



TO: Mayor and Councilmembers

FROM: Michelle Greene, City Manager

CONTACT: Tim W. Giles, City Attorney
Valerie Kushnerov, Community Relations Manager

SUBJECT: Rules of Decorum and Procedure

RECOMMENDATION:

Continue the discussion of the City Council Workshop from June 9, 2016, on existing Rules of Decorum and Procedure and provide direction on any needed changes, edits or clarifications.

BACKGROUND:

The City Council began its review of the Rules of Decorum and Procedure on June 9, 2016; this item is a continuation of that discussion.

DISCUSSION:

During the June 9th workshop, the City Council was able to review the document in its entirety. Items needing clarification or further discussion were reserved for further discussion. Many of these items were addressed on June 9, 2016; however, several of these items still require discussion and are outlined in Attachment 1. The suggested wording changes are outlined in Attachment 2. A copy of the existing Rules of Decorum and Procedure is included in Attachment 3. The revised Council Agenda Request Form that was discussed during the June 9 meeting as a method for a council member to request an item be placed on the agenda is included in Attachment 4.

FISCAL IMPACTS:


There are no fiscal impacts associated with review and modification of the City Council's Rules of Decorum and Procedure.

Legal Review By:

Approved By:



Tim W. Giles
City Attorney


Michelle Greene
City Manager

ATTACHMENTS:

1. Parking Lot Summary
2. Proposed Edits
3. Copy of City Council Rules of Decorum and Procedure (Updated January 2014)
4. Council Agenda Request Form

Attachment 1

Parking Lot Summary

Parking Lot Summary (Follow Up to June 9, 2016 Workshop)

City Council Rules of Decorum and Procedure

Slide #	Slide Information	Workshop Result(s)	Status
Items for discussion			
8	Procedure for capturing and following up for Council's discussion/disagreement on an item (JF)		Need to discuss
5	Define "criticize" (PP)		Need to discuss
21	Timeline for staff response (PP)		Need to discuss
37-38	Order of Discussion and Motions (RA)	Council needs to think about this and revisit it	Need to discuss
Items for staff follow up			
	Political activity	Look into what other cities are doing (campaign info)	Staff follow up - TG
	Agenda availability on iPad (RA)	City Clerk Deborah Lopez responded	Staff follow up - DL
	Distribution of public comments (PP)	Per DL, City Council Meeting Agenda will be updated to ask for public comments in advance	Staff follow up - DL
	Additional staff education on difference between discussion of the issue vs. motion		Staff follow up - TG
Suggested revisions outlined in Attachment A			
59	Suggested New Protocol: Recording meetings and workshops	Council consensus for staff discretion cleared by Mayor and Mayor Pro-Tem; also to be listed on agenda if the meeting will audiotaped or videotaped	Revise
13	Council to ask questions in advance of City Council meetings (RA)	Tim confirmed meetings should not only be City Council Meetings but also include Committee Meetings	Revise
15	Do the right things right (TV)	Council consensus to remove	Revise
15	Maintain a safe environment for public/community (MB)	Council consensus to rewrite	Revise
14	Keep the Council informed / Ask questions (RA)	Council consensus to split into two bullet points	Revise
17	Pending legislation (MG)	Add to City Manager's role (currently only under City Attorney – should be both)	Revise

	Collaboration between the two positions (TG)	Add a bullet point about the CM and CA working collaboratively	Revise
18	Hire outside legal counsel as necessary (TV)	Council consensus to change wording to “Hire and supervise...”	Revise
18	Advise the Planning Commission	Council consensus to change to “Advise all boards and commissions as appropriate”	Revise
29	Placing an item on the agenda (RA)	Council consensus to approve proposed wording with changes (Two Councilmembers, staff to respond within two Council meetings...)	Revise
44	Non-election year appointments (RA)	Council consensus to update wording to something like “...Councilmember communicates to the City Clerk via email to make a change to his/her appointment...”	Revise
58	Revised Procedure – Proposed	Slight modifications made	Revise
61	Role of Mayor: time estimates	Council consensus for proposed change using the word “Review” instead of “Create”	Revise
63	Preparing for Council Meetings	Consensus to change from noon to 5 p.m.	Revise
Completed at previous meeting			
6	Legal Issues (RA)	Clarified by TG	Done
7	Share Info (TV)	Clarified by TG	Done
9	Rosenberg’s Rules of Order (RA)	Brought up later in workshop	Done
60	Allocate presentation time to things outside the City’s jurisdiction	Heated discussion with the Council split; consensus to leave as is	Done

