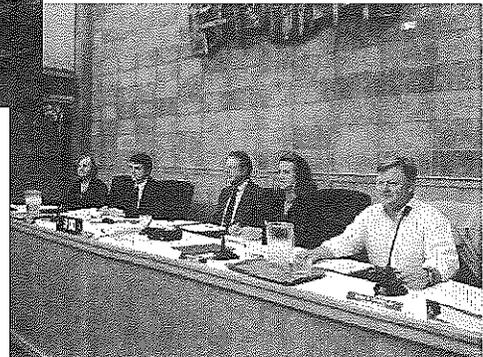


City Council Protocol Manual 2011



Arcata City Council

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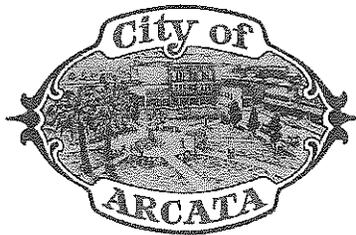
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Revised 4/2011

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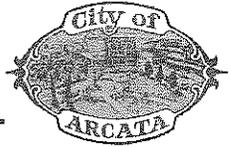
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CHAPTER ONE—Introduction and Overview

As a City Councilmember, you not only establish important and often critical policies for the community of Arcata, you are also a board member of a public corporation having an annual budget of several million dollars. 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.

1.01—Council-Manager Form of Government

The City of Arcata has a Council-Manager form of government. As described in the Municipal Code and the Government Code of California, certain responsibilities are vested in the City Council and the City Manager. Basically, this form of government prescribes that a City Council's role is that of a legislative policy-making body which determines not only the local laws that regulate community life, but also determines public policy and gives direction to the City Manager to administer the affairs of the city government in a businesslike and prudent manner (Arcata Municipal Code Title II and California Government Code § 34100, et seq.).

The City of Arcata was incorporated in 1858. At that time, the separately elected City Clerk was the administrative officer for municipal affairs. There was also a separately elected City Treasurer. The City Council established Arcata as a Council-Manager form of government in 1958 and hired its first City Manager that year. Shortly after that, the position of City Clerk was changed from elected to appointed and the City Treasurer position was changed to the appointed Finance Director position.

1.02—Purpose of City Council Protocol Manual

The City of Arcata has prepared its own Protocol Manual to assist the City Council by documenting accepted practices and clarifying expectations. Administration of City Council affairs is greatly enhanced by the agreement of the City Council and staff to be bound by these practices. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Councilmembers in their actions.

1.03—Overview of Basic Documents

This Protocol 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 the City Council. Many other laws, plans, and documents exist which bind the City Council to certain courses of action and practices. The following is a summary of some of the most notable documents that establish City Council direction.

Basic City Governing Documents

A complete list of City plans and implementation programs is provided in Appendix A.

A. Codes of the State of California

The state laws contain many requirements for the operation of city government and administration of meetings of city councils throughout the state. Arcata is a “general law city” which means it operates under applicable general laws of the state. As a general law city of the state of California, Arcata is vested with all the powers of incorporated cities as set forth in the California Constitution and the applicable California state laws. Conversely, there are a number of cities within California that are “charter cities” and have adopted local provisions that establish basic governing procedures for local government (California Government Code §§ 34100-34102).

B. Arcata Municipal Code

The Municipal Code contains local laws and regulations adopted by ordinances. Title I and Title II of the Code address the role of the City Council, describe the organization of City Council meetings and responsibilities, and appointment of certain City staff positions, advisory boards, and commissions. Boards and commissions are also addressed in Title III. In addition to these administrative matters, the Municipal Code contains a variety of laws including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, and revenue and finance issues.

C. Council’s Goals & Priority Projects

The City Council sets both long-term and short-term goals for the City each spring. The goal-setting process includes a review of the previous year’s goals including progress toward completion and updating. The budget is then written with the objective of working toward completion of those goals.

D. Annual Budget

The annual budget is set for the fiscal year beginning July 1 and ending June 30. It is the primary tool and road map for accomplishing the goals of the City. The budget document is the result of one of the most important processes the City undertakes. By adopting the annual budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations. Study sessions on the budget are held in May and public hearings in June with adoption at the second City Council meeting in June.

E. Annual Financial Audit

The annual financial audit includes the financial statements of the City of Arcata for the fiscal year. It includes the financial condition of the City as reflected in the balance sheet, the results of operations as reflected in income statements, an analysis of the uses of City funds, and related footnotes. The annual financial audit includes statements for the various groups of funds and a consolidated group of statements for the City as a whole. The City Council has the responsibility of hiring an independent auditor, and of reviewing and accepting the audit.

F. General Plan

A state-mandated General Plan addresses the City's long-range planning needs relative to land use, transportation, economic development, and other planning elements. The City's General Plan is reviewed on an ongoing basis, but mandatory elements may only be revised four times a year; however, certain amendments necessary for affordable housing development are not subject to this limitation (California Government Code § 65358).

G. Five-year Capital Improvement Plan

The Five-year Capital Improvement Program serves as a guide for determining priorities, planning, financing, and construction of capital projects which add to, support, or improve the physical infrastructure, capital assets, or productive capacity of City services.

H. Disaster Preparedness Plan

The City maintains a disaster preparedness plan that outlines actions to be taken during times of extreme emergency. The Mayor is called upon to declare the emergency, and then the City Manager directs all disaster response activities. The City Council may be called upon during an emergency to establish policies related to a specific incident. The chain of command is as follows:

The City Manager is the Director of Emergency Services

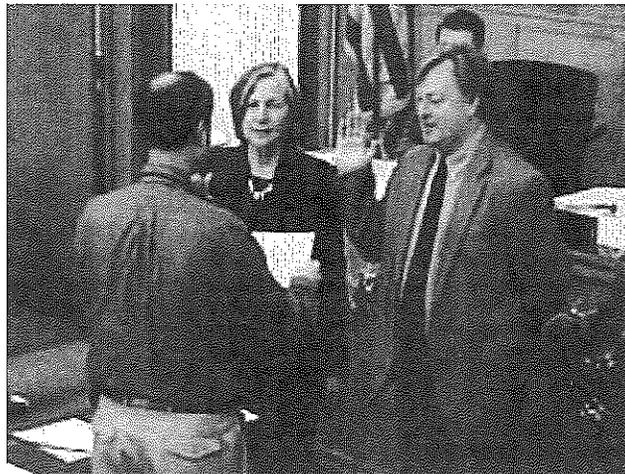
The City Manager may appoint an Assistant Director of Emergency Services

(See Arcata Municipal Code Title II, Chapter 6, §§ 2700–2709)

Orientation of New Members— 1.04

It is important for the members of the City Council to gain an understanding of the full range of services and programs provided by the City. As new members join the City Council, the following orientation will be provided to each member in a timely manner.

- a. The City Manager will host an orientation program to distribute materials outlining City policy and protocol.
- b. The City Manager will facilitate a meeting with the City Attorney for conflict-of-interest training, review of current legal matters, review of parliamentary procedure, and updates on labor negotiations.
- c. The City Manager will arrange a meeting with Personnel prior to the first pay period to cover information reviewed with all City employees (e.g., benefits elections, I-9, retirement options, etc.).
- d. The City Manager will arrange meetings with key Department Heads to be briefed on current projects within his/her Department and to tour City facilities.
- e. The City Manager will arrange an opportunity for "ride alongs" with the Arcata Police Department.
- f. The City Manager's assistant will arrange a meeting for a briefing on various aspects of City Hall, including, but not limited to, travel procedures, email, phone service, etc.
- g. The City Manager will provide information for attendance at the League of California Cities' New Mayors and Council Members Academy.





CHAPTER TWO – Arcata City Council General Powers and Responsibilities

2.01—Arcata City Council, Generally

Fundamentally, the powers of the City Council are to be utilized for the good of the community and its residents; to provide for the health, safety, and general welfare of the citizenry. The City Council is the policy-making and law-making body of the City. State law and local ordinances define the powers and responsibilities of the Council.

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 has some additional ceremonial and presiding officer responsibilities as described below, when it comes to establishing policies, voting, and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. Councilmembers should respect adopted Council policy. In turn, it is staff's responsibility to ensure the policy of the majority of the Council is upheld.

Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Councilmembers who held a minority opinion on an issue.

A. Council Non-Participation in Administration

In order to uphold the integrity of the Council-Manager form of government and to provide proper checks and balances, members of the City Council shall refrain from becoming directly involved in the administrative affairs of the City, unless directed by a majority of the Council to participate in a policy or project. As the Council is the policy-making body and the maker of local laws, its involvement in enforcement of ordinances would only damage the credibility of the system.

