



Agenda Item A.9
CONSENT CALENDAR
Meeting Date: September 18, 2018

TO: Mayor and Councilmembers

FROM: Michelle Greene, City Manager

SUBJECT: Amendment to the Rules of Decorum and Procedure

RECOMMENDATION:

Adopt Resolution No. 18-___, entitled "A Resolution of the City Council of the City of Goleta, California, Rescinding Resolution 17-47 and Adopting Amended City Council Rules of Decorum and Procedure" (Attachment 1).

BACKGROUND:

The City Council adopted the City Council's Rules of Decorum and Procedure ("Rules") in July of 2012 to establish standards of conduct for the members of the City Council and procedures related to the functions of the City Council. These protocols improve the public decision-making process and provide transparency to Goleta residents. The protocols were updated in 2014, 2015 and 2017 to add new information and clarify portions of the document.

DISCUSSION:

Two amendments to the Rules are recommended at this time. The first addresses a recently identified need to designate representatives from the Goleta City Council who are authorized speak on matters of potential litigation at hearings held by other jurisdictions. The amendment to the Rules provided below proposes that the Mayor be designated as the primary member of the Council who is authorized to speak for the City on such matters at these types of hearings. In the event that the Mayor is not available to provide public comment, the Mayor Pro Tempore may speak in the place of the Mayor. In all instances where the Mayor or Mayor Pro Tempore make such comments on behalf of the City, staff will inform all members of the City Council. The proposed amendment language is provided below and also is included in a red-lined version of the document provided on page 7 of Attachment 1:

"The Mayor is authorized to provide public comment consistent with the City Council's position on behalf of the City on matters of potential litigation at public meetings held by other jurisdictions. In the event that the Mayor is not available, the Mayor Pro Tempore may provide such comments on the Mayor's behalf. Alternatively, the City Council may,

in its discretion, select another member of City Council to perform this function. City staff will inform all members of the City Council of instances when the Mayor, Mayor Pro Tempore or another member make such comments on behalf of the City."

The second proposed amendment to the Rules is to move two communications-related points from a later section in the document to the section on "Procedures" to consolidate the communications items in one section. No changes to the text itself are proposed. The following points are proposed to be moved:

"Councilmembers should not use the "reply-all" function on email, as this could cause an inadvertent violation of the Brown Act if other Councilmembers are included."

"Email from a personal email account, text messaging or other electronic means of communications from private accounts should be assumed to constitute a public record if the topic relates to City business."

This proposed amendment is also shown in red line format in Attachment 1 on page 7.

FISCAL IMPACTS:

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

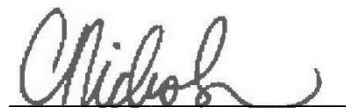
ALTERNATIVES:

The Council could choose not to accept the changes in the document and continue to operate as is.

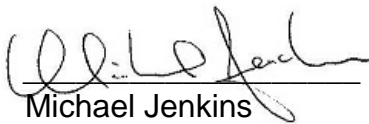
Reviewed By:

Legal Review By:

Approved By:



Carmen Nichols
Deputy City Manager



Michael Jenkins
City Attorney



Michelle Greene
City Manager

ATTACHMENTS:

1. Rules of Decorum and Procedure (red-lined version)
2. Resolution No. 18-__, "A Resolution of the City Council of the City of Goleta, California, Amending the City Council Rules of Decorum and Procedure."

Attachment 1

Rules of Decorum and Procedure (red-lined version)

CITY COUNCIL RULES OF DECORUM AND PROCEDURE



September 4, 2018

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, amended by Resolution No. 14-01 on January 14, 2014, amended by Resolution No. 16-22 on September 6, 2016, and amended by Resolution No. 17-47 on November 7, 2017. 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 supersede 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 PROCEDURE

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Norms

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

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

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Roles

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

Role of Mayor

- Chair City Council meetings
- Represent the City Council and the City of Goleta
- Officiate at ceremonies
- Collaboratively set City Council meeting agendas with the City Manager
- Review time estimates for each agenda item
- Exercise authority to set time limits for public comment and presentations
- Foster decorum and respectful comments at Council meetings

Role of the City Council

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

Role of the City Manager

- Manage the organization, including the hiring and evaluating of City staff
- Manage the finances of the City
- Solve problems in a timely manner
- Keep the Council informed
- Answer questions from the Council
- Work with other agencies, stay informed about other agencies and external issues, build relationships
- Stay on top of state and federal government laws and regulations
- Maintain a safe environment and healthy environment at City facilities
- Work collaboratively with the City Attorney
- Keep the City Council informed about pending legislation that could affect the City

Role of the City Attorney

- Defend the City and protect the City from liability
- Advise the City Council on protecting the City's interests
- Write or review ordinances and contracts
- Provide advice to staff, council, commissions on practical as well as legal issues and their possible consequences
- Advocate for the Council's policy decisions
- Keep the council informed about pending legislation and cases that could affect the City
- Provide advice to Councilmembers who sit on boards and committees

- Provide advice to Council on conflicts of interest
- Advise all City boards and commissions
- Hire and supervise outside legal counsel as needed
- Work collaboratively with the City Manager

