

CITY OF PORTOLA PROCEDURES MANUAL

I Introduction & Overview

City Council members establish important and often critical policies for the community and serve as board members of a public corporation. 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.

A. Purpose of the Portola Procedures Manual

The City of Portola has prepared this City of Portola Procedures Manual to assist the City Council by documenting accepted and agreed-upon 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 Council members in their actions. This Procedures Manual can be modified by this Council or future Councils, as the need arises.

B. Overview of Basic City Documents

This Procedures Manual 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.

1) *Portola Municipal Code*

The City Municipal Code contains local laws and regulations adopted by ordinances. The administrative chapter of the code addresses the role of the City Council, Mayor and Mayor Pro Tem. It also describes the organization of the 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, smoking restrictions and traffic/speed regulations.

2) *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. Open meeting laws, (the Ralph M. Brown Act) are also included in the Government Code. Portola is a “general law” city, which means it is organized in accordance with provisions of the government code. Some cities within California are “charter cities” and have adopted local provisions to determine how the City is structured.

Also described within the government code is the Council-City Manager form of government which is that practiced in Portola. 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.

3) Annual Budget

The City's annual budget provides a description of city services and resources used to provide services. The document contains a broad overview of the budget as well as descriptions of programs offered within each division of the organization.

4) General Plan

Often referred to as a city's development constitution, a state mandated general plan addresses adopted future land development plans and policies.

5) Water/Sewer Master Plans

These plans satisfy a requirement of the government code and serve as planning tools to assist the City in identifying existing deficiencies and budgeting for corrections of such deficiencies, anticipating areas where growth is likely to occur and identifying improvements necessary to serve such growth and setting future facility fees.

C. Orientation of New Members

It is important the 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 the City Staff will arrange to provide invitations for members to tour facilities and meet with staff. City staff will also coordinate any paperwork and/or mandatory training that a new member of the Council needs to complete pursuant to office policies and the law. At any time, if there are facilities or programs about which Council members would like more information, arrangements will be made to increase Council member's awareness and understanding of these operations.

II General Powers & Responsibilities

A. City Council Generally

The powers of a city council in California to establish policy are quite broad. Essentially, councils may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, *the Council shall have the power in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the constitution and laws of the State of California (California Government Code).*

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and the Mayor Pro Tem have some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy and direction to staff 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 the Council does not reflect any bias against Council members who held a minority opinion on an issue.

Limitations are imposed on a Council member's ability to serve on advisory boards 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.

B. Role of Mayor & Mayor Pro Tem

1) Mayor

As reflected in the Municipal Code, 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 Mayor shall serve in this capacity at the pleasure of the City Council.

Traditionally, the Mayor has also been assigned by the City Council to consult and coordinate with the City Manager in the development of agendas for meetings of the City Council. The scope of such review focuses on the timing of business items, and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the Council. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full City Council.

2) Mayor Pro Tem

The Mayor Pro Tem shall perform the duties of the Mayor during the Mayor's absence or disability. The Mayor Pro Tem shall serve in this capacity at the pleasure of the City Council.

C. Appointment of City Manager

The City Council appoints the City Manager. The position serves at the pleasure of the City Council. The City Manager is an employee of the City and has an employment agreement which specifies some terms of employment, including timely evaluations by the City Council as outlined in the City Manager employment contract. The City Manager is responsible for all other personnel matters within the City. (The City Council sets salary ranges for City employees)

D. Appointment of City Attorney

The City Council appoints the City Attorney who serves at the pleasure of the City Council. City Attorney services are provided under a contractual arrangement with the City.

E. Role in Disaster

The City Council has some special extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations, the Council may be directed to assemble in one of the City's emergency operations centers to provide policy guidance and to receive information in an extreme emergency. Emergency operations centers are located in predetermined facilities that have been outfitted to accommodate representatives of all departments and contain communication equipment to monitor and manage disaster situations.

III Support Provided to City Council

A. Staff/Clerical Support

General staff and administrative support to members of the City Council is provided through the City Manager's office. All Council member requests will be made to the City Manager, who will then direct the work in consideration of all work loads and priorities. 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.

B. Mail, Deliveries

Members of the City Council receive a large volume of mail and other materials from the public, private interests and staff. Mail boxes are maintained for each member by the City Manager's office. Correspondence to individual City Council members are opened by staff and dispensed to all Councilmembers

IV Financial Matters

A. 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 \$300 per month. A seated City Council may not increase its own salary. Councils may only pass an ordinance to raise the salary of an incoming City Council. State law limits an increase to City Council salaries to 5% per year.