2.02—Role of Councilmembers

Members of the Arcata City Council are collectively responsible for establishing policy, adopting an annual budget, and providing vision and goals to the City Manager. The following outline is a brief description of the various duties of Councilmembers. The description is not intended to be comprehensive, but rather it is an effort to summarize the primary responsibilities of the Council.

Summary of Council Duties and Responsibilities as Provided in State Law

1. *Councilmembers serve as the:*

- a. City Council
- b. Governing Body for the Successor Agency to the Arcata Community Development Agency
- c. City of Arcata Joint Powers Financing Authority
- d. Personnel Board

2. *Establish Policy*

- a. Adopt goals and objectives
- b. Establish priorities for public services
- c. Adopt/amend the operating and capital budgets
- d. Approve contracts over \$25,000
- e. Adopt resolutions

3. *Enact Local Laws*

- a. Adopt ordinances

4. *Supervise Appointed Officials*

- a. Appoint City Manager and City Attorney
- b. Evaluate performance of City Manager and City Attorney
- c. Establish boards, commissions, committees and task forces
- d. Make appointments to such bodies
- e. Provide direction to advisory bodies

5. *Make Decisions*

- a. Study problems
- b. Review alternatives
- c. Determine best course of public policy
- d. Call special elections as necessary

2.03— Role of the Mayor

A. *Presiding Officer*

The Council selects the Mayor by a majority vote each year on the second Tuesday of December. The Mayor serves as the presiding officer, unless otherwise delegated, and acts as chair at all meetings of the City Council. The Mayor sets the Agenda for regular and special Council meetings. The Mayor may participate in all deliberations of the Council in the same manner as any other member and is expected to vote in all proceedings, unless a conflict of interest exists. During Council proceedings, the Mayor facilitates discussion, gauges direction, and listens for majority support prior to calling for a vote on a motion. The Mayor does not possess any power of veto. State law allows the Mayor to move or second an action. As a matter of Arcata tradition, the Mayor does not make a motion and will only second a motion in rare and unusual circumstances (California Government Code §§ 36801–36815). A list of the typical routine functions of the Mayor is included in Appendix I.

B. *Ceremonial Representative and Other Duties of the Mayor*

Responsibility to act as the City Council's ceremonial representative at public events and functions has been assigned to the Mayor. In the Mayor's absence, the Mayor shall appoint a Councilmember to perform the ceremonial role. However, all Councilmembers are encouraged to participate. The Mayor may initiate and execute certificates of appreciation and recognition, and Council-approved proclamations. The Mayor has the responsibility of making liaison, board and committee assignments for Councilmembers with those assignments to be ratified by the Council.

2.04— Vice-Mayor, Absence of Mayor and Councilmembers

In the absence of the Mayor, the Vice-Mayor shall perform the duties of the Mayor. The Council selects the Vice-Mayor by a majority vote each year on the second Tuesday of December. When both the Mayor and Vice-Mayor are absent, the Mayor will designate from amongst the Councilmembers a person to serve as Acting Mayor, who shall, for the term of such absence, have the powers of the Mayor. [See 7.12]

2.05— Resignation of Mayor or Vice-Mayor

If the Mayor or Vice-Mayor resigns, the City Council will select a new Mayor or Vice-Mayor.

2.06— Emergency Response

The City Council may proclaim, and the Mayor shall sign, a declaration of emergency. If the City Council is not in session, the Director of Emergency Services may proclaim the existence of an emergency (Arcata Municipal Code, Title II, Chapter 6, § 2703).

Appointment of Officers—2.07

The City Council is responsible for appointing two positions within the City organization—the City Manager and the City Attorney. The City Manager and the City Attorney serve at the pleasure of the Council. The City Manager is responsible for all personnel within the City organization.

Boards, Commissions, Committees and Task Forces—2.08

A. *Appointments Made by the Council*

Boards, commissions, committees, and task forces provide a great deal of assistance to the Arcata City Council when formulating public policy and transforming policy decisions into action. The City has several standing boards commissions and committees. In addition, special purpose task forces are often appointed by the City Council to address specific issues of interest on a limited duration basis. These ad hoc committees will be dissolved upon completion of the intended task. Committees and task forces are purely advisory to the Council, and, in some situations, staff. Commissions have final decision-making authority, subject to appeal to the City Council, but may also serve in an advisory capacity in certain situations. The Board of Permit Appeals makes final decisions on matters arising under the Uniform Building Code and its final decisions are not subject to review by the City Council.

The procedures established in this Manual reflect the policy of the City Council regarding the appointment of volunteer citizens to the various bodies of the City. The establishment of these procedures ensures that well-qualified, responsible, and willing citizens are given the opportunity to serve the City and participate in the governance of their community.

The City Council is specifically empowered to create all boards, commissions, committees and task forces, pursuant to the provisions of the Arcata Municipal Code, as the Council deems necessary or advisable. In the exercise of this power, it is the desire of the City Council to establish a consistent policy in its decision-making role to fairly and equitably evaluate those citizens of the community who demonstrate a desire to serve on such boards, commissions, committees, or task forces (Arcata Municipal Code Title II, Chapter 3). For full-term vacancies, the filing period is as determined by Ordinance. For all vacancies, the City Clerk will:

1. Publicly announce the position vacancy and filing period by publication of same in the official newspaper of the City of Arcata and set forth the qualifications required, if any.
2. Notify the incumbent(s) whose term(s) is/are expiring, of such term expiration and invite the incumbent(s) to consider being reappointed.
3. Advertise the position and accept applications when an incumbent's term expires.

4. Prepare interview packets for Councilmember review prior to the Council interview period, including: 1) A list of current membership; 2) A list of current vacancies and term expirations; 3) A summary of the duties and responsibilities of the vacant position on the Commission or Committee; 4) The applications; and 5) Recommendations from the staff liaison outlining needed expertise on the Commission or Committee, if any.

B. Council Action

1. Council Interview Period. The Council may personally interview each applicant individually, at a time and place to be designated by the Council. However, after reviewing applications, the Council reserves the right to make appointments without conducting interviews.
2. The Council may appoint a sub-committee to review applications or conduct interviews of applicants and make recommendations to the full Council for appointment.
3. Council Evaluation. After each applicant or member is evaluated or recommended, the Council will deliberate and reach a decision at its earliest convenience.
4. Decision & Announcement. The City Clerk will notify each applicant of the decision of the Council and provide a copy the City Commission/Committee Handbook for new members. The City Clerk will also notify the commission/committee's staff liaison of the Council's decision, who will, in turn, notify the Chair. In addition, the staff liaison will contact the new member and provide orientation prior to the next scheduled meeting.
5. All Council interviews, deliberations and actions to appoint members to boards, committees and commissions are subject to the Ralph M. Brown Act (state open meetings act, attached as Appendix B), and as such, must be noticed and open to the public.

C. Resignations

Vacancies occurring in the middle of a term shall be filled by appointment for the unexpired portion of the term in the same manner provided herein for initial appointment [Arcata Municipal Code, Title II, Chapter 3, § 2202(C)].

D. Councilmembers' Roles and Relationships with City Bodies

1. Because the Council has the ability to review decisions made by the commissions and recommendations made by committees and task forces, Councilmembers shall not be appointed to City boards, commissions, committees, or task forces concurrent with their term of office.
2. Unless specifically authorized by a majority vote of a quorum of the Council, no Councilmember shall be authorized to testify before or direct the work of any board, commission, committee or task force of the City.

3. If a Councilmember is testifying in such a capacity pursuant to the above provision, testimony should be undertaken in such a manner as to assure public confidence in the decision-making process and avoid the appearance of bias, prejudice, or improper influence. Toward this purpose, the following protocol should be observed:
 - a. Councilmembers shall not testify in matters pending before any commission, committee, or task force that will receive, or could potentially receive, future appeal or review before the City Council. Violation of this protocol shall require the Councilmember to disqualify his or herself from participating in any appeal or review proceedings before the City Council.
 - b. Except in matters directly involving personal interests, Councilmembers, in their capacity as private citizens, should abstain from providing testimony or influencing decisions in matters pending before any City board, commission, committee or task force that will receive, or could potentially receive, future review or other action before the Council. Where a Councilmember elects to provide such testimony, the following rules shall apply:
 - (i) The Councilmember shall declare at the outset and upon the record that the Councilmember is present in his or her private capacity as an interested citizen, and not on behalf of or at the request of the City Council.
 - (ii) The Councilmember shall refrain from stating or implying that the Councilmember's position or opinion is that of the City Council.
 - (iii) The Councilmember shall refrain from directing City staff or the advisory body to take any action on behalf of the Councilmember.
 - (iv) The Councilmember shall observe any rules of procedure or protocol that apply to any other private citizen testifying before the advisory board.
 - (v) The Councilmember shall disqualify him or herself from participating in the matter should it come before the Council for review and/or decision.

