public access cable TV and video if they are used to pass information for the purpose of developing concurrence on action to be taken. Such actions outside of public meetings are prohibited by State law. E-mail may also be considered public information.

Council members may be connected from their home to the City's computer network. Information Technology Services staff will provide initial assistance in setting up necessary software and hardware. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications.

REORGANIZATION

The Council is to be reorganized at the first regular meeting in December. The installation of the Mayor (in a year in which the Mayor is elected) and the selection of the Vice Mayor shall occur as the first items of business following roll call, the Pledge of Allegiance, and the observed Moment of Silence. Council shall then recess for a brief reception honoring the outgoing and incoming or re-elected Mayor and Council members.

Upon reconvening the meeting following the reception described above, the newly elected Mayor and selected Vice Mayor shall begin his/her duties at that time.

The seating of newly elected Council members shall occur at the same meeting that the Council reorganizes as follows:

1. The Mayor shall be seated in the center seat.
2. The Vice Mayor shall be seated to the immediate left of the Mayor.
3. The seat to the left of the Vice Mayor shall be occupied by the Council member for the lowest number district not selected as Mayor or Vice Mayor. For example, if the Council member for District 1 is selected as Mayor or Vice Mayor, the Council member for District 2 shall be seated in this seat.
4. The seat to the immediate right of the Mayor shall be occupied by the Council member for the next lowest number district not selected as Mayor or Vice Mayor. For example, if the Council member for District 2 is selected as Mayor or Vice Mayor, the Council member for District 3 shall be seated in this seat.
5. The seat to the far right of the Mayor shall be occupied by the Council member of the highest number district not selected as Mayor or Vice Mayor.

APPOINTMENT OF ELECTED OFFICIAL VACANCIES

If current standing members of the City Council participate as candidates in the General Election for any seat other than their incumbent [a City of Elk Grove](#) position, the City Clerk will present an item at the meeting in August after the close of the election nomination period to open an application process in anticipation of potential vacancies. Based on the results of the General Election, if a pending vacancy is apparent, the City Council can consider appointment as early as the first meeting in November, or such other time as the City Council deems appropriate. A special meeting can be convened to consider the conditional appointment as needed to await final, certified election results, with the objective to install the appointed member at the first meeting in December.

The appointment process commences with opening a recruitment and permitting time for community vetting of candidates. At the meeting to consider an appointment, each candidate will have the opportunity to give an opening statement of five5 minutes, and answer questions posed by the City Council. The candidates will be received in alphabetical order by last name. After all candidates have the opportunity to provide their opening statements, and answer questions of the City Council, the public comment opportunity is opened. After public comment, the City Council deliberates on the matter and takes action or provides direction as deemed appropriate. The standing City Council will participate in the appointment decision pursuant to applicable statutes of Government Code section 36512(e).

COUNCIL ANNUAL RECESS

The City Council annually recesses from its regularly established meeting schedule the first meeting of August, and the second regularly scheduled meetings of November and December.

ATTENDANCE ON LEGISLATIVE ADVOCACY VISITS

The Mayor and the Vice-Mayor shall be designated as the City Council's sole representatives on the annual Federal legislative advocacy visit made exclusively to solicit federal aid on behalf of the City of Elk Grove. If either is unavailable the Mayor shall solicit alternates to attend.

This provision shall not apply to participation in the Sacramento Metro Chamber's annual "Capitol to Capitol" advocacy visit, which shall be available to all Council members.

REGIONAL BOARDS AND COMMISSIONS

Whenever a member of the City Council is unable to attend a regional board or commission to which he or she is designated as the City's representative, he or she shall notify the alternate, if any.

COUNCIL ACTIVITIES CALENDAR

A two-month calendar is maintained by the City Manager's Office identifying all standing meetings, workshops, special events, and holidays of interest. The calendar will be provided to Members as part of their weekly correspondence. The City Manager highly encourages that all functions, events or meetings to be attended by individual Council members are included on the master calendar.