Attachment 2
Proposed Edits

**Proposed Edits to Rules of Decorum and Procedure
August 2016**

Line 37

EXISTING LANGUAGE: **Create** time estimates for each agenda item

PROPOSED CHANGE: **Review** time estimates for each agenda item

Lines 46-47

EXISTING LANGUAGE: Ask questions about agenda items prior to City Council meetings so they can get their questions answered in advance of the meetings

PROPOSED CHANGE: Ask questions about agenda items prior to City Council **and Committee** meetings, so they can get their questions answered in advance of the meetings

Line 53

EXISTING LANGUAGE: Keep the Council informed and answer questions from the Council

PROPOSED CHANGE: Create two separate bullet points

- Keep the Council informed
- Answer questions from the Council

Line 54

EXISTING LANGUAGE: Do the right things right.

PROPOSED CHANGE: Delete entire line.

Line 58

EXISTING LANGUAGE: Maintain a safe environment for employees.

PROPOSED CHANGE: Maintain a **safe and healthy environment at City facilities**.

Line 58A

PROPOSED CHANGE: Add: Work collaboratively with the City Attorney

Line 58B

PROPOSED CHANGE: Add: Keep the council informed about pending legislation that could affect the City

Line 70

EXISTING LANGUAGE: Advise the Planning Commission

PROPOSED CHANGE: Advise **all City boards and commissions as appropriate**

Line 71

EXISTING LANGUAGE: Hire outside legal counsel as needed

PROPOSED CHANGE: Hire **and supervise** legal counsel as needed

Line 71A

PROPOSED CHANGE: Add: Work collaboratively with the City Manager

Lines 101-124

Procedure for a Councilmember to Place an Item on the Agenda

EXISTING LANGUAGE:

There are two methods by which a Councilmember can request that an item be placed on a Council agenda:

- 1) At the end of a council meeting during *Council Comments*, a Councilmember can raise a topic and ask for another Councilmember to support it being on the agenda; if he or she gets the second vote, then the topic is placed on a future agenda for discussion.
- 2) Two Councilmembers can advise the City Manager that they are both interested in a topic being placed on the agenda.

Councilmembers wishing to place an item on the agenda will provide information about the topic on a form provided for this purpose.

Staff, through the City Manager, will provide information to the Council about the topic and advise on the amount of work that would be involved in researching the item. It will not be a full staff report at this time but rather will be minimal information for the purpose of providing pertinent information that will assist the Council in determining whether to direct additional work to be done. If the Council decides to move forward, then the appropriate level of staff research will be done to bring it back to the Council for full discussion.

Instances may occur in which a Councilmember suggests an item for the Council agenda that would be better dealt with in the regular course of business. When that occurs, the City Manager or City Attorney will so inform the Councilmember.

PROPOSED CHANGE:

The method by which a Councilmember can request that an item be placed on a Council agenda is as follows:

- (1) **Two Councilmembers** complete an agenda request form and submit it to the City Manager, **via email or hard copy**.
- (2) The City Manager, or his/her designee, gives the form to the appropriate staff to prepare a short overview for the purpose of providing pertinent information that will assist the Council in determining whether to direct additional work to be done. **Council will receive the overview no later than two Council meetings from when the request was made. If a similar request is already in process, or has been previously researched, the City Manager will communicate this to the Councilmember(s) who made the current request.**
- (3) The Council will review these requests during a regular portion of the Council meeting and determine whether the majority of the Council supports bringing it back to the Council for full discussion at a future date.

Lines 130-131

EXISTING LANGUAGE: Councilmembers will ask their questions on the agenda reports by at least noon on Monday prior to the Council meeting.

PROPOSED CHANGE: Councilmembers will **ask their questions by 5 p.m.**, if possible, the evening before the Council meeting.

Lines 176-178

EXISTING LANGUAGE: In the non-election year, the Council can also review appointments in cases where a Councilmember would like to make a change to his or her appointment; this would not involve a review of all appointments

PROPOSED CHANGE: In the non-election year, the Council can also review appointments in cases where a Councilmember **communicates to the City Clerk via email** to make a change to his or her appointment; this would not involve a review of all appointments

PROPOSED ADDITION – Insert on line 100

New Heading: *Protocol for when to record special City Council meetings and workshops*

Staff will make a recommendation to the Mayor and Mayor Pro-Tem about whether to record special City Council meetings and workshops. The Mayor and Mayor Pro-Tem will review and affirm/not affirm the staff recommendation. Should the Mayor and Mayor Pro-Tem be unable to come to consensus, the meeting will be audio recorded.