For additional information regarding The Ethical Hazards of Council Members Attending Other Board's Meetings – See Appendix J.

E. City Board, Commission and Committee Members' Roles and Relationships with other City Bodies.

1. Because commissions and boards may at times review the recommendations of other commissions as well as committees and task forces, commissioners and board members shall not

be appointed to other City boards, commissions, committees or task forces concurrent with their terms of office. This policy shall, however, be implemented through attrition such that any current commissioners or board members who may as of April 20, 2011 also sit on another City body may complete the respective terms for which they were appointed.

2. In furtherance of the goals set out in 2.08(D)(3), above, to assure public confidence in the decision-making process and avoid the appearance of bias, prejudice, or improper influence, members of boards, commissions, committees and task forces shall observe the following protocol:

a. Ordinarily the decision of a board, commission, committee or task force is conveyed to other City bodies or the City Council through the designated staff liaison to the City's other boards, commissions, committees, and task forces.

If, however, a board, commission, committee or task force believes its decision requires explanation, or will generate questions by the members of the body to which the decision is being referred, that board, commission, committee or task force may, by formal action of the body, designate one of its members to appear as a representative before the body to which the decision is referred. The designated representative will be allowed to deliver the decision of his or her board, commission, committee or task force and answer questions by participating in the delivery of the staff report to the other body.

b. When an appointed member of a board, commission, committee or task force elects to provide personal testimony to another City body or the City Council, the following rules shall apply:

(i) The member shall declare at the outset and upon the record that the member is present in his or her private capacity as an interested citizen, and not on behalf of or at the request of the body to which he or she is appointed.

(ii) The member shall refrain from stating or implying that the member's position or opinion is that of the body to which he or she is appointed.

(iii) The member shall refrain from directing City staff or the body to which he or she is appointed to take any action on behalf of the member.

(iv) The member shall observe any rules of procedure or protocol that apply to any other private citizen testifying before the City bodies or the City Council.

(v) Members of boards and commissions who chose to provide personal testimony before other City bodies may be required to disqualify themselves from participating in that matter should it come before his or her board or commission for review and/or decision if issues of bias would prevent the board or commission from impartial decision-making.

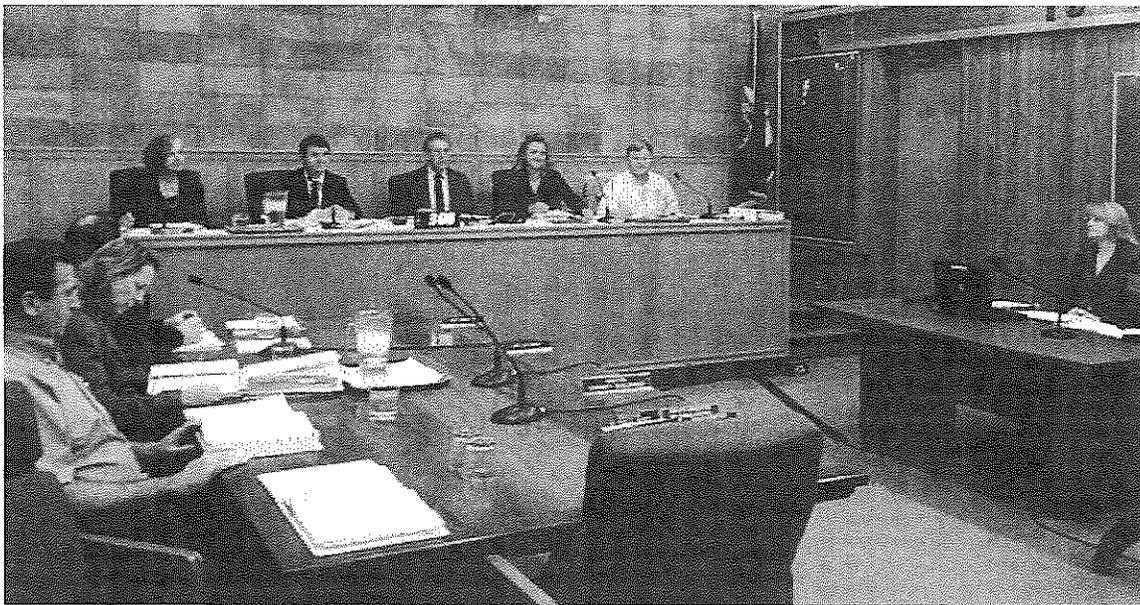
Service on Outside Boards—2.09

Councilmembers are often requested to serve on outside boards, councils, commissions, or committees. This type of representation serves to facilitate communication and provide interaction with other governmental bodies. The City Council appoints members to some of these groups on an as-needed or as-requested basis.

Councilmembers participating in policy discussions at regional meetings will represent the consensus of the Council, except where regional appointment requires regional opinion. Councilmembers may speak before other entities outside the City, but should identify whether they are appearing as a representative of the City. Personal positions, when given, will be identified and not represented as the position of the City. Assignment and direction of staff in relation to regional meetings are at the discretion of the City Manager.

Incompatibility of Office—2.10

In general, California law prohibits public officials from simultaneously holding more than one public office when the functions or responsibilities of the two offices have the potential for overlapping. This prohibition arises from a concern over the potential clash of two public offices held by a single official with potentially overlapping public duties. The Legislature may, however, expressly authorize through legislation the holding of two offices notwithstanding the fact that the dual holding would otherwise be prohibited. For example, the Legislature has exempted local agency formation commissions, the Coastal Commission, joint powers agencies, and transportation corridor agencies.





CHAPTER THREE — Support Provided to City Council

3.01—Staff/Clerical Support

Staff and administrative support to members of the City Council is provided through the City Manager's Office. Secretarial services provided include distributing mail and email, scheduling appointments and receiving messages. All other Council requests for staff services are made by request to the City Manager or Executive Assistant who will assign the appropriate staff member. Sensitivity to workload of support staff is appreciated and turnaround time will vary depending on current work assignments.

3.02—Office Equipment

To enhance Councilmembers' service to the community and their ability to communicate with staff and the public, the City provides meeting facilities and office equipment for City business.

It is important to note that all letters, memoranda, and interactive computer communication (email) involving City Councilmembers and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with a few exceptions specified in the Public Records Act, are public records.

A. *Business and Personal Use of City Equipment*

The City's electronic equipment and information systems are intended for professional business use by a Councilmember in the performance of their duties. Personal use of City equipment is prohibited.

B. *Photocopy Machines and Other Equipment*

1. Photocopy Machines. Councilmembers are provided a code number for use of the photocopier for City business.
2. Other equipment. Except as provided herein, in no event shall a Councilmember take City property to his or her home.

C. *Monitoring, Enforcement and Penalties*

1. City information systems or storage media are the property of the City of Arcata. The City retains the right to access, copy and change, alter, modify, destroy, delete or erase this property without prior notice to Councilmembers.

2. The City retains the right to monitor and audit email and internet usage. The right to use these technologies does not include the right to privacy.
3. Deleted documents, messages and data may be retrieved from a variety of points in the network. Councilmembers should assume that electronic evidence discovery might recover deleted or unsaved data.
4. Councilmembers' use of a personal internet account on City equipment, and Councilmembers' use of a City internet account on personal equipment are to be arranged through the City Manager and are subject to the provisions of this policy. Said Councilmembers should be aware that their personal email and electronic files could be monitored by the City and could be reviewed as part of a public records request.

Meeting Rooms—3.03

Councilmembers may utilize the office space provided in City Hall. Use of other meeting rooms, including the conference room located at City Hall, may be scheduled through the City Manager's Office.

Mail Deliveries—3.04

Members of the City Council receive a large volume of mail and other materials that are delivered primarily through the use of mailboxes located in the City Council's office. The City Manager's staff disseminates mail to individual Council mailboxes. Staff does not open mail addressed to individual Councilmembers. General correspondence addressed to Councilmembers as a whole will be opened and delivered to the Council General Box.

Councilmembers are encouraged to check mailboxes often. In addition, City staff will email, telefax or personally deliver materials that are time sensitive to a Councilmember's home or office, if appropriate.

Council Library—3.05

A library of current City plans, implementation programs, and the Arcata Municipal Code is located in the City Council's office. These documents are for reference and are not to be removed from the office. Copies can be made available for individual Councilmembers upon request to the department of origin.



CHAPTER FOUR — Financial Matters

4.01—Council Compensation

The Municipal Code provides for payment of a modest honorarium to members of the City Council. State law sets the level of compensation (California Government Code § 36516 and Arcata Municipal Code, Title II, Chapter 1, § 2010).