COUNCIL WEB PAGES

Each member of the City Council shall have a dedicated web page on the city website providing general information and updates on the district they represent, and providing individual members' biography, upcoming meeting scheduling, and contact information

CHAPTER 6 - RELATIONSHIP AND CONDUCT

RELATIONSHIP AND CONDUCT WITH CITY MANAGER

The City Council and the City Manager are a team:

- The City Council **establishes policies for the overall operation of the City.**
- The City Manager **directs and is responsible for the day-to-day operations of the city** (see appendix for ICMA's *Council Manager Form of Government: Frequently Asked Questions*).

To facilitate a productive relationship with the City Manager, City Council is asked to:

- 1) Except for the purpose of requesting information or assistance, deal with the administrative service under the City Manager solely through the City Manager. Neither the City Council nor any member shall give orders to any subordinates of the City Manager, either publicly or privately. Alternately, contact may be made directly with the Executive Staff (as defined in Chapter 4), department head (Planning Director, Public Works Director, Chief Building Official, Economic Development Director) or division head (such as the Integrated Waste Manager, Community Enhancement Manager, and Transit Manager) so long as a copy of communication is forwarded to the City Manager. The Executive Staff shall inform the City Manager of all Council contact;
- 2) Direct the City Manager to implement the Council's policy decisions through the administrative functions of the City;
- 3) Treat staff professionally and refrain from publicly criticizing or belittling individual employees;
- 4) Avoid involvement in personnel issues except during City Council Closed Sessions regarding City Council-appointed staff (City Manager, City Attorney or City Clerk), including hiring, firing, promoting, disciplining and other personnel matters;
- 5) Discuss directly with the City Manager, any displeasure with a department or staff;
- 6) Request answers to questions on City Council agenda items from the City Manager, City Attorney, City Clerk or department heads prior to the meeting whenever possible;
- 7) Understand that all written informational material requested to be prepared for individual Council members shall be submitted to all Council members;
- 8) Refer complaints to the City Manager for further processing. Staff shall be given adequate time to investigate and respond to such complaints;
- 9) Receive from the City Manager timely information regarding unusual events that the public would be concerned about; i.e. anyone wounded by gunfire, area cordoned off by police or fire, significant event, etc.

RELATIONSHIP AND CONDUCT WITH CITY ATTORNEY

In all matters, the City Attorney represents the City of Elk Grove and is the legal advisor to the City Council, City Manager and department heads. The general legal responsibilities of the City Attorney are to:

- 1) Provide legal assistance necessary for formulation and implementation of legislative policies and projects;
- 2) Represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings;
- 3) Prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared;
- 4) Keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the city.

It is very important to note that the City Attorney does not represent individual members of Council, but the City and the City Council as a whole. An attorney representing a corporation, including a municipal corporation, does not automatically have an attorney-client relationship with the organization's individual constituents (officers, directors, shareholders, employees). There is no individual attorney-client privilege between a corporation's attorney and individuals within the corporation unless there is a clear showing that the individual consulted the corporate counsel in the officer's individual capacity.

RELATIONSHIP AND CONDUCT WITH CITY CLERK

The City Clerk works at the pleasure of the Council and performs statutorily mandated duties and tasks as assigned by the City Council. The general responsibilities of the City Clerk are to:

- 1) Serve as the Elections Official of the City;
- 2) Protect and preserve the legislative record of the City Council and other various records;
- 3) Facilitate delivery of records consistent with the provisions of the Public Records Act;
- 4) Receive filings on behalf of the City;
- 5) Facilitate the preparation, duplication, preservation and delivery of Council agenda materials;
- 6) Advise City departments about best practices for records management.