In addition, the City budget also includes an expenditure allowance for expenses necessary for Council members to undertake official City business. This includes attendance at conferences or educational seminars. Travel expenses, including meals (City policy does not allow reimbursement for alcohol) for Council members and mileage reimbursement, are made for City business.

B. 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. Courts have ruled that this prohibition includes personal political purposes. For example, reimbursement is not allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It would also be generally inappropriate for City funds to pay for a meal or other expenses of a private citizen attending a meeting.

City budgetary practices and accounting controls apply to expenditures within the City Council travel/training budget. Expense reimbursement is further outlined in the City of Portola Personnel Policies and Procedures Manual and resolution No. 2000, A Resolution of the City Council of the City of Portola Adopting Travel Expense and Reimbursement Policies for City Council Members, Appointed Members of the City Commissions and Advisory Committees and Employees of the City of Portola. Council members should plan travel which follows the annual budget. If travel is requested that exceeds the budgeted amount, action of the City Council must be taken to amend the budget.

V Communications

Perhaps the most fundamental role of a Council member is communication—communication with the public to assess community opinions and needs – communication with staff to provide policy direction and to gain an understanding of the implications 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.

A. Correspondence from Councilmembers

After the City Council has taken a position on an issue, official correspondence should reflect this position. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. 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 personal or political purposes.

B. Speaking for “the City”

Similar to written correspondence, when members are requested to speak to groups or are asked the Council's position on an issue, the response should reflect the position of the Council as a whole. Of course a member may clarify his/her vote on a matter by stating “While I voted against X, the City Council voted in support of it.” When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the City Council's position rather than that of an individual member.

C. Local Ballot Measures

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

D. Proclamations

Ceremonial proclamations are often requested of the City in recognition of an event or individual. Proclamations are not statements of policy, but a way in which the City can make special recognition of an event. As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations. Individual Council members do not issue proclamations.

VI Conflicts & Liability

A. Conflict of Interest

State laws are in place that attempt to eliminate any action by a Council member which may reflect a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest.

At any time a member believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney, the California Fair Political Practices Commission (FPPC) or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a member's potential conflict. Laws that 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 by the City Attorney 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 being interested in government contracts.

1) The Political Reform Act

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.

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,”... on a financial interest of the official or a member of the official's immediate family.

Determining whether a Council member 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 \$360 or more provided to or received within one year of the decision.

Often the financial interest involved is real property owned or leased by the Council member. In these cases, determining whether the Council member 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 use property, 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 financial effect on the Council member's property.

The Fair Political Practices Commission (FPPC) has published lengthy regulations and opinions on conflicts of interest that are useful in determining whether a particular financial interest or decision could give rise to disqualification based on a potential conflict of interest. The FPPC also puts out informational pamphlets to assist public officials in determining what types of situations may give rise to prohibited conflicts of interest.

2) *Government Code Section 1090*

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 Council member 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. Such restrictions include prohibitions on secrecy and discrimination as well as assurance that all City funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual Council members.

B. *Publication of City Attorney Conflict Advice*

The City Council has adopted a practice that advice provided to members of the Council or commissions regarding potential conflicts of interest are to be issued in writing and circulated to all members of the City Council. The rationale for his 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 Council member 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 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 whenever possible.

C. Conflicts of Interest Forms

Annual disclosure statements are required of all Council members, Planning Commissioners and certain staff and consultants that indicate potential conflicts of interest, including sources of income, ownership of property and receipt of loans and gifts.

D. Liability

The City is an 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 that reduces risk to all involved. The City belongs to two agencies with other government entities to manage insurance and risk activities.

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.

E. Harassment

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

VII Interaction with City Staff/Officials

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

A. Council-Manager Form of Government

Like most cities, Portola has adopted a City Council-City Manager form of government. 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 Municipal Code requires Council members to work

through the City Manager in dealing with City staff, unless simply requesting information from other staff members.

The City Manager is appointed by the City Council 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 as a whole, rather than to individual Council members, and directs and coordinates the various City departments.

B. Council/Manager Relationship

The employment relationship between the City Council and the City Manager honors the facts that the City Manager is the chief executive officer of the City and takes direction from a quorum of the City Council and not from individual council members. 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. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction, professionalism, or support of the City Manager.

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

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 final responsibility for establishing the policy direction of the City is held by the City Council. The City Manager communicates with City Council in various ways. Communication must be undertaken in such a way that all Council members are treated similarly and kept equally informed.