4.02—Budget

The annual City budget includes appropriations for expenses necessary for Councilmembers to undertake official City business. Funding provided includes membership in professional organizations, attendance at conferences or educational seminars, purchase of publications and office supplies.

4.03—Financial Disclosure

Candidates for the office of Councilmember shall file a financial disclosure statement with the City Clerk who will retain a copy and forward the original to the Fair Political Practices Commission (FPPC) (California Government Code §§ 87201 and 87202). Financial disclosure shall be filed with nomination papers, not earlier than 113 days before the election with the deadline being no later than 88 days before the election (California Elections Code, § 10220-10227; California Government Code § 87200). When Councilmembers assume office or leave office, whether by election, appointment, end of term, or resignation, Statements of Economic Interests (FPPC Form 700) covering the previous 12 months, or the period since the previous statement was filed under Government Code § 87202 or 87203, must be filed within thirty days (California Government Code § 87204). In addition, Councilmembers are required to file financial disclosure statements (FPPC Form 700) on an annual basis after January 1 and before April 1 of each year covering the previous calendar year (California Government Code § 87203). Statements filed in any of the above circumstances will be available for public inspection.

4.04—Travel Policy and Procedures

The City Council has adopted a travel policy by resolution (Appendix C). Councilmembers, staff, and appointed officials will be reimbursed for all "approved travel" as defined in the City Travel Policy only up to the amount of an individual's funds allocated for travel/training. If a Councilmember desires to exceed his or her allocated annual travel budget, prior to travel he/she may submit a written request to the City Manager.

for a reallocation of another Councilmember's unused travel balance. The City Manager will confirm that the reallocation is approved by the Councilmember donating the unused budget allocation and that the reallocation is in the best interest of the City.

"Approved Travel" means pre-authorized travel to attend training or conferences, or other City Council-directed travel activities.

A. *Pre-authorization of Travel/Training*

Councilmembers and appointed officials traveling on City business that involves an overnight stay shall submit a Travel/Training Authorization Form to the City Manager for pre-approval. In advance of making travel arrangements, Councilmembers must check account balances, complete a Travel/Training Authorization Form and make all travel arrangements with the Executive Assistant to the City Manager. The travel authorization form will include a complete estimate of the costs of the trip, including conference registration, transportation, and per diem. The travel authorization form will also include the purpose of the trip, the dates of travel, and other pertinent details.

In advance of any travel on City business, a Travel/Training Authorization Form must be submitted to and signed by the City Manager. The City Manager must authorize:

- a. Overnight travel by elected or appointed officials
- b. Use of a rental vehicle by elected or appointed officials
- c. Out-of-state travel by elected or appointed officials

B. *Authorization for Reimbursement of Travel Expenses*

Within 10 days of the close of the authorized travel period a final itemized Travel/Training Authorization Form, including all receipts and expense reimbursement requests, must be submitted to the Executive Assistant to the City Manager for processing and final approval and signature by the City Manager. The Executive Assistant to the City Manager will process and submit authorized travel reimbursement requests to the Finance Department.

City Credit Card Policy—4.05

Card Issuance. The Finance Department issues each Councilmember a City credit card. Use of City credit cards is set forth in the City Credit Card Policy (Appendix D).

Cards Lost or Stolen. Lost or stolen cards must be reported to the Finance Director within one working day of discovery.

Leaving Office. Each card holder must surrender the City credit card immediately upon leaving office, or upon request of the City Manager or Finance Director. Use of the card after privileges are withdrawn is prohibited.



CHAPTER FIVE — Communications

5.01—Overview

Perhaps the most fundamental role of a Councilmember is communication—communication with the public to assess community opinions and needs, and to share the vision and goals of the City with constituents; and 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.

5.02—Correspondence from Councilmembers

Members of the City Council will often be called upon to write letters to citizens, businesses, or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Individual members of the Council will often prepare letters for constituents in response to inquiries, or to provide requested information. City letterhead is available for this purpose, and staff can assist in the preparation of such correspondence.

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

Councilmembers may occasionally be asked to prepare letters of recommendation for community members seeking employment or appointment. It is inappropriate for Councilmembers to make a recommendation or utilize City letterhead or their Council titles for such letters without approval of the majority of Council.

5.03—Local Ballot Measures

At times, initiatives that affect City Council policy may be placed on the ballot. There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. What the City can do is distribute informational reports or pamphlets for the purpose of informing the public of the facts of an issue.

Proclamations—5.04

Proclamations are issued by the City Council as a ceremonial commemoration of an event or issue (e.g., National Night Out). Proclamations are not statements of policy. Proclamations are a manner in which the City can make special recognition of an individual, event, or issue.

Proclamations can be directly made if they have been listed on a previously approved list (Appendix E). The Council-approved proclamations list is a separate document so that it can be added to after the Council has approved a new proclamation without having to pass a new resolution each time. All proposed proclamations not on the annually approved list must first be approved by the Council during a regular City Council meeting as an item on the Consent Calendar. When a proclamation is approved as a consent item, and if the proclamation is expected to be an annual event, description of the item shall include the phrase "and add proclamation to the Council-approved list." The decision to add or not to add a proclamation to the approved list shall be made following consultation between the City Manager and the Mayor at the time the Council meeting agenda is being prepared.

The list will be reviewed by the City Council every February following a City Council election. Proclamations not requested for two years will automatically be deleted from the list of pre-approved proclamations.

State Public Records Disclosure Act—5.05

To ensure that business communications submitted to and by elected and appointed officials comply with the California Public Records Act and the Ralph M. Brown Act (state open meetings act), the following is set forth:

A. Communications, Generally

All letters, memoranda, and interactive computer email communications involving City Councilmembers and members of boards, commissions, committees and task forces, the subject of which relate to the conduct of government or the performance of any governmental function, with a few exceptions as outlined in the Public Records Act, are public records. Copies of such letters, memoranda, and email communications may not be provided to the public or news media without the filing of a public information disclosure request with the City Clerk. The City Clerk has a system for processing such requests.

B. Written Communications

Written letters and memoranda received by the City on a specific agendum, addressed to a Councilmember or the Council as a body, will be photocopied and provided to all City Councilmembers, and a copy kept according to the City's Records Retention Schedule.

C. *Electronic Communications*

1. Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. Users should delete these messages once their administrative purpose is served.
2. All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying; users may either print a copy of the record and file it with the City Clerk for retention, according to the City's Records Retention Schedule, or forward such email messages to citymgr@cityofarcata.org from which the City Clerk will print and file it according to the City's Records Retention Schedule.
3. Email communications that are intended to be shared among three or more Councilmembers, whether concurrently or serially, must be considered in light of the Ralph M. Brown Act (state open meetings act). If the intended purpose of the email is to have a discussion that should be held at an open meeting, the electronic discussion should not occur.
4. Email should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other "confidential" City business. In general, email is discoverable in litigation, and even deleted email is not necessarily removed from the system. Confidential email communications should not be shared with individuals other than the intended recipients or the attorney-client privilege protecting the document from disclosure may be waived.
5. Email between Councilmembers and between Councilmembers and staff shall not be transmitted to the public or news media without the filing of a public disclosure request with the City Clerk.
6. Email shall not be used for personal use, since Councilmembers' conventional email addresses include the City's "return address."

eComment Report Powered by 			
City of Arcata			
Special City Council Meeting			
Tuesday, August 09, 2011			
eComments	eComments	eComments	eComments
Using Public e-Comments is an excellent way to communicate electronically with all 5 City Councilmembers. eComments open when the agenda is posted online, closing at 9:00 a.m. the day of the meeting . The City Councilmembers receive your eComments by NOON on the day of the meeting and they are included in the Public Record for the agenda item.	1	0	0
Sally Citizen Downtown/Uniontown Arcata CA	I will not be able to attend the meeting but would like the City Council to consider....		Support 8/2/2011 

Conflicts of Interest – CHAPTER SIX



Ethics, AB 1234 Ethics Training –6.01

The City maintains a commitment to conducting business according to the highest achievable ethical standards. Recognizing that ethical dilemmas may arise and that public officials must make difficult choices after careful consideration of competing public, personal and/or private interests at stake, the Council has adopted a code of ethical conduct, which is attached as Appendix F.

The City Manager is subject to a professional code of ethics as a member of the International City/County Management Association (ICMA). These principles appear in the appendix of this manual, as Appendix G. It should be noted that this code binds the City Manager to certain practices that are designed to ensure actions are in support of the City's best interests. Violations of such principles can result in censure by the ICMA.