RELATIONSHIP AND CONDUCT WITH STAFF

City staff seeks to provide Council members free access to information from the City and to ensure that such information is communicated completely and with candor to those making the request. To carry out this responsibility, however, Council members must avoid intrusion into those areas which are the responsibility of staff. This is necessary to protect staff from undue influence and pressure from individual Council members, and to allow staff to execute priorities given by management and the Council as a whole.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual Council members for information or assistance. Requests of the City Attorney's office are to be submitted to the Attorney. Requests of the Clerk's office are to be submitted to the Clerk. All other requests of staff are to be submitted through the City Manager's office.

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 Council member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon a majority of the Council to do so as a matter of Council policy.

Individual Council members, as well as the Council as whole, shall receive the full cooperation and candor of staff in being provided with any requested information. Again, requests of staff (other than the City Attorney and City Clerk) are to be submitted through the City Manager's office.

The City Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council as a body and in keeping the Council informed. 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 influence recommendations.

REQUESTS FOR RESEARCH OR INFORMATION

In general, Council members should inform the City Manager prior to communicating directly with any employee below the Executive Staff. A Council member may request directly from department and division heads answers to routine questions or information on a given topic when it will require little or no research and have little or no impact to City operations. The Council member should also advise the City Manager of this request. City staff shall inform the City Manager of all Council contact.

Requests for information or research by either Council members or members of the public (except those otherwise governed by law, such as Public Records Act Requests) that are anticipated to take staff more than two hours to complete will be brought to the full Council at a regular meeting for consideration and approval by a majority of the Council members. All written documents produced as a result of these information or research requests, including the requests themselves, shall be shared with the full Council.

All Council requests dealing with policy and those requests which may be construed as direction shall be directed to the City Manager except for routine general inquiries or questions that will not disrupt city operations, in which case, the City Council may go to the department heads or the City Manager's Office. Members may also contact the City Attorney or City Clerk.

Any request from City Council requiring funding must be addressed with the City Manager. The City Manager shall respond in a timely manner.

To assist the City Manager, requests for information are best tracked if submitted in writing, either in memorandum form or through e-mail. And to ensure proper responsiveness, Council members are asked to copy both the department head and the City Manager on all correspondence with staff.

CHAPTER 7 - COMMUNICATION & REPRESENTATION

REPRESENTING MAJORITY VS. INDIVIDUAL OPINION

A person elected to the City Council plays two roles: a member of a body elected to represent the City in its entirety and a private resident of the City. The second role is not relinquished when the first role is assumed. It is important to distinguish between the two roles at all times and to conduct business in one role separately from the other. The elected Council member retains the right to speak as an individual, not as a member of the City Council, but must make it very clear that he/she speaks on his/her own behalf and not as a member of the City Council. This is because when the Council acts, it acts as a whole, not as a group of individuals.

CORRESPONDENCE FROM COUNCIL MEMBERS

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 the Council will often prepare letters for constituents in response to inquiries or to provide requested information. City letterhead is available for this purpose, and staff can assist in the preparation of such correspondence.

On occasion, members may wish to transmit correspondence on an issue upon which the Council has yet to take a position or about an issue for which the Council has no position. In these circumstances, members should clearly indicate either in correspondence or verbally that they are not speaking for the City Council as a whole, but for themselves as one member of Council. City letterhead and office support may be utilized in these circumstances.

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

Council members are often asked to prepare letters of recommendation for students and others seeking employment or appointment. It is appropriate for individual Council members to utilize City letterhead and their Council titles for such letters.

All Council member correspondence using City resources shall be copied to the full Council, the City Manager, the City Attorney, and the City Clerk.

PERSONAL CORRESPONDENCE

City Council members will be provided individual stationery and envelopes for use in communications reflecting their personal positions, not the position of the full Council. These communications will be prepared and sent at the expense of individual Council members. Council members may utilize the City's outgoing mail service; however, postage will be at the Council member's expense.

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 taken in open session. 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.