C. City Council/City Attorney Relationship

The City Attorney is the legal advisor for the City, acting through the 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; and 4) to keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual members of the City Council, but the City Council as a whole.

D. Roles and Information Flow

1) Objectives

It is the intent of staff to ensure Council members' 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, Council members must avoid intrusion into those areas which are the responsibility of staff. Individual Council members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without prior knowledge and approval of the City Council as a whole. 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, without fear of reprisal.

2) *Council roles*

The full City Council retains power to accept, reject, amend, influence or otherwise guide and direct, through the City Manager, staff actions, decisions, recommendations, work loads 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 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 gain the support of a quorum of the Council.

3) *Access to information*

Individual Council members, as well as the Council as a whole, 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.

4) *Staff roles*

The Council recognizes the primary functions of staff are executing Council policy and actions taken by the Council and in keeping the Council informed through the City Manager's interaction with the City Council. Staff is obligated to take guidance and direction only from the Council as a whole or from the appropriate management supervisors. Staff is directed to reject any attempts by individual Council members 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 Council members 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.

5) ***Dissemination of information:***

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

E. Restrictions on Political Involvement by Staff

Local governments are non-partisan entities. Reflected within the Council/Manager form of government is an expectation for a professional staff that 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, fund-raisers, 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. However, there are limitations to such involvement. Different restrictions apply to management and general employees.

General employees have no restrictions with respect to political activities 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 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 Council member asking staff to sign petitions or similar items is prohibited.

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

VIII City Council Meetings

These rules shall establish the procedures for the conduct of all meetings of the City Council of the City of Portola. The purpose of these rules is to provide procedures consistent with the Ralph M. Brown Act, establish procedures which will be convenient for the public, be fair to all members of the City Council and contribute to the orderly conduct of City business.

A. Meetings

1) *Open to the public*

All meetings of the City Council, whether regular or special, shall be open to the public, unless a closed session is scheduled as authorized by law.

2) *Regular Meetings*

The City Council shall conduct its regular meetings at the time and place established by resolution.

3) *Special Meetings*

A special meeting may be called at any time by the Mayor or by three members of the City Council. Written notice of such meeting must specify the purpose of the meeting and made in accordance with the law.

4) *Closed Sessions*

The City Council may hold closed sessions during a regular or special meeting, or at any time authorized by law, to consider or hear any matter that is authorized by law.

5) *Quorum*

Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three (3) Council members appear at a regular meeting, the Mayor, Mayor Pro Tem in the absence of the Mayor, any member, or in the absence of all members, the City Clerk or Deputy City Clerk, shall adjourn the meeting.

Business of the City Council may be conducted with a minimum of three (3) members being present; however, matters requiring the expenditure of City funds must receive three (3) affirmative votes for approval.

6) *Adjourned Meetings*

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment and permitted by law.

B. *Posting Notice & Agenda*

For every regular or special meeting, the City Clerk or other authorized person, shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document.

Location of Posting: The notice and agenda shall be posted in a place to which the public has unrestricted access during at least normal business hours and where the notice and agenda are not likely to be removed or obscured by other posted material.

1) *Posting for Regular Meetings*

For any regular meeting of the City Council, the notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting.

2) *Posting for Special Meetings*

For any special meetings of the City Council, the notice and agenda shall be posted no later than twenty-four (24) hours prior to the time for the meeting.

C. *Agenda Contents*

1) Description of Matters

All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description should set forth as clearly as practical a description of the item and the proposed action to be considered, so that members of the public will know the nature of the action under review and consideration

2) Availability of the Agenda to the Public

The agenda for any regular or special meeting shall be made available to the general public as soon as it is practical after delivery to the members of the City Council.

3) Limitation to Act on Only Items on the Agenda

No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:

- a. Upon a majority determination that an “emergency situation” (as defined by State Law) exists; and,
- b. Upon a determination by two-thirds of the City Council members present, or if two thirds of the Council is not present, by a unanimous vote of those present, that there is a need to take immediate action and that the need to take action came to the attention of City officials subsequent to posting of the agenda.

D. Order of Business

The order of business at meetings of the City Council shall generally be as follows:

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Roll Call
- 4. Public Comment – This item refers to those matters not scheduled on the agenda where a member of the public wants to address a matter of importance to the City Council. Since the matter is not one on the agenda, no action by Council can be taken. However, the City Council can ask clarifying questions. If the Council so desires, the matter can be placed on the agenda of a future Council meeting for review and consideration.
- 5. City Communications
 - A. Reports on meetings
 - B. Updates on activities of individual members of the Council relating to City Business
 - C. City Manager/Staff Reports – Updates on current City activities, reports on issues raised at previous Council meetings or special recognitions. These are non-action/discussion items.
- 6. Proclamations/Presentations (if necessary)
- 7. Consent Calendar – These items of a routine or generally uncontested nature. Any member of the Council may request to have an item pulled from the Consent Calendar and acted on individually by the Council.
- 8. Legally Noticed Public Hearings – These matters are ones that are duly noticed and published in a newspaper of general circulation and, where required by law, written

notice is given to the affected residents who have the opportunity to speak in favor or against a matter or ask questions about the matter.

9. Order of Business – These are other matters of City business that are not appropriately placed on the consent calendar requiring Council action and/or direction.
10. Closed Session – Closed sessions of the City Council can only be held for matters specifically authorized by law. At times, closed sessions may have to be held in an order different than presented here due to timeliness of the matter, to save the City money when an outside attorney has been retained or due to the need for extra time to discuss and deliberate an important closed session item.
11. Adjournment

E. Change in Order of Business

The Mayor or Presiding Officer may decide to take matters listed on the agenda out of the prescribed order unless a majority of members present object to this variation.

F. Public Comment

1) Public Comment

Persons present at meetings of the City Council may comment on individual items on the agenda at the time the items are scheduled to be heard. In addition, comments may be offered on items not on the agenda under that portion of the agenda identified for public comment.

2) Limitations

The public comment period shall be 3 minutes ordinarily, for items on the agenda or items not listed on the agenda. The Mayor or Presiding Officer may allow more time unless a majority of the City Council objects.

3) Procedure

Upon addressing the City Council, each speaker is requested to address the Council and first state his or her name.

G. Procedure for the Conduct of Meetings

1) Role of the Mayor/Presiding Officer

The Presiding Officer of the City Council, who shall be the Mayor or in the Mayor's absence shall be the Mayor Pro Tem, or in their absence any other designated member of the City Council, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Presiding Officer to ensure that the rules of operation and decorum contained herein are observed. The Presiding Officer shall maintain control of communication between Council members and between the Council, staff and public.

2) Communication with Council members

Council members should request the floor from the Presiding Officer before speaking.

When one member of the Council has the floor and is speaking, other Council members shall not interrupt or otherwise disturb the speaker.

With the concurrence of the Mayor, a Council member holding the floor may address a question to another Council member. The Council member being questioned may or may not respond while the floor is still held by the Council member asking the question. The reply shall be limited to the question asked.

3) *Communication with members of the public addressing the Council*

The Mayor or Presiding Officer shall open the floor for public testimony as appropriate.

Council members may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak. Such questions should be directed to the person through the Presiding Officer unless the Presiding Officer grants the Council member permission to directly question the person.

Staff members, through the City Manager, shall be a resource to the City Council to answer questions arising during discussions between the Council members and between Council members and members of the public. Communications in this regard shall be through the Presiding Officer.

Members of the public shall direct their questions and comments through the Presiding Officer.

H. Rules of Order

The City Council adopts no specific rules of order except those listed herein. The Mayor or Presiding Officer has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These later rules will be followed unless objected to by a majority of the City Council members present.

1) *Protocol for agenda action items*

- a. Introduction by City Manager
- b. Report from staff/item sponsor
- c. Council question/comment/debate
- d. Motion, second
- e. Public comments
- f. Additional questions/comments/debate of Council
- g. Action

- h. Motions – The Mayor or any member of the City Council may bring a matter of business on the agenda before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Presiding Officer shall open the matter for full discussion and debate offering the first opportunity to discuss and debate to the moving party and, thereafter, to any Council member recognized by the Mayor or Presiding Officer. Discussion and debate shall be closed upon consent of a majority of the Council.

I. Reconsideration

A matter may be reconsidered by the City Council if a member on the prevailing side of the vote requests reconsideration. Such motion may be made at a meeting where such action is taken or at a subsequent meeting of the Council, however, nothing in this policy precludes the majority of members of the City Council from requesting reconsideration of any item.

J. Debate

The discussions and deliberations at meetings of the City Council are to secure the mature judgment of Council members on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

Debate is regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

K. Obtaining the Floor for Debate

As soon as a debatable motion has been stated to a Council by the Mayor or Presiding Officer, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by recognition of the acting Mayor and is entitled to be heard so long as he/she observes the rules of debate.