State law (California Government Code § 53235, *et seq.*) requires public officials to complete two hours of training in ethics principles and laws every two years. In addition to Councilmembers, Arcata requires the training of all of its commissioners (Planning and Historic and Design Review), its City Manager, its department directors, its mid-managers when they staff a City commission, and the chairperson and vice-chairperson of each committee or board. Additionally, the City Council encourages all committee and board members to complete the training. At present, the City Attorney is able to provide periodic training sessions that satisfy the requirement. Alternatively, the League of California Cities offers AB 1234 training, often in conjunction with League conferences or other training workshops, and on-line training is offered through the Institute for Local Government and the Fair Political Practices Commission. Certificates of course completion are kept on file by the City Clerk.

Conflicts of Interest—6.02

There are numerous sources of conflicts of interest that may require a Councilmember to disqualify himself or herself from participating in decision-making. The Political Reform Act (PRA) controls financial conflicts of interest of public officials. The PRA is one of the most complicated laws affecting local government. This law is implemented and enforced by the Fair Political Practices Commission (FPPC) which has issued comprehensive implementing regulations. To understand the PRA's impact on a Councilmember's actions, it is suggested that members discuss the law and potential conflicts with the City Attorney or a private attorney.

In general, under the PRA, public officials are prohibited from making, participating in or in any way attempting to use their official position to influence a government decision in which they know or have

reason to know they have a financial interest (California Government Code § 87100; 2 California Code of Regulations §§ 18700, 18702-18702.4). A “public official” is defined as including every member, officer, employee or consultant of the state or local government agency (California Government Code § 82048; 2 California Code of Regulations § 18701).

A. Applicability

Under the PRA, an official has a financial interest if it is reasonably foreseeable that a decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

1. Any business entity in which the public official has a direct or indirect investment worth \$2,000 or more (California Government Code §§ 82005, 82034, 82035; 2 California Code of Regulations § 18703.1).
2. Any real property in which the public official has a direct or indirect interest worth \$2,000 or more (California Government Code § 82033).
3. Any source of income other than gifts or certain loans aggregating \$500 or more provided to the public official within 12 months prior to the time of the decision (California Government Code § 82030; 2 California Code of Regulations § 18703.3).
4. Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management (2 California Code of Regulations § 18703.1).
5. Any gift totaling \$420 (adjusted biannually by the FPPC) or more provided to, received by or promised within 12 months prior to the decision (2 California Code of Regulations §§ 18703.4, 18704-18961).

B. Analysis

In general, the FPPC suggests that an eight-part analysis be followed in determining whether a conflict of interest exists:

1. Is the person involved a public official? The PRA applies to “public officials at any level of state or local government” (California Government Code § 87100).
2. Is the public official making, participating in making, using, or attempting to use his/her official position to influence governmental decision (2 California Code of Regulations §§ 18700, 18702-18702.4)?
3. What are the actual economic interests of the official potentially impacted by the decision (California Government Code § 87103, 2 California Code of Regulations §§ 18704-18704.5)?

4. Is the economic interest directly or indirectly involved in the governmental decision (2 California Code of Regulations §§ 18704-18704.5)?
5. Is the financial effect on the economic interest material (2 California Code of Regulations §§ 18702-18702.5)?
6. Is it “reasonably foreseeable” that the governmental decision will have a material financial effect on the economic interest (2 California Code of Regulations §§ 18700-18706)?
7. Will the decision’s effect on the official’s economic interest differ from that on the public generally (2 California Code of Regulations §§ 18707-18707.10)?
8. Is participation by the public official legally required in order to create a quorum to vote on the matter (2 California Code of Regulations § 18708)?

C. Disqualification and Disclosure

When the agenda item is called, a City Councilmember who has a conflict of interest is required to publicly state that a conflict of interest exists, describe the nature of the economic interest giving rise to the conflict, disqualify himself or herself, and leave the room. Ideally, Councilmembers will become familiar enough with the sources of conflicts to determine in advance whether disqualification is necessary. However, if a Councilmember becomes aware of a potential conflict only during the meeting, it is perfectly appropriate for the Councilmember to ask for a break in order to discuss the matter with the City Attorney, if necessary. If any Councilmember questions a potential conflict of interest related to another Councilmember, a recess may be called at the request of the Councilmember who may have a conflict to allow discussion of the issue with the City Attorney to determine if there is a conflict. If the Councilmember decides a conflict exists, that Councilmember may not participate in any aspect of the decision making, including discussing the matter with City staff. When a conflict of interest arises involving a matter on the consent portion of the agenda, the Councilmember is not required to leave the room, unless that item is pulled from the consent agenda for separate discussion.

D. Legally Required Participation

In the event that a decision cannot be made because a majority of the Council is disqualified due to conflicts of interest, the PRA allows the minimum number of Councilmembers necessary to constitute a quorum to return and participate in the decision to the minimum extent required. The Councilmembers permitted to participate must be chosen through a random process (California Government Code § 87101).

E. Conflict of Interest Code

The City is required to adopt and maintain a Conflict of Interest Code. This code is found in the Arcata Municipal Code at Title 2, Chapter 8. Under state law, the code must be reviewed every two years and

amended as circumstances change. The City's code must be consistent with minimum requirements of the PRA (California Government Code §§ 87300-87313).

F. Advice on Conflict of Interest

The City Attorney may provide advice to a Councilmember about the existence of a conflict of interest. However, advice given by the City Attorney does not protect the Councilmember from an enforcement action by the FPPC. A Councilmember may seek a formal written opinion from the FPPC on a particular set of facts. Such an opinion letter would provide protection from an enforcement action arising under the same set of facts.

G. Other Sources of Conflict

In addition to the PRA, State law prohibits Councilmembers from entering into contracts with the City. (California Government Code § 1090) In general, this type of conflict is not subject to remedy through the disqualification of the interested Councilmember, but must instead be entirely avoided by the Council. There are, however, numerous exceptions to this provision that will allow the Council to enter into certain contracts after disqualification of the interested Councilmember and those should be reviewed with the City Attorney on a case-by-case basis (California Government Code § 1090).

H. Revolving Door Policies

For a period of one year after leaving office, state law prohibits Councilmembers and chief administrators from acting as agent or attorney for any other person by appearing formally or informally, orally or in writing, before the Council or any of its commissions, or committees if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance of, amendment to, award of, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property (California Government Code § 87406.3).

CALIFORNIA FORM 700 FAIR POLITICAL PRACTICES COMMISSION A PUBLIC DOCUMENT	STATEMENT OF ECONOMIC INTERESTS		Date Received <small>Official Use Only</small>
	COVER PAGE		
<i>Please type or print in ink.</i>			
NAME OF FILER _____			
(LAST)	(FIRST)	(MIDDLE)	
1. Office, Agency, or Court			
Agency Name _____			
Division, Board, Department, District, if applicable _____		Your Position _____	
▶ If filing for multiple positions, list below or on an attachment.			

Interaction with City Staff – CHAPTER SEVEN



Overview –7.01

City Council policy is implemented through dedicated and 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 support effective relationships, it is important that roles are clearly recognized.

Council-Manager Form of Government—7.02

Arcata has a Council-Manager form of government. Basically, with this structure, the City Council's role is to establish City policies and priorities. The Council appoints a City Manager to implement those policies and undertake the administration of the organization.

The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of city government, to prepare and monitor the principal budget, and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council, rather than to individual Councilmembers, and directs and coordinates the various departments. The City Manager is responsible for appointing all department directors and authorizing all other personnel positions. The City Council authorizes positions through the budget process; based upon that authorization, the City Manager makes the appointments.

The Council-Manager form of government is outlined in the California Government Code. The powers and duties of the City Manager include:

- Generally supervise over the administrative affairs of the City
- Appoint and remove at any time any department directors and employees
- Attend all meetings of the Council at which the Manager's attendance may be required by that body [AMC § 2107(d)]
- See that all laws and ordinances are faithfully executed, subject to the authority which the Council may grant the Mayor to maintain law and order in times of emergency
- Recommend for adoption by the Council such measures as the Manager may deem necessary or expedient
- Prepare and submit to the Council such reports as may be required by that body, or as deemed advisable to be submitted
- Keep the Council fully advised of the financial condition of the City and its future needs

- Prepare and submit to the Council a proposed budget for the fiscal year, and be responsible for its administration upon adoption
- Perform such other duties as the Council may determine by ordinance or resolution
- Implement and administer City Council policy

7.03—Non-Interference by City Council

The City Council is to work through the City Manager when dealing with administrative services of the City.

In no manner, either directly or indirectly, shall a Councilmember become involved in, or attempt to influence, personnel matters that are under the direction of the City Manager. No member of the Council shall, by suggestion or otherwise, attempt to influence or coerce the City Manager concerning appointments to City offices or employment. Nor shall the City Council be involved in, or influence, the purchase of any supplies beyond the requirements of the City's procurement code/procedures.