CITY COUNCIL POLICY ON EXPRESSION OF CITY OR CITY COUNCIL POSITIONS

The Mayor and individual Council members are not authorized to speak on behalf of the City or the City Council with regard to City or City Council policy or positions, except when such policy or position has been clearly established or when the Mayor or Council member has been designated as a spokesperson on a given subject.

Periodically the City Council is requested to formally support or oppose state or federal legislation. In considering whether or not to take such action, it is City Council policy to determine first if the legislation involves matters pertaining directly to the City of Elk Grove or its residents as a whole. If the subject matter does not relate directly to City business or to local residents, then the City or City Council can decline to take a position. If the legislation could be expected to affect the City or its residents, then the Mayor and Council members may elect to take a position.

All correspondence articulating the City's position on state and federal legislation shall be handled in a manner consistent with the City Council's adopted goals and policies.

CAMPAIGNING

The City Council Chamber cannot be used as a location for taking campaign photos. The use of photos with current City staff and City Council candidates in election materials is prohibited.

REPRESENTATION AT CEREMONIAL FUNCTIONS

A. City Sponsored Events.

The Mayor, or Vice Mayor in his/her absence, shall represent the Council at ceremonial functions organized by the City. The Mayor or Vice Mayor may, at his/her own discretion, ask another Council member to represent the Council at that function when neither is available. In the absence of such request, if neither the Mayor nor Vice Mayor is present at an event, but one or more other Council members is present, the most senior Council member, in terms of time served on the Council, shall represent the Council at the event. Only a Council member (including the Mayor) may represent the Council at such event.

In addition, the Council member in whose district an event occurs shall also be included in any agenda or program for ceremonial functions. Staff shall also include any Council member who has promoted a project or event in any program or agenda for such a function.

B. Non-City Sponsored Events.

Staff shall invite all Council members to attend non-City sponsored events in which the City has some involvement. As a general rule, the Mayor, or Vice Mayor in his/her absence, shall represent the Council at these functions. If neither the Mayor nor the Vice Mayor is available to attend a non-City sponsored event, any Council member may represent the Council. Only a Council member (including the Mayor) may represent the Council at such event. Nothing in this provision is meant to preclude a Council member from representing the Council at a ceremonial function where the event organizer has requested that a specific Council member attend the function.

REPRESENTATION AT REGIONAL BOARDS

If a member of the City Council appears before another governmental agency or organization to give a statement on an issue affecting the City, the Council member should first indicate the majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Council member clarifies that these statements do not represent the position of the City Council.

PARTICIPATION IN COMMUNITY ACTIVITIES

From time to time, Council members may choose to participate in community activities, committees, events, and task forces. When a Council member participates in these types of activities, the Council member is acting as an interested party rather than acting on behalf of the City Council. Acting or participating on behalf of the City Council is limited to those instances when the Council has formally designated the Council member as its representative for the matter.

CHAPTER 8 – ADVISORY BODIES

Staff support and assistance is provided to advisory bodies, but those bodies do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and City Council. The members of the commission/board/committee are responsible for the functions of the advisory body.

Staff support includes preparation of an agenda, and preparation of reports providing a brief background of the issue, a list of alternatives, recommendations, and appropriate back up materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

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

CHAPTER 9 - STANDING AND AD HOC COMMITTEES

At its first regular meeting in December, the Mayor shall appoint Council members to standing and ad hoc committees as required to accomplish the work of the Council, subject to the approval of the full Council. The Council shall make certain that all Council Committees are properly instructed on their responsibilities, direction, and performance expectations. The responsibilities of each committee include:

- informing the Council about its work and progress during the Council Comments portion of each regular Council meeting; and
- making and submitting recommendations to the Council for consideration and/or vote.

Staff will work with and support Council committees as required.

The City Council may form ad hoc committees of up to two Council members to address limited and specific issues consistent with the Brown Act. At its first regular meeting in November, the City Council will review each Council ad hoc committee to determine the need to renew or terminate the committee at its first regular meeting in December.