ATTACHMENT 3

Copy of City Council Rules of Decorum and Procedure (Updated January 2014)

**CITY COUNCIL
RULES OF
DECORUM AND PROCEDURE**



January 2014

PREFACE

Pursuant to authority granted by California Government Code Section 36813 and Goleta Municipal Code section 2.01.030, the City Council of the City of Goleta established these Rules of Decorum and Procedures contained herein by Resolution No. 12-81 adopted on November 20, 2012 and amended by Resolution No.14-01 on January 14 2014. The Rules are intended to establish norms of conduct for the members of the City Council and Procedures related to the functioning of the City Council. The Rules shall be in effect upon adoption by the City Council and shall remain in effect until such time as amended or new rules are adopted in the manner provided herein.

The rules contained herein are not intended to supercede any law, rule or procedure contained in State law or adopted by the Goleta City Council by ordinance or resolution. The City Council may dispense with any rule or procedure contained herein in circumstances where adherence might deny due process to any party or violate any law.

In addition to the Rules of Decorum and Procedures, the City Council has included in this document other information which may be useful to the City Council, administrative staff, and the general public.

**CITY OF GOLETA
CITY COUNCIL
RULES OF DECORUM AND PROCEDURES**

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1 **Norms**

2
3 *In order to assure the efficient and effective administration of local government and to*
4 *enhance the confidence of the public in the Goleta City government, the members of the*
5 *Goleta City Council establish and agree to follow the following norms of personal*
6 *conduct.*

- 7
8
9 • Encourage public participation and transparency of government
- 10 • Act ethically, with integrity and in the public interest
- 11 • Treat each other, staff and members of the public respectfully
- 12 • Do not criticize staff or others in public
- 13 • Treat all members of the public equally
- 14 • Respect the roles of elected officials, City Manager and City Attorney
- 15 • Communicate and direct the administrative functions of the City through the City
- 16 Manager
- 17 • Communicate and direct all legal issues and questions of the City to the City
- 18 Attorney
- 19 • Strive for consensus and listen to each others' views
- 20 • Disagree agreeably and professionally
- 21 • Share information and avoid surprises
- 22 • Work together as a body, modeling teamwork and civility
- 23 • Represent the City's official policies and Council position while expressing one's own
- 24 position and state clearly when it is his or her own opinion
- 25 • Foster a positive working environment with staff and elected officials from other
- 26 governmental organizations
- 27 • Keep confidential matters confidential
- 28 • Respect the independence and recommendations of the City's appointed boards
- 29 and commissions

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30 **Roles**

31 **...of Mayor, Council, City Manager, and City Attorney**

32 **Role of Mayor**

- 33 • Chair City Council meetings
- 34 • Represent the City Council and the City of Goleta
- 35 • Officiate at ceremonies
- 36 • Collaboratively set City Council meeting agendas with the City Manager
- 37 • Create time estimates for each agenda item
- 38 • Exercise authority to set time limits for public comment and presentations
- 39 • Foster decorum and respectful comments at Council meetings

40 **Role of the City Council**

- 41 • Stay informed, be responsive to constituents and their concerns
- 42 • Hire the City Manager and City Attorney, and evaluate their performance
- 43 • Provide direction as a body to the City Manager regarding City operations
- 44 • Approve contracts, budgets, create policy
- 45 • Focus on and keep to policy issues
- 46 • Ask questions about agenda items prior to City Council meetings so they can get
- 47 their questions answered in advance of the meetings
- 48 • Represent the City on outside committees and boards

49 **Role of the City Manager**

- 50 • Manage the organization, including the hiring and evaluating of City staff
- 51 • Manage the finances of the City
- 52 • Solve problems in a timely manner
- 53 • Keep the Council informed and answer questions from the Council
- 54 • Do the right things right
- 55 • Work with other agencies, stay informed about other agencies and external
- 56 issues, build relationships
- 57 • Stay on top of state and federal government laws and regulations
- 58 • Maintain a safe environment for employees