Except for the purpose of inquiry, the Council and its members will deal with the administrative service solely through the City Manager or designee, and neither the Council nor any commission, committee or member of a board shall give an order to, try to influence, coerce or direct, either formally or informally, any subordinate of the City Manager.

Violations of the provisions of this section by any of the above persons, if reported by any staff to the City Manager, will be brought forth to the entire City Council for review. The Council, on a case-by-case basis, will establish what, if any, corrections and/or sanctions are appropriate. See Chapter 9, § 9.03.

7.04—City Council / City Manager Relationship

The employment relationship between the City Council and City Manager honors the fact that the City Manager is the chief executive of the City. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the City Manager.

The City Manager respects and is sensitive to the policy responsibilities of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council.

A. *Performance Evaluation*

The City Council is to evaluate the City Manager on an annual basis to ensure that both the City

Council and City Manager are in agreement about performance and goals based upon mutual trust and common objectives. The City Manager's performance is evaluated in the following areas: Leadership, teamwork, job knowledge, attitude, accountability, empowerment, communication, problem-solving skills, quality of service, safety/risk-taking, implementation and administration of adopted Council policy.

City Council / City Staff Relationship—7.05

City Councilmember contact with City staff members, inclusive of the City Manager, will be during regular business hours, except in the case of an emergency.

City Council / City Attorney Relationship—7.06

Pursuant to recommendation of the City Manager, the City Council shall make provision for obtaining legal counsel for the City, either by appointment of a City Attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services. The City Attorney is a contract employee appointed by the City Council. The City Attorney is the legal advisor for the Council, its committees, commissions and boards, the City Manager, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City. 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 or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
4. Keep City Council and staff apprised of court rulings and legislation affecting the legal interests of the City.

It is important to note that the City Attorney does not represent individual members of the Council, but rather the City Council as a whole. Accordingly, with the exception of conflict of interest inquiries, in questions involving pending or upcoming matters, or protocol and procedure, the City Attorney's services are engaged and directed through the majority of the Council. Individual Councilmembers may seek advice or assistance from the City Attorney on other matters while exercising their best judgment on the most efficient and appropriate use of his/her resources. The City Attorney's performance is reviewed as provided by the services retention contract.

7.07—Roles and Information Flow

A. *Council Roles*

The full City Council retains the authority to accept, reject, or amend the staff recommendation on policy matters.

Members of the City Council must avoid intrusion into those areas that are the responsibility of staff. Individual Councilmembers may not intervene in staff decision making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Councilmembers, and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal. If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

B. *Access to Information*

The City Manager is the information liaison between the Council and City staff. Requests from Councilmembers for information are to be directed to the City Manager and will be responded to promptly. The information requested will be copied to all members of the Council so that each member may be equally informed. The sharing of information with the City Council is one of the City Manager's highest priorities.

There are limited restrictions controlling when information cannot be provided. The City is legally bound not to release certain confidential personnel information. Likewise, certain aspects of police department affairs (e.g., access to restricted or confidential information related to crimes) may not be available to members of the City Council.

C. *Staff Roles*

The Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council, and keeping the Council informed. Staff is obligated to take guidance and direction only from the City Manager or Department Director. This direction follows the policy guidance of the City Council as a whole. Staff is directed to reject any attempts by individual Councilmembers 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 for information or assistance made by individual Councilmembers provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, that it would be more appropriately assigned to staff through the direction of the full City Council.

Dissemination of Information—7.08

In addition to regular, comprehensive memoranda written by the City Manager directly to City Council concerning all aspects of City operations (exclusive of confidential personnel issues), all Councilmembers receive copies of all correspondence received by the City Manager that will assist them in their policy-making role. The City Manager also provides other documents to the Council on a regular basis, such as status reports, executive summaries, and agendas of all City commission and committee meetings and weekly senior staff meetings.

A variety of methods are used to share information with the Council. Workshops and study sessions are held to provide detailed presentations of matters. The City Manager's open-door policy allows individual Councilmembers to meet with the Manager on an impromptu or one-on-one basis

Magnitude of Information Request—7.09

Any information, service-related needs, or policy positions perceived as necessary by individual Councilmembers that cannot be fulfilled based upon the above guidelines should be considered as an item for the agenda of a City Council meeting. If so directed by an action of the Council, staff will proceed to complete the work within a Council-established timeline.

Staff Relationship to Advisory Bodies—7.10

Staff support and assistance may be provided to the City's boards, commissions, committees and task forces. These bodies, however, do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the City Manager. The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or committee bylaws. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

Staff support includes: (1) preparation of a summary agenda and appropriate notice after approval by the chairperson; (2) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and (3) preparation of minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

Advisory bodies wishing to communicate recommendations to the City Council shall do so through adopted Council agenda procedures as outlined in § 8.06(B) of this manual. In addition, when an advisory body wishes to correspond with an outside agency, correspondence shall be reviewed and approved by the City Council.

7.11—Restrictions on Political Involvement by Staff

Arcata is a nonpartisan local government. Professional staff formulates recommendations in compliance with Council policy for the good of the community, not influenced by political factors. For this reason, it is very important to understand the restrictions of political involvement of staff.

By working for the City, staff members do not surrender their right to be involved in political activities. Employees may privately express their personal opinions. They may register to vote, sign nominating or recall petitions, and they may vote in any election.

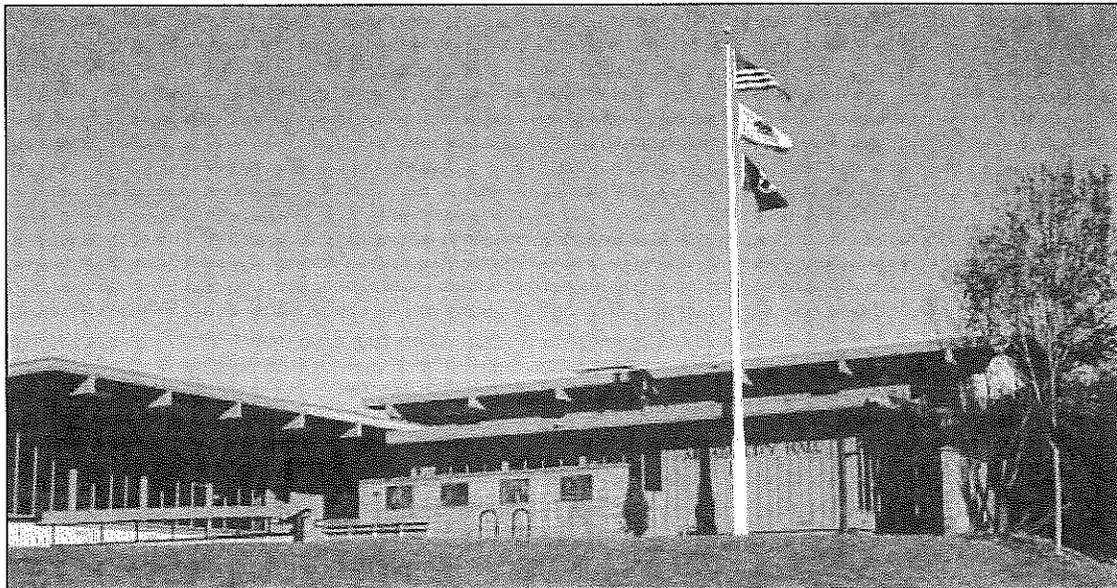
7.12—Council Attendance Policy

If a Councilmember intends to be absent from the City for more than 24 hours, he or she shall notify the City Manager of such absence and its duration.

A. *Vacancy for Nonattendance*

Under state law, if a Councilmember is absent without permission from all regular City Council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy [California Government Code § 36513(a)].

At the start of each City Council meeting, the City Clerk, or designee, will call the roll. Any absent Councilmember who has called the Mayor or City Manager's Office before 5:00 p.m. on the day of the meeting to advise of such absence may request to be excused by the City Council.



Arcata City Hall

City Council Meetings – CHAPTER EIGHT



The City Council's collective policy and law-making powers are put into action at the Council meetings. It is here that the City Council conducts its business. The opportunity for citizens to be heard, the availability of local officials to the citizenry, and the openness of Council meetings all lend themselves to the essential democratic nature of local government.

Meeting Schedule – 8.01

Regular City Council meetings are held the first and third Wednesdays of each month at 6:00 p.m., in the Council Chamber, 736 F Street, Arcata. By a majority vote of the Council, meetings not completed by 10:30 p.m. will be continued to the following Thursday at 6:00 p.m. in the Council Chamber.