L. Speaking more than once

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Council member has already spoken and other members wish to speak, the latter members should be recognized in preference to the member who has already spoken. However, if no other members seek recognition, the Mayor or Presiding Officer may recognize the member who has already spoken.

M. Relevancy of Debate

All discussion must be relevant to the motion before the City Council. A member is given the floor only for the purpose of discussing the pending question; discussion that departs is out of order. The Mayor or Presiding Officer should then direct the speaker to limit discussion to the question before the City Council

A motion -its nature or consequences- may be attacked vigorously. But, it is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor or Presiding Officer instantly to stop any member who engages in personal attacks. It is the motion, not its maker that is the subject of debate. Meetings must discuss measures and ideas not people.

Arguments, for or against a measure, should be stated as concisely as possible.

Debate must be fundamentally impersonal. All discussion is addressed to the Mayor or Presiding Officer and must never be directed to any individual.

N. Mayor's Duties during Debate

The Mayor or Presiding Officer has the responsibility of controlling and expediting debate. A Council member who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor or Presiding Officer to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

O. Items to be placed on the Agenda

Council members – Any member of the City Council may request to have any matter(s) that is approved under the guidelines of the Brown Act to be placed on the agenda of the City Council by making a request to the City Manager, providing the Mayor consents to the request during the agenda preparation process

The City Council may determine to hold over/continue any matter to a future agenda.

The City Manager, with concurrence from the Mayor, may hold over an item for a future agenda if he/she determines that the matter is incomplete based upon subsequent information.

P. Decorum

1) Council members

Members of the City Council value and recognize the importance of the trust invested to them by the public to accomplish the business of the City. Council members shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council.

2) City employees

Members of City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business and professional manner towards Council members and members of the public.

3) Public

Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.

4) Noise in the Chambers

Noise emanating from the audience within the Council Chambers or lobby area, which disrupts City Council meetings, shall not be permitted.

IX Complaints

Any complaint against the City Council, City Management, or City operations shall be submitted in writing to the City Manager on the appropriate City form. Such complaints shall generally be evaluated, investigated and final disposition acted upon by the City Manager within ten (10) business days. The City Manager will inform the complaining party of the final disposition of the investigation within five (5) working days of the completion of the complaint investigation. Employees of the City will be afforded all the rights provided by the City's Employee Personnel Policies and Procedures and state law, including the Brown Act, in personnel matters.

In the event that the complaining party is not satisfied with the disposition of the complaint by the City Manager, the complaining party may appeal to the City Council for further evaluation. The City Manager will then respond in accordance with the direction from the City Council. The final result of all complaints shall be distributed to all Council members and the complaining party.

If the complaint is made against the City Manager, member of the City Council, member of a board or commission, or the City Attorney, it shall be processed as directed by the City Council.

X Appointments to Committees and Commissions

A. Mayor's Standing Committees

During a retreat in August 1998, the City Council took action to form three standing committees: Finance & Administration, Infrastructure and Community Development. The committees consist of two members of the City Council, appointed annually by the Mayor with an affirmative vote of the Council.

B. Planning Commission

The Planning Commission consists of five members who are appointed by the Mayor, with the consent of the City Council. The appointment process, requirements for appointments, compensation for Commission members, terms and vacancy filling are established in the Portola Municipal Code.

C. Ad-Hoc Committees

The Mayor with consent of the City Council may form ad-hoc committees at his or her pleasure as the need arises. These committees are generally formed to address a single project or purpose, are not perpetual and are dissolved once their specific task is completed.

D. Boards and Commissions of Other Agencies

The City is often requested to make appointments to Boards and Commissions of other governmental and non-governmental agencies. Annually, the Mayor shall review the list of current assignments and appointments. Any Council member desiring to serve on a certain committee (or who desires not to be considered) should inform the Mayor.

E. Qualifications

For appointment to an ad-hoc committee or boards and commissions of outside agencies, the appointee must generally be a resident of the City of Portola. However, exceptions can be made for extraordinary circumstances on a case-by-case basis. The Mayor may consider allowing a member to complete a term if he/she moves outside of the City. Other exceptions may include ex-officio appointments, appointments which represent an organization or when the Mayor determines it is in the best interest of the City to appoint an individual who is not a resident of Portola.

XI Violations of Procedures

Failure to abide by these policies and procedures shall not invalidate a properly noticed and acted upon action of the City Council in accordance with state law.