59 **Role of the City Attorney**

- 60 • Defend the City and protect the City from liability
- 61 • Advise the City Council on protecting the City's interests
- 62 • Write or review ordinances and contracts
- 63 • Provide advice to staff, council, commissions on practical as well as legal issues
- 64 and their possible consequences
- 65 • Advocate for the Council's policy decisions
- 66 • Keep the council informed about pending legislation and cases that could affect
- 67 the City
- 68 • Provide advice to Councilmembers who sit on boards and committees
- 69 • Provide advice to Council on conflicts of interest
- 70 • Advise the Planning Commission
- 71 • Hire outside legal counsel as needed

Procedures

72

73 ***Communications***

- 74 • The City manager is responsible for ensuring things get done and therefore
75 should be informed about communications between Councilmembers and staff
- 76 • Staff will provide timely feedback on responses to issues and resolutions to
77 citizen complaints
- 78 • Councilmembers should refer citizen complaints and constituent issues to staff
- 79 • Emails from a Councilmember to staff should typically be directed to a
80 department head and not lower level staff, unless other staff are designated on
81 some task
- 82 • When a Councilmember sends an email to a staff member the Councilmember
83 should also send a copy to the City Manager
- 84 • Councilmembers will provide information to the City Manager to be distributed to
85 the entire Council when they have pertinent information (e.g., information from an
86 outside committee)

87

88 ***Requesting Information from Staff***

- 89 • Only the City Manager may provide direction to City staff, which includes asking
90 staff to research an issue or do any work on a matter
- 91 • A Councilmember may request information from staff (through the department
92 head or the City Manager) that is readily known by staff and for which no
93 research is required
- 94 • When a Councilmember needs assistance from staff in relation to an outside
95 board or committee, he/she will go through the City Manager for such assistance

96

97 ***Council Meeting Agenda Items***

- 98 • The agenda for City Council meetings will be determined collaboratively by the
99 Mayor and City Manager, and/or their designees.

100

101 ***Procedure for a Councilmember to Place an Item on the Agenda***

- 102 • There are two methods by which a Councilmember can request that an item be
103 placed on a Council agenda:
 - 104 (1) At the end of a council meeting during *Council Comments*, a Councilmember
105 can raise a topic and ask for another Councilmember to support it being on the
106 agenda; if he or she gets the second vote, then the topic is placed on a future
107 agenda for discussion.
 - 108 (2) Two Councilmembers can advise the City Manager that they are both
109 interested in a topic being placed on the agenda.
- 110 • Councilmembers wishing to place an item on the agenda will provide information
111 about the topic on a form provided for this purpose.

112

- 113 • Staff, through the City Manager, will provide information to the Council about the
114 topic and advise on the amount of work that would be involved in researching the
115 item. It will not be a full staff report at this time but rather will be minimal information
116 for the purpose of providing pertinent information that will assist the Council in
117 determining whether to direct additional work to be done. If the Council decides to
118 move forward, then the appropriate level of staff research will be done to bring it
119 back to the Council for full discussion.
120
- 121 • Instances may occur in which a Councilmember suggests an item for the Council
122 agenda that would be better dealt with in the regular course of business. When that
123 occurs, the City Manager or City Attorney will so inform the Councilmember.

124 ***Preparing for Council meetings***

- 125 • The Council meeting binder will be available to Councilmembers on the afternoon of
126 the Wednesday prior to the Council meeting in order to give Councilmembers time
127 to carefully review all of the reports and ask their questions.
- 128 • Councilmembers will ask their questions on the agenda reports by at least noon on
129 Monday prior to the Council meeting. The purpose of this is to enable staff to fully
130 answer the questions and be most prepared for the Council meeting. When
131 possible, staff will answer the questions prior to the meetings (although it is
132 understood that Councilmembers may wish to ask questions at the meeting in order
133 to inform the public).
- 134 • The goal is no surprises, either from staff or from Councilmembers about agenda
135 items or questions. The public and City Council need completed staff work on
136 agenda reports and staff needs to know what questions the Council has so they can
137 fully answer them.
- 138 • A tentative agenda projection report will be provided in order to advise the Council
139 and staff about future agenda items.
140

141 ***Order of Discussion and Motions***

- 142 • The Council has adopted ***Rosenberg’s Rules of Order, Revised***, which are to be
143 followed for Council meetings.
- 144 • The following order of discussion and motion will be followed:
145 ○ Presentation
146 ○ Questions from the council
147 ○ Public testimony
148 ○ Discussion of the issue
149 ○ Motion
150 ○ Discussion on the motion
151 ○ Vote
152