Public Notice of Meetings and Hearings – 8.02

Pursuant to the California Government Code, cities are charged with establishing a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. The procedure followed by the City of Arcata is as follows:

A. Notices

Except where a specific means of notifying the public of a public hearing is otherwise provided by law or ordinance, notice of upcoming public hearings before the City Council or the City's boards and commissions shall be given by one publication of a notice containing the time, place, date, subject, and body before whom the hearing is to be held, in the City's official newspaper consistent with State law.

B. Preliminary Agenda of Council Meeting

The public shall be notified of the agenda for the forthcoming regular City Council meeting by the posting of a copy of the agenda in the following public places in the City at least 72 hours in advance of the meeting:

- Bulletin Board Outside Arcata City Hall
736 F Street
Arcata, CA 95501

A copy of the agenda will also be made available to the public as follows:

- Arcata Branch, Humboldt County Library
- Electronic Posting:
Access Humboldt (Community Media)
City of Arcata Website

C. Duties of City Clerk

The City Clerk is directed to publish notices and post agendas as required by § 8.02 of the Arcata City Council Protocol Manual.

The California Government Code addresses the subject of special meetings. For special meetings, only those items specifically listed on the agenda may be discussed, considered, or decided.

The City Clerk is responsible for posting a notice of public meeting at least 72 hours in advance of the meeting. Posting locations include the City Clerk's Office at City Hall.

8.03—Emergency Meetings

State Law permits the Council to hold an emergency meeting without providing advance 24-hour notice when prompt action is necessary due to the disruption or threatened disruption of public facilities during an emergency situation. Emergency situations are those matters immediately affecting the public health, safety and welfare of the community (California Government Code § 54956.5).

8.04—Special Meetings

Special meetings may be called by either the Mayor, Vice-Mayor or Acting Mayor in the absence of the Mayor. Additionally, as long as substantive consideration of agenda items does not occur, a majority of the Council may meet without providing notice to the public, in order to call a special meeting and prepare an agenda. When a special meeting is called by a majority of the Council, a representative of this majority shall notify the City Clerk of such special meeting call, who shall prepare a notice of special meeting, to be signed by all members of the majority calling the special meeting. Notice of a special meeting will be made by the City Clerk by delivering personally, by mail, or by facsimile, written notice to each member of the Council and to each local newspaper of general circulation, and to each local radio or television station which has on file with the City a written request to be notified of such special meeting or of all special meetings at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.

The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical, and increase the likelihood of such injury or damage.

At all regular and special meetings, public comments are invited during a public hearing before or during consideration of any item on the agenda. Public comment is appropriate on any matter within the jurisdiction of the City Council. All regular meeting agendas must provide a time for the public to address the body on items not on the agenda.

Study Sessions —8.05

The City Council may meet informally in a study session. The study session is the forum used by the Council to review forthcoming programs of the City, to receive progress reports on current issues, or to receive similar information from the City Manager and others.

All discussions and conclusions held during a study session are of an informal nature. Although no final action is taken while in a study session, a majority of the Council may give City staff preliminary direction on what to bring back to the Council for later consideration. Such direction given at a study session does not in any way obligate a Councilmember to vote in a particular way if the item is later brought back to the Council for further review.

Placing Items on the Agenda—8.06

A. *City Council Agenda Planning*

Any Councilmember may request that an item be placed on a City Council agenda by submitting a written request to the City Manager/City Clerk. The written request must, at a minimum, contain all of the following:

1. A substantive outline or summary of the information that will be presented to the City Council;
2. A concise statement of the specific action the City Council will be asked to take on the item; and,
3. A statement of the reasons why the requesting party believes it is appropriate and within the jurisdiction of the City Council to consider this subject matter and to take the requested action.

All matters to be presented to the City Council at its regular meetings are reviewed by the Mayor and City Manager. The item shall be placed on the agenda as soon as possible with consideration for scheduling issues.

B. *Advisory Bodies and Civic Organizations*

Advisory bodies of the City Council and other civic agencies (e.g., Chamber of Commerce, Arcata Main Street) may submit items for Council consideration by submitting a written request, as outlined in paragraph A. *City Council Agenda Planning*—1, 2, and 3 above, to the City Manager/City Clerk at least 15 working days prior to the meeting, to be considered by the Mayor and City Manager for placement on an agenda.

C. Members of the Public

A member of the public may request an item be placed on a future agenda while addressing the City Council during a regular meeting or by submitting a written request to the City Manager/City Clerk as outlined in paragraph A. *City Council Agenda Planning*—1, 2, and 3 above. In order to allow sufficient time for the Council to review, and staff to research the matter, the request should be submitted at least 15 working days prior to the meeting for which the item is requested to be placed on the agenda. If the issue is placed on the agenda, the City Clerk will notify the requester so that he or she may plan to attend the meeting.

D. Emergency or Other Items Added to the Agenda

Emergency items may be added to an agenda in accordance with state law. The reason(s) for adding an emergency item to the agenda shall be announced publicly at the meeting, and the issue shall be included in the minutes of the meeting. Placing emergency items on the agenda requires a majority vote of the Council and the items are taken up as the last item on the agenda. Additionally, the Council may add items to the agenda upon a 4/5ths vote determining that there is need to take immediate action and that the need for action came to the City's attention after posting of the agenda [California Government Code § 54954.2(b)].

8.07—Development of the Agenda

Staff is required to submit a staff report for each topic of discussion on the City Council agenda. The deadline for submitting these reports and documentation is 3:00 p.m. on Wednesday of the week prior to the date of the meeting for which the item is scheduled.

The agenda packet will be available for the Councilmembers, staff, public and media by noon on the Friday prior to the Council Meeting.

8.07.1—Communications Received After Agenda Preparation

All writings, documents, or electronic communications relating to any item on the agenda, received after distribution of the Council agenda packet and prior to the Council meeting, shall be distributed to the entire City Council and made available for public inspection during normal business hours at Arcata City Hall in the agenda binder located in the lobby, and in the City Manager's Office (California Government Code § 54957.5).

Citizens providing writings or documents to the City Council during the Council meeting must present ten (10) copies of each document to the City Clerk for distribution. Failure to submit the required number of copies will result in the document(s) NOT being distributed to the City Council at that meeting and NOT being placed in the official record.

Video / DVD, Web Streaming and Audio Recording of Meetings—8.08

City Council meetings, except study sessions and those meetings or portions of meetings conducted in Closed Session pursuant to the California Government Code, are broadcast live over the local Community Access Channel and web streamed live and archived on the City's website. Video/DVDs are kept for the sole purpose of being able to rebroadcast the meetings on the Community Access Channel and web meetings are archived on the City's website for up to one year. Both forms of broadcasted meetings are for the convenient viewing by Arcata citizens, are not the permanent record of City Council proceedings, and are only retained consistent with state law.

Order of Business—8.09

I. Call to Order and Flag Salute

The Mayor, or in the Mayor's absence the Vice-Mayor, presides over all meetings of the City Council, and after determining that a quorum is present, calls the meeting to order. In the absence of the Mayor and Vice-Mayor, the City Clerk shall call the Council to order, whereupon a temporary Mayor Pro-tem shall be elected by the members of the Council present. Following the call to order, those in attendance are asked to join the Council in reciting the Pledge of Allegiance.

II. Roll Call

The City Clerk, or designee, takes roll and announces the presence or absence of individual Councilmembers.

III. Ceremonial Matters

Requests for proclamations, other than those listed on the Council approved list, will first be presented to the City Council under the Consent Calendar and will become Ceremonial at the following Council meeting.

IV. Reports by Commission / Committee

V. Early Oral Communication

This 15-minute time period is provided for people to address the Council on matters not on the agenda. Speakers addressing Council during this time may be limited to two minutes.

VI. Meeting of the Successor Agency to the Community Development Agency

At this time the City Council presides as the governing body for the Successor Agency to the Arcata Community Development Agency in accordance with Health and Safety Code Section 34172(d)(1) and City of Arcata Resolution Number 112.10.

VII. Consent Calendar

All matters on the Consent Calendar are considered to be routine by the City Council and are enacted on one motion. If discussion is required, that item is removed from the Consent Calendar and considered separately. At the end of the reading of the Consent Calendar, Councilmembers or members of the public may remove an item.

VIII. Items Removed from the Consent Calendar

IX. Old Business

X. New Business

XI. Oral and Written Communications

This time is provided for people to address the Council or submit written communications on matters not on the agenda. At the conclusion of all oral communications, the Council may respond to statements. Any request that requires Council action will be set by the Council for a future agenda or referred to staff. Speakers addressing the Council may be limited to three minutes, with a maximum of five minutes, and a time limit on the length of Oral Communications may be imposed. Speakers unable to be heard during this portion of Oral Communications, due to the Council setting a time limit, will be heard at 10:30 p.m. or directly following the completion of all other City business.

XII. Council and Staff Reports

All reports shall be specifically limited to items relating to City business and shall not request or lead to action by the Council at this meeting.

XIII. Dates of Future Meetings

XIV. Closed Session: Litigation, Personnel and/or Real Estate

XV. Closed Session Reports

XVI. Adjournment

By majority vote of the Council, meetings not completed by 10:30 p.m. will be continued to the following Thursday at 6:00 p.m. in the Council Chamber. Should the Council vote to continue the meeting past 10:30 p.m., discussion on an item on the agenda that either requires or allows for public input may not begin without a unanimous vote of the City Councilmembers present. (Closed session items may begin later.) (Resolution No. 067-56.)

Council Action—8.10

The City Council exercises legislative authority through a simple motion, an amendment to a motion, adoption of a resolution, or adoption of an ordinance. Depending on the item, staff reports will generally attempt to present appropriate motions, with options, for the Council to make. The City Council is encouraged to review the staff recommendations and use presented options as a template when making a motion. In most situations, a majority of the members present is adequate to adopt a motion, however this is not always the case, and staff will advise the Council when either a super majority or majority of the entire body is required. In addition, in most situations a voice vote is all that is required for Council action; however, staff will advise the Council when a roll call vote is required. Motions should be concise and give clear direction to staff.

Although finality in action is an important principle in government, there may be occasions when the Council wishes to reconsider a motion it has previously passed. In such circumstances, a motion to reconsider may be made either at the meeting where the item was first voted upon, or at the very next meeting of the Council. A motion to reconsider brought forward at the following meeting of the Council will require proper notice on the agenda. A motion to reconsider an item previously voted on can be made only by a Councilmember who voted in the majority.

Legislative and Quasi-Judicial Actions of the Council—8.11

The Council can take both legislative and quasi-judicial action. In general, the Council acts in a legislative capacity when it takes action to adopt policies, plans, and ordinances of general application. In these situations, a Councilmember may rely on any information he or she lawfully obtains when participating in a decision-making process. In contrast, the Council will also act in a quasi-judicial capacity when it acts on matters that implicate constitutionally protected property and liberty interests. These types of actions generally involve land use entitlements and other types of permits, licenses, etc.

The distinction between legislative and quasi-judicial activity is especially important because of the rights that are given to the applicant. Specifically, an applicant in a quasi-judicial matter is entitled to due process of the law. This includes a right to have a decision made on the record by a fair and impartial Council. In order to ensure these rights are satisfied, the Council must disclose all ex parte communication it receives; that is, information or evidence a Councilmember obtains from outside the Council hearing on the matter. Additionally, Councilmembers may be called upon to answer questions about potential bias.

General Parliamentary Procedure—8.12

Parliamentary procedures set the agreed-upon standard for conducting business. For general guidance, the Council will follow Rosenberg's Rules of Order, attached as Appendix H. Certain processes are subject to state code and must be complied with. The Council will accept direction from the City Manager/City Clerk and the City Attorney on the code. For other matters, the Arcata City Council has a tradition that

adheres to the common parliamentary practices used by similar institutions to facilitate the orderly processing of the business of its meetings. When necessary to resolve issues that may arise over the process, the Mayor will refer to the City Attorney who will act as the Parliamentarian. Upon such advice, the Council will vote and follow the decision of the majority.

8.13—Public Presentations at Meetings

The Mayor may establish reasonable time restrictions on presentations from members of the public that take into consideration the complexity of the subject matter, the number of other members of the public wishing to address the Council, and the number of other items on the agenda to which the Council must attend. Members of the public who wish to utilize electronic media in their presentations must coordinate in advance with the City Manager or his/her designee. The City Manager may establish reasonable rules on the public's use of electronic media, to minimize the disruption of Council meetings as well as the burden on City staff, including the requirement of advance notice and/or submission of presentation data to ensure all compatibility issues are resolved before the Council meeting. Electronic media presentations are subject to time restrictions as established by the Mayor. The public may use the City's projector in the Council Chambers to assist in making their electronic presentations, subject to electronic media presentation rules established by the City Manager.

City Council Meeting - Windows Internet Explorer provided by City of Arcata

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City of Arcata

Agenda

CITY OF ARCATA
CITY COUNCIL MEETINGS

COUNCIL CHAMBER: 736 F Street, Arcata, CA 95521
July 6, 2011
Wednesday, 6:00 P.M.

AGENDA

Special accommodations for the disabled who attend City meetings can be made in advance by contacting the City Clerk at 823-5953. Assistive listening devices are available.

PLEASE NOTE: Speakers wishing to distribute materials to the City Council at the meeting are requested to provide 10 copies to the City Clerk.

SPECIAL MEETING - 4:30 P.M.

1. ROLL CALL.
2. PUBLIC COMMENT.
3. CLOSED SESSION.

A. CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to Government Code Section 54957.6 (Two Items): Arcata Police Association and International Union of Operating Engineers Local Number 3. Negotiators: Randi

City Council Meeting

00:29:22 / 04:27:40

Index Share

IV. REPORT BY COMMITTEE
A. Energy Committee

II. ROLL CALL.
A. Proclamation in Recognition of Independents Week, June 27 to July 4, 2011.
B. Proclamation Declaring the Month of July 2011 as Parks and Recreation Month.

Document Viewer

Protocol Administration – CHAPTER NINE



Biennial Review – 9.01

The City Council will review and revise the City Council Protocol Manual as needed. The City Council will specifically review, and if necessary revise, the Protocol Manual every July following a City Council election.

City Attorney as Protocol Advisor – 9.02

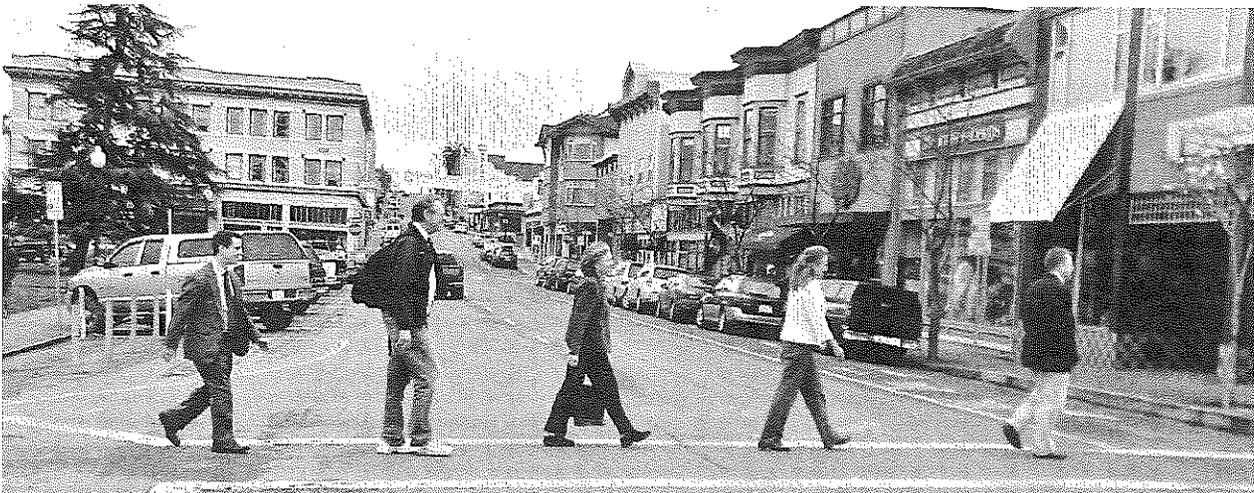
The City Attorney shall assist the Mayor and serve as an advisor for interpreting the City Council's adopted Protocol Manual.

Adherence to Non-interference Policy – 9.03

The City Council delegates to the City Manager the responsibility to discuss with any Councilmember, on behalf of the full Council, any perceived or inappropriate interference or encroachment of administrative services. The City Manager will discuss with the Councilmember the action and suggest a more appropriate process or procedure to follow. If inappropriate action continues after this discussion, the City Manager will report the concern to the full Council.

Applicability of Protocol Manual – 9.04

The City Council Protocol Manual shall apply when the Council is sitting as another entity or agency. The role of Mayor and Vice-Mayor shall be interchangeable with the Chair and Vice-Chair, or President and Vice-President, when sitting as another entity.

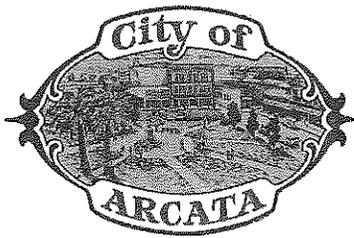


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City Council Protocol Manual—APPENDIX



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City of Arcata
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