Procedures

Communications

- The City manager is responsible for ensuring things get done and therefore should be informed about communications between Councilmembers and staff
- Staff will provide timely feedback on responses to issues and resolutions to citizen complaints
- Councilmembers should refer citizen complaints and constituent issues to staff
- Emails from a Councilmember to staff should typically be directed to a department head and not lower level staff, unless other staff are designated on some task
- When a Councilmember sends an email to a staff member the Councilmember should also send a copy to the City Manager
- Councilmembers will provide information to the City Manager to be distributed to the entire Council when they have pertinent information (e.g., information from an outside committee)
- “The Mayor is authorized to provide public comment consistent with the City Council’s position on behalf of the City on matters of potential litigation at public meetings held by other jurisdictions. In the event that the Mayor is not available, the Mayor Pro Tempore may provide such comments on the Mayor’s behalf. Alternatively, the City Council may, in its discretion, select another member of City Council to perform this function. City staff will inform all members of the City Council of instances when the Mayor, Mayor Pro Tempore or another member make such comments on behalf of the City.”
- Councilmembers should not use the “reply-all” function on email, as this could cause an inadvertent violation of the Brown Act if other Councilmembers are included.
- Email from a personal email account, text messaging or other electronic means of communications from private accounts should be assumed to constitute a public record if the topic relates to City business.

Requesting Information from Staff

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

Council Meeting Agenda Items

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

Procedure for a Councilmember to Place an Item on the Agenda

- 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.

Preparing for Council Meetings

- The Council meeting binder will be available to Councilmembers on the afternoon of the Wednesday prior to the Council meeting in order to give Councilmembers time to carefully review all of the reports and ask their questions.
- Councilmembers will ask their questions on the agenda reports by 5 p.m., if possible, on the evening prior to the Council meeting. The purpose of this is to enable staff to fully answer the questions and be most prepared for the Council meeting. When possible, staff will answer the questions prior to the meetings (although it is understood that Councilmembers may wish to ask questions at the meeting in order to inform the public).
- The goal is no surprises, either from staff or from Councilmembers about agenda items or questions. The public and City Council need completed staff work on agenda reports and staff needs to know what questions the Council has so they can fully answer them.
- A tentative agenda projection report will be provided in order to advise the Council and staff about future agenda items.

Order of Discussion and Motions

- The Council has adopted ***Rosenberg's Rules of Order, Revised (Appendix 1)***, which are to be followed for Council meetings.
- The following order of discussion and motion will be followed:
 - Presentation
 - Questions from the council
 - Public testimony
 - Discussion of the issue
 - Motion
 - Discussion on the motion
 - Vote

Adjournment

- Unless extended by a majority vote or consensus of the City Councilmembers present at a meeting, all meetings shall adjourn no later than 10:00 p.m.

Decorum

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

Brown Act

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

Term of Appointments of Councilmembers to Boards and Committees

- Appointments are made after each Council election (every two years)
- For appointments to outside bodies, when specific rules or requirements exist, those rules will be followed
- A majority vote of the Council determines appointments
- 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
- After a City Council election, Councilmembers are asked their preferences about appointments to boards and committees
- The City clerk creates and distributes a description of the boards and committees, terms of appointment, names of current Council appointees and, if know, the likely topics for each board or committee to be addressing in the upcoming year

~~Email and Other Electronic Means of Communication~~

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

Verbal Reports from Standing Committees

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

Performance Evaluations of City Manager and City Attorney

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

Public Comments at Council Meetings

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

Handling of City Council Mail

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

Use of City Letterhead

- The City will provide letterhead for individual Councilmember use. The letterhead will be distinguished from City letterhead in that it will only identify the individual author by name and not all members of Council. It is to be used to communicate individual positions and must clearly communicate that the contents of the letter are the views of the individual Councilmember and not the City. It should not be assumed that a recipient will understand this solely by use of the letterhead. If a minority position is being communicated, the majority view

must be disclosed in the letter. Staff can assist and advise Councilmembers regarding compliance with this policy at the request of the Councilmember.

Attachment 2

Resolution No. 18-___, "A Resolution of the City Council of the City of Goleta, California, Amending the City Council Rules of Decorum and Procedure."

RESOLUTION NO. 18-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
GOLETA, CALIFORNIA, AMENDING THE CITY COUNCIL
RULES OF DECORUM AND PROCEDURE**

WHEREAS, on November 20, 2012 the Council adopted Resolution No. 12-81 establishing City Council Protocols and Rules of Decorum. It was amended on January 14, 2014, by Resolution No. 14-01, September 6, 2016 by Resolution No. 16-22, and November 7, 2017 by Resolution No. 17-47; and

WHEREAS, the Council wishes to amend said Rules to reflect current practices.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF GOLETA, AS FOLLOWS:**

SECTION 1. Repeal of Resolution No. 17-47

Resolution No. 17-47 is hereby rescinded.

SECTION 2. Adoption of Rules.

The City Council Rules of Decorum and Procedure are attached hereto as Exhibit A and are hereby adopted.

SECTION 3.

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 18th day of September, 2018.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF GOLETA) ss.

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 18-__ was duly adopted
by the City Council of the City of Goleta at a regular meeting held on the __ day
of _____, 2018 by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

CITY COUNCIL RULES OF DECORUM AND PROCEDURE



August 21, 2018

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

Handling of City Council Mail

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

Use of City Letterhead

- The City will provide letterhead for individual Councilmember use. The letterhead will be distinguished from City letterhead in that it will only identify the individual author by name and not all members of Council. It is to be used to

communicate individual positions and must clearly communicate that the contents of the letter are the views of the individual Councilmember and not the City. It should not be assumed that a recipient will understand this solely by use of the letterhead. If a minority position is being communicated, the majority view must be disclosed in the letter. Staff can assist and advise Councilmembers regarding compliance with this policy at the request of the Councilmember.