153 ***Decorum***

- 154 • While the City Council is in session, everyone is expected to respect decorum and allow
155 the meeting to proceed in an orderly manner.
- 156 • Any person who is disorderly or who persistently disrupts the business meeting may be
157 asked to leave the meeting place. At such time, the Mayor may call a recess.
- 158 • If needed, law enforcement may be called to maintain order and decorum at Council

159 meetings.
160

161 ***Brown Act***

- 162 • The City Council’s intent is to always follow the Brown Act as required, and in order
163 to foster transparency in local government.
 - 164 • Appropriate methods for Councilmembers to communicate about an issue are:
 - 165 ○ Inform staff. If appropriate, staff may brief the entire Council.
 - 166 ○ Provide comments at the end of a Council meeting
 - 167 ○ Place an item on a Council meeting agenda for discussion
- 168

169 ***Term of Appointments of Councilmembers to Boards and*** 170 ***Committees***

- 171 • Appointments are made after each Council election (every two years)
 - 172 • For appointments to outside bodies, when specific rules or requirements exist, those
173 rules will be followed
 - 174 • A majority vote of the Council determines appointments
 - 175 • In the non-election year, the Council can also review appointments in cases where a
176 Councilmember would like to make a change to his or her appointment; this would
177 not involve a review of all appointments
 - 178 • After a City Council election, Councilmembers are asked their preferences about
179 appointments to boards and committees
 - 180 • The City clerk creates and distributes a description of the boards and committees,
181 terms of appointment, names of current Council appointees and, if know, the likely
182 topics for each board or committee to be addressing in the upcoming year
- 183

184 ***Email and Other Electronic Means of Communication***

- 185 • Councilmembers should not use the “reply-all” function on email, as this could cause
186 an inadvertent violation of the Brown Act if other Councilmembers are included.
- 187 • Email from a personal email account, text messaging or other electronic means of
188 communications from private accounts should be assumed to constitute a public
189 record if the topic relates to City business.

190 ***Verbal Reports from Standing Committees***

- 191 • After each meeting of a Council standing committee, members of those committees
192 will provide a brief verbal report at the next Council meeting.
- 193

194 ***Performance Evaluations of City Manager and City Attorney***

- 195 • The City’s practice is to evaluate the performance of the City Manager and City
196 Attorney each year.
 - 197 • The Mayor and Mayor Pro Tem constitute the Personnel Committee and take
198 responsibility for leading the annual evaluation process. They will assess the process
199 each year and make changes as needed.
- 200

201 **Public Comments at Council Meetings**

- 202
- 203 • Members of the public may address the Council and offer their opinions, criticisms
- 204 and support of any City decision or policy.
- 205 • The Council will not engage in debate with a member of the public or respond to
- 206 issues/questions raised during the oral communications portion of the meeting.
- 207 However, if there is a simple piece of information that can be provided to the public
- 208 to respond to a question, the City Manager or City Attorney may do so. In some
- 209 cases, it may be appropriate to tell the speaker that staff will contact him/her after the
- 210 meeting about his/her issue.
- 211 • It is expected that individuals who address the Council will do so in a way that is
- 212 respectful. While the public is encouraged to provide their views, it should not be
- 213 done in a way that is personal, slanderous, threatening or abusive toward the
- 214 Council, staff or other individuals such that it impedes the orderly conduct of the
- 215 Council meeting.
- 216

217 **Handling of City Council Mail**

- 218 • City staff will open and distribute mail addressed to the Mayor or Council unless
- 219 a member of the Council opts to have their mail provided to them unopened.
- 220 • All mail is considered a public record subject to the Public Records Act unless it
- 221 is clearly personal.
- 222

223 **Use of City Letterhead**

- 224 • The City will provide letterhead for individual Councilmember use. The
- 225 letterhead will be distinguished from City letterhead in that it will only identify the
- 226 individual author by name and not all members of Council. It is to be used to
- 227 communicate individual positions and must clearly communicate that the
- 228 contents of the letter are the views of the individual Councilmember and not the
- 229 City. It should not be assumed that a recipient will understand this solely by use
- 230 of the letterhead. If a minority position is being communicated, the majority view
- 231 must be disclosed in the letter. Staff can assist and advise Councilmembers
- 232 regarding compliance with this policy at the request of the Councilmember.

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ATTACHMENT 4

Council Agenda Request Form



Council Request Form to Place An Item on the Agenda

Name of Requesting Councilmember:

Name of Supporting Councilmember:

Request Date:

Key question or concern to be answered:

Description of request: