

CITY COUNCIL

Wade S. Elliott, Mayor
Charles Gee, Vice Mayor
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CITY OF ORLAND

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CITY OFFICIALS

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Assistant City Manager/City Clerk
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City Treasurer

INTERIM CITY MANAGER

Gail Wingard

December 6, 2011

To: Honorable Elected or Appointed Officials and Applicants for Same
From: Wade S. Elliott, Mayor
RE: **City of Orland Governance Policy**

Community service is a high calling where the satisfaction of serving well and the respect of your community and colleagues is often ones only reward. Your sacrifice of both time and talent in devotion to community is admirable and brings to you the esteem of your colleagues and fellow citizens. It is my hope that you will find your time of service to the City of Orland most rewarding.

The attached **City of Orland Governance Policy** was first adopted by the Orland City Council on December 5, 2011 to provide our elected and appointed officials a guidance document to insure the highest standard for civil conduct and effectiveness of City Council meetings. (How it could have helped me in that first year!) It is a living document subject to review and revision as needed. It is meant to be of help to you and your colleagues in guiding your meetings and conversation with the citizens, employees, and your colleagues on the Council, commission, boards, and committees on which you may have the honor of serving.

Thank you for serving our community,

A handwritten signature in black ink, appearing to read "Wade S. Elliott", is written over a faint, circular official stamp.

Wade S. Elliott, Mayor

Wade Elliott was elected to the Orland City Council in 2008 and later served as Mayor in 2009-2010, Vice Mayor in 2010-2011, and was elected Mayor a second time in 2011.

CITY OF ORLAND GOVERNANCE POLICY

1. SCOPE

The successful operation of a municipality requires that standards be established to define the roles, responsibilities and expectations of the Governing Board, Commissions and staff in the operation of the organization. These standards will promote communication, understanding and trust among members of the City Council, the public and City staff concerning their roles, responsibilities and expectations, and public participation in the process. In general, policies governing the Council shall equally apply to various City-created Boards, Committees, and Commissions operating at the pleasure of the Council.

2. PURPOSE AND INTENT

This policy establishes rules of decorum for Council, Commissions and staff interaction and procedure for orderly conduct of City Council/Commissions meetings, special meetings, and study sessions. Due to the informal nature of workshops, study sessions and joint meetings, the presiding officer may deviate from these rules; however compliance with the Brown Act shall be maintained.

The establishment and periodic review of this policy will help protect free speech and civil discourse and facilitate the orderly, efficient conduct of productive, issue-based City Council/Commission meetings.

3. COUNCILMEMBERS BEHAVIOR AND CONDUCT

The Orland Governance Policy expresses standards of ethical conduct expected for members of the Orland City Council, Boards and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of Boards and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Orland Governance Policy are brought to their attention.

City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (either within the City of Orland or with inter-government agencies) or have official travel restricted. Serious infractions of the Orland Governance Policy could lead to other sanctions as deemed appropriate by Council.

Councilmembers should point out to the offending Councilmember infractions of the Orland Governance Policy. If the offenses continue, then the matter should

be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

4. CLOSED SESSIONS

Consistent with Government Code Section 54954.2, the Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law to consider or hear any matter which is authorized by State law to be heard or considered in closed session.

The general subject matter for consideration shall be expressed in an open meeting before such session is held. After closed session the legislative body must reconvene to open session and may be required to disclose action taken, if any.

The legislative body in a closed session can consider only matters covered in its agenda description. City Council Members shall keep all written materials and verbal information provided to them on matters that are confidential under law in complete confidence to ensure that the City's position is not compromised. No mention of information in these materials should be made to anyone other than Council Members, City Attorney, or City Manager, unless one of the aforementioned is precluded or a subject thereof.

If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, a proposed or pending claims or litigation, and/or employee negotiations, all contact with the other party should be by the designated representative handling the negotiations or litigation. A Council Member should not have any contact or discussion with the other party or its representative(s) involved concerning the negotiation during this time and shall not communicate any discussion conducted in closed sessions. All public statements, information, press releases, should be handled by the designated representation or spokesperson.

Government Code Section 54963 (a) - (f) outlines the injunctive relief and disciplinary actions that may be imposed on those who divulge confidential closed session discussions, without first receiving authorization from the legislative body.

5. BOARD AND COMMISSION MEMBERS BEHAVIOR AND CONDUCT

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board and Commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective Board or Commission, the City clerk, the City Attorney, the City Manager, and the City Council. Written reprimands administered by the Mayor shall not be included in packets for public meetings and shall not be publicized except as required under the Public Records Act.

The City Council may impose sanctions on Board and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures, including hard copies to numerous public facilities and posting online. Any Report to Council addressing alleged misconduct by a Board or Commission member shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board or Commission member conduct. Should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council and develop an investigation plan.

The results of any investigation shall be reviewed by the Mayor and Council to determine the next appropriate action. **6.0 PRESIDING OFFICER**

The terms "Presiding Officer," "Mayor" and "Chair" shall be used interchangeably within this manual.

The Mayor shall be the Presiding Officer at all meetings of the Council. In the absence of the Mayor, the Vice Mayor shall preside. In the absence of both the Mayor and Vice-Mayor, the Council shall elect a temporary Presiding Officer to serve until the arrival of the Mayor or Vice Mayor or until adjournment.

6.1 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Councilmembers. He/she shall not be deprived of any rights and privileges of any Councilmember

by reason of his/her acting as presiding officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting.

6.2 QUESTION (MOTION) TO BE STATED

The Presiding Officer shall verbally restate each motion immediately prior to calling for the vote. Following the vote, the Presiding Officer shall announce whether the motion was carried or was defeated. In cases where the action of the Council may be unclear for those in the audience, the Mayor shall summarize the action of the Council before proceeding to the next item of business.

6.3 SIGNING OF DOCUMENTS

Subject to Council policy or direction, the Mayor shall sign ordinances, resolutions and contracts approved by the Council at meetings at which he/she is in attendance. In the event of his/her absence, the Vice-Mayor or elected Presiding Officer shall sign all such documents adopted and approved by the Council.

6.4 MAINTENANCE OF ORDER

The Mayor is responsible for the maintenance of order and decorum at all times. No person shall be allowed to speak who has not first been recognized by the Chair. All questions and shall be addressed to the Chair.

7.0 RULES, DECORUM, AND ORDER: Public Meetings

7.1 POINTS OF ORDER

The Presiding Officer shall determine all Points of Order subject to the right of any Councilmember to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" In this event, a majority vote shall govern and conclusively determine such question of order.

7.2 DECORUM AND ORDER - COUNCILMEMBERS

- a. Every Councilmember desiring to speak shall address the Chair and, upon recognition by the Mayor, shall confine himself/herself to the question under debate.
- b. Every Councilmember desiring to question the administrative staff shall address his/her question to the City Manager or City Attorney who shall be entitled to either answer the inquiry himself/herself or to designate a member of his/her staff for that purpose.
- c. A Councilmember, once recognized, shall not be interrupted while speaking unless called to order by the Mayor, unless a point of order is raised by another Councilmember, or the speaker chooses to yield to questions from another Councilmember.

d. If a Councilmember is called to order while he/she is speaking, he/she shall cease speaking until the question of order is determined. If ruled to be not in order, he/she shall remain silent or shall alter his/her remarks so as to comply with rules of the Council.

e. Councilmembers shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

f. Any Councilmember may move to require the Mayor to enforce the rules and the affirmative vote of a majority of the Council shall require him/her to so act.

g. Ex-Parte Communications – An ex parte communication is a communication made outside the Council Chambers between a Council or Commission member and any person in the public concerning a quasi-judicial proceeding under consideration by the Council or Commission. When a Board or Commission member has had an ex parte communication, the member shall state for the public record: (a) the nature of that communication, (b) with whom the ex parte communication was made, and (c) a brief statement as to the substance of the communication.

7.3 DECORUM AND ORDER - EMPLOYEES

Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. The City Manager shall insure that all City employees observe such decorum.

Any staff member, including the City Manager, desiring to address the Council shall first be recognized by the Chair. Questions may be addressed to the Chair, or as appropriate through the chair to any one individual Councilmember or public member.

7.4 DECORUM AND ORDER - PUBLIC

The City Council, elected by the public, must be free to discuss issues confronting the City in an orderly environment. Any person making impertinent and/or slanderous remarks of any persons or who becomes boisterous, aggressive, threatening, rude, or otherwise disruptive of the proceedings while addressing the Council or subordinate Commission or while attending a Council or Commission meeting shall be removed from the room, if the Presiding Officer so directs the sergeant at arms, and such person may be barred from further audience before the Council or Commission subject to certain limitations required by law (e.g. The Brown Act).

7.5 ENFORCEMENT OF DECORUM

The City Manager has appointed the Chief of Police as ex officio sergeant at arms of the Council. The Chief shall carry out all orders and instructions given him/her for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions, it shall be the duty of the Chief of Police or his/her representative to remove any person from the Council Chambers or place him/her under arrest or both as authorized by the law.

7.6 PERSONAL INTEREST

No Councilmember, prevented from voting by personal interest, shall remain at the Council dais during the debate and vote on any such matter. In the event of such conflict, the Councilmember shall state for the record the grounds and leave the Council dais during debate and vote on the issue.

7.7 LIMITATION OF DEBATE

No Councilmember shall be allowed to speak more than once upon any one subject until every other Councilmember choosing to speak has spoken. Clarification in, the form of a question, or making a suggestion shall be allowed.

7.8 DISSENT AND PROTESTS

Any Councilmember shall have the right to express dissent from, or protest to, any action of the Council and request that the reason be entered into the minutes. In matters where no action is being required any member may request, through the Presiding Officer, a poll of the entire Council to insure that any direction being given in such cases is consistent with the will of the majority of those present.

8.0 ADDRESSING THE COUNCIL

8.1 MANNER OF ADDRESSING THE COUNCIL

An "Oral Communications" period will appear on the Agenda of each Council meeting, allowing all citizens an opportunity to express a view on items under the Council's jurisdiction.

All items on Council agendas which are public hearings, as provided by law, provide interested citizens an opportunity to express their views. Testimony will be taken after the public hearing is opened by the Mayor or Presiding Officer.

Public members attending Council meetings and desire to comment on any agenda item may be required to sign up on that item's signup sheet. When that item is announced by the Presiding Officer, he/she will call in order of sign up on that agenda item. Once all individuals have been called that signed up the presiding officer will ask if there are any further comments from the public. Once the public has been completed its comments on the agenda item there shall be no further comments from the public unless the Presiding Officer or a

Councilmember, through the Chair, calls upon a specific individual. When the Council begins deliberation, there shall be no public comment.

Any person desiring to address the Council shall proceed to the podium during the time provided to do so and wait to be recognized by the Mayor. After being recognized, the speaker shall be requested to state his/her name and address for the record. Remarks shall be limited to the question under discussion. Persons should not approach the podium at other times unless directed by the Chair.

All remarks and questions shall be addressed to the Chair and not to individual Councilmembers, staff members or other persons

8.2 TIME LIMITATION

To ensure fair and equal treatment of all who appear before the Council, and to expedite City business, persons will be permitted to speak once for up to three (3) minutes each during the Oral Communications period. This time limit may be extended for good cause by the Mayor, or at the request of any Councilmember through the Mayor. At the Chair's discretion, a limit on the total amount of time for public comments during Oral Communications and/or a further limit on the time allotted to each speaker during Oral Communications may be set in order to facilitate consideration of a topic, to allow for greater numbers of the public to comment, or to allow completion of a meeting with a lengthy agenda within a reasonable period of time.

Persons addressing the Council on a public hearing matter will be permitted to speak once for up to five (5) minutes each during the public hearing. For the same reasons identified above, the Council may also set a further time limit on each speaker and/or set an overall time limit on comments on a particular public hearing matter. Notwithstanding the foregoing, the property owner, the applicant, an appellant, and the spokesperson for an organized group of persons residing and/or owning property within the noticed area of the property which is the subject of the public hearing, may, in the Council's discretion, be permitted to speak longer than five (5) minutes on a public hearing matter.

8.3 ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After a motion has been made, no person shall address the Council without securing permission from the Chair.

9.0 CITY COUNCIL RELATIONSHIP WITH CITY COMMISSIONS AND COMMITTEES AND COUNCIL MEMBER REPRESENTATION TO OTHER AGENCIES AND GROUPS

Members of the City Council may, from time to time, discuss topics of interest with their respective appointees to various City Boards and Commissions. It is important for Commissions and Committees to make informal, objective recommendations to the City Council on items before them.

Individual Councilmembers should have the right to attend meetings but are cautioned about becoming involved in the meeting's discussions.

City Council representatives serving on a local Board or committee shall abstain from voting on any issue if it will later be submitted to the City Council for consideration.

If a member of the City Council represents the City before another governmental agency or organization, the Councilmember should first indicate the majority position or opinion of the Council. Personal opinions and comments may be expressed only if the Councilmember clarifies that these statements do not represent the position of the City Council.

10.0 CITY COUNCIL/COMMISSION RELATIONS WITH CITY STAFF

City Staff should avoid debate with Council during a public meeting.

Mutual respect shall be shown during public session from both Councilmembers and staff regarding their roles and responsibilities.

City staff shall acknowledge the Council as having the final authority to make policy decisions. The City Council shall acknowledge staff as implementing and administering the Council's policies.

Any concerns by a Councilmember over the behavior or work of a City employee should be directed to the City Manager privately to ensure the concern is resolved. In cases where the Council is charged with the direct oversight of a City employee, as outlined either by the Orland Municipal Code (OMC) and/or individual employment or service contracts, reviews would normally be conducted in a closed session with the participation of the full Council.

All written informational material requested to be prepared for individual Councilmembers shall be submitted by staff to all Councilmembers. This does not apply to conflict of law information and certain personal questions regarding Councilmember rights addressed to the City Attorney.

Councilmembers should not attempt to coerce or influence staff in the making of appointments, awarding of contracts, the selection of consultants, the process of development applications, and the granting of City licenses or permits. The Council should not attempt to change or interfere with the operating policies and practices of any City department. This provision, however, shall not limit the ability of Councilmembers to request information from City staff.

Mail that is addressed to the Mayor and City Council shall be circulated by the City Clerk to the City Council. The City Clerk shall not open mail addressed to individual Councilmembers.

A councilmember should not direct staff to initiate any action or prepare any report that is significant in nature or initiate any project or study without the approval of a majority of the City Council.

NOTE: THE BELOW IS NOT PART OF THE GOVERNANCE BUT ONLY INFORMATION ON PUBLIC ADDRESSING AGENDA ITEMS (SEE 7.1 PARAGRAPH 3)

California Government Code Section 54954.3

Legal Research Home > California Lawyer > Government Code > California Government Code Section

54954.3

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.