



# **CITY OF MT. SHASTA CITY COUNCIL PROTOCOLS**

**CITY OF MT. SHASTA  
305 N MT. SHASTA BLVD.  
MT. SHASTA CALIFORNIA**

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Exhibit–*Rosenberg's Rules of Order*: Simple Parliamentary Procedures for the 21<sup>st</sup> Century  
Exhibit-Budget Timeline

# **CITY COUNCIL PROTOCOLS**

**(Including Planning Commission / Committees Where Appropriate)**

## **1. PURPOSE**

The purpose for establishing City Council Protocols is to provide an effective environment for the City Council to provide leadership. The Protocols may be amended by a majority vote of the Council Members, by Resolution.

The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the Council Members when it is deemed that there is good cause to do so based upon the particular facts and circumstances. The protocols shall be amended by a majority vote of the City Council Members and may be amended administratively by the City Clerk upon advice of the City Attorney, to remain current with Federal, State and Local Laws.

### **1.1 Council-Manager Form of Government**

The City of Mt. Shasta operates according to the Council-Manager form of government which vests authority in an elected City Council which, in turn, hires an appointed executive. The City Council is composed of five members elected from the City on a nonpartisan basis to serve overlapping four-year terms. The Mayor is elected by a majority vote of the City Council Members at the second Regular City Council meeting held in November to serve a one-year term as presiding officer at City Council meetings and as the official head of the City for legislative and ceremonial purposes. The City Manager is appointed by the City Council and serves at the pleasure of that body.

The City Council is the City's legislative and policy-making body. Acting as a whole, the City Council is responsible for passing ordinances and orders necessary for governing the City, as well as for setting the direction of City policy. The City Manager is responsible for the overall administration of the City, which includes implementation of the general policies set by the City Council in addition to the day-to-day operation of all town functions. The City Manager, with the help of the staff, provides the City Council with the information needed to fulfill its policy-making role.

The Council-Manager form of government separates legislative and executive responsibilities in a manner similar to state and federal governments. This system provides "checks and balances" of both policy and administrative branches of government by limiting the power of each.

## **1.2 City Council Vision**

- The City Council's vision as set forth as the mission statement of the Mt. Shasta Community Action Plan is "to maintain the character and resources of our "small town" community while striking an appropriate balance between economic development and preservation of our quality of life."

## **1.3 City Council Guiding Principles**

- **Serve the residents and guests of our City and our surrounding neighbors**
- **Welcome and respect a variety of viewpoints**
- **Encourage fair, open, honest discussion**
- **Host positive community input and participation**
- **Build a cohesive vision by making prudent, fiscally sound decisions**

## **2. STATUTORY REQUIREMENTS / REGULATORY GUIDELINES**

Certain state laws and other established regulations exist which govern various responsibilities of the City Council. This protocol manual is not intended to duplicate, modify, supersede or repeat any existing statutes or regulations. City Council Members are responsible for becoming familiar with these statutes and regulations.

### **2.1 The Brown Act**

The Ralph M. Brown Act is a law which provides that all meetings of a legislative body, whether meetings of the City Council or its appointed commissions and committees, shall be open and public and all persons shall be permitted to attend. Notices of such meetings must be made 72 hours prior to the meeting. A "meeting" takes place whenever a quorum is present and subject matter related to the City business is heard, discussed, or deliberated upon.

### **2.2 Political Reform Act**

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding Conflicts of Interests and Campaign Receipts and Expenditures.

### **2.3 City of Mt. Shasta Municipal Code**

The City of Mt. Shasta Municipal Code consists of those codified ordinances of general municipal regulations and laws, and may be referred to as the Municipal Code. The City Clerk is responsible for codifying ordinances as adopted by the City Council which affect the Municipal Code and provides supplements on an as-needed basis.

### **2.4 City of Mt. Shasta Zoning Ordinance**

The City Zoning Ordinance is a comprehensive document whose purpose is to promote, protect and preserve the health, safety and general welfare of the public and to guide, control and regulate future growth and development in a sound and orderly manner. In addition, it is designed to promote achievement of the goals and purposes of the City's General Plan, to protect and enhance the character and stability of agricultural, residential, commercial, industrial and other areas within the City; and to promote excellence of design in all future developments and to preserve the internal beauty and established character of the City. The Land Development Code shall be an integrated, internally consistent and compatible statement of policies for Mt. Shasta. It governs future development in companion with other regulating documents of the City, including the Mt. Shasta General Plan.

### **2.5 City of Mt. Shasta General Plan**

By State Law, every community in California is required to have a General Plan, which must contain and address seven elements: Circulation, Open Space, Land Use, Housing,



Conservation of Natural Resources, Safety, and Noise. An updated Housing Element that is consistent with State housing laws must be submitted to the State for review every five years. The last comprehensive review and revision of the Mt. Shasta General Plan was in 2007.

## **2.6 City of Mt. Shasta Fiscal Year Budget and Five-Year CIP**

The City's annual budget document consists of projections of the General Fund revenues and expenditures, personnel costs, and Enterprise and Special Revenue Funds revenues and expenditures. Once adopted by a majority of the City Council, the budget sets policy for the coming fiscal year. It also authorizes expenditures and staffing levels, and serves as a tool for monitoring current year goals and objectives. (See Budget Schedule appendix)

The Capital Improvement Program (CIP) is a five-year planning instrument used by the City to identify capital improvement needs and to coordinate financing and timing of those needs in a manner that maximizes the return to the public. As each annual budget is prepared, additional projects and priority needs are developed and added to the program to maintain a total five-year plan.

## **2.7 City of Mt. Shasta Personnel Rules and Policies & Mt. Shasta Employees' Union (Memorandum of Understanding)**

See City Personnel Manual and Union MOU's.

## **2.8 City of Mt. Shasta Commissions and Committees**

Commission and Committee members of all City commissions, committees, and boards, e.g. the Planning Commission and other Brown Act bodies such as the Beautification Committee, Parking & Business Improvement Area Advisory Committee, etc. are appointed by the Council to carry out responsibilities in accordance with the policies and guidelines established by Council or agency responsible for such commissions, committees, or boards. General purposes and duties of each legislative body are developed by the Council and/or corresponding agency(ies). The City Clerk advertises vacancies of City commissions, committees, or boards which are subject to Mayoral appointment with ratification by the full City Council.

## **2.9 Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21<sup>st</sup> Century**

All procedural matters not otherwise provided for or controlled by state law or by any ordinance, resolution, rule or regulation of the City shall be governed by Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21<sup>st</sup> Century (attached as Exhibit). However, no ordinance, resolution, or other action of the City Council shall be invalidated or the legality thereof otherwise affected by the failure or omission of the City Council to observe or follow such rules. Certain procedures relating to motions, agenda item discussion, debate, and courtesies contained in *Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21<sup>st</sup> Century* are incorporated into this document, except to the extent they are modified by this Protocol document.

### **3. COUNCIL ORGANIZATION**

#### **3.1 Newly-Elected Members**

Newly-elected Council Members will be sworn into office generally at the next regular Council meeting or as soon as possible after the certificate of election is issued by the County Clerk. Immediately upon election (even before being sworn into office), newly-elected Council Members are subject to the provisions of the Brown Act. Newly-elected Council Members shall not be allowed to attend closed sessions before being sworn into office.

#### **3.2 Council Member Term**

Members of the Council shall be elected for terms of four (4) years. They shall hold office from the date at which they are sworn in by taking their Oath of Office following adoption by the Council of the official canvass of the election and until their successors are elected and qualified.

#### **3.3 Municipal Elections**

The general municipal elections for the City of Mt. Shasta shall be held on the first Tuesday after the first Monday in November of even-numbered years.

#### **3.4 City Council Vacancies**

Per Government Code §36513, when a Council Member is absent without permission from all regular council meetings for 60 days consecutively from the last regular meeting he/she attended, his/her office becomes vacant and shall be filled as any other vacancy.

Vacancies in the Council shall be filled in accordance with Government Code section 36512.

#### **3.5 Duties of Mayor and Mayor Pro Tem**

The Mayor shall preside at the meetings of the Council and perform such other duties consistent with the office as may be required by the Council. The Mayor does not possess any power of veto. If he/she is absent or unable to act, the Mayor Pro Tem shall serve until the Mayor returns or is able to act.

##### **3.5.1 Authority of the Mayor & Mayor Pro Tem**

Subject to appeal to the full Council the Mayor, serving as Chair shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Chair shall be courteous and fair and should presume that the moving party is acting in good faith.

Mayor to Facilitate Council Meetings – The Council has delegated the responsibility and expanded the role of the Mayor to include the facilitation of Council Meetings. In the role

as facilitator, the Mayor will assist the Council to focus on their agenda, discussions and deliberations, and controls the debate and order of speakers.

The Mayor may make or second any motion, and present and discuss any matter, as a member of the Council.

Unless otherwise designated, the Mayor or the Mayor Pro-tem, in the absence of the Mayor, may sign:

- a. All conveyances made or entered into by the City;
- b. All Resolutions, Ordinances, and Proclamations.

The Mayor shall be recognized as the official head of the City for all ceremonial purposes.

The Mayor Pro Tem shall have all the powers and duties of the Mayor should the Mayor be absent or unable to perform any of those duties for any reason.

The Mayor or Mayor Pro Tem or any Member of the City Council shall not publicly state the City's position on City business that has not been approved by the majority of the City Council.

Other than the enumerated duties, the Mayor and Mayor Pro Tem do not have any special authority or privilege over and above that of any other Council Member.

#### 3.5.2 City/Council Representation At Ceremonial Functions

The Mayor shall represent the Council at ceremonial functions. Should an individual Council Member, other than the Mayor, be asked to make a ceremonial presentation the individual Council Member should redirect the request to the Mayor. The Mayor may, at his/her own discretion, ask another Council Member to represent the Council at the function. The Mayor may be asked to make a presentation of a City Pin to an individual at such ceremonial functions.

Council Members, on approval of the majority of the Council, shall be reimbursed for admission and meal expense to attend ceremonial functions for which the Council Member was invited to represent the City in accordance with the City's Travel and Expense Policy.

#### 3.5.3 City/Council Representation on Written Correspondence

At times, the Mayor may be called upon to respond to written inquiries received from the public or to sign correspondence on behalf of the City. Such requests or correspondence shall reflect the position of the full Council. All such correspondence shall be copied to the full Council.

#### 3.5.4 Bestowing of Awards/Recognition to Individuals

The Mayor, as Chair, shall make any presentation of awards at City Council meetings on behalf of the full Council to members of committees or other members of the community who have provided beneficial services to the City of Mt. Shasta. All such awards or items of recognition presented by the Mayor shall be done on behalf of and with the approval of the full Council. Should the Mayor not be present to make such presentation, the Mayor Pro Tem shall act on his/her behalf.

#### 3.5.5 Approval of the Agenda

The Mayor, or Chair, shall work with the City Manager and City Clerk to formulate the agenda for meetings. The Mayor and one other Council Member on a rotating basis shall attend a pre-agenda meeting and approve the agenda before it is made public.

### **3.6 Selection of Mayor and Mayor Pro Tem**

The Mayor and the Mayor Pro Tem shall serve a one-year term and are appointed each year at the second regular meeting in November of each year, or in the first regular or special City Council meeting following the municipal election, and upon installation of the new Council Members, if any, in years in which such election has been held. The Mayor and Mayor Pro Tem are selected by a majority vote of the members of the City Council. The selection is done by open nomination by motion by any Council Member, and voted upon by a voice vote or selection by open ballot. The Mayor and Mayor Pro - Tem serve at the pleasure of the other City Council Members.

### **3.7 Seating Order**

The Mayor shall have the prerogative to designate the seating order for the Council dais. Otherwise, the seating order shall be organized by seniority, with the Mayor Pro Tem seated to the right of the Mayor, most senior Council Member on the far right side of the Mayor Pro Tem and the least senior to the far left of the Mayor.

## **4. CODE OF ETHICS**

### **4.1 Preamble**

The residents and businesses of Mt. Shasta are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public officials participate in ethics training every two (2) years as required by AB1234;
- Public officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the City of Mt. Shasta City Council adopts this Code of Ethics to encourage public confidence in the integrity of local government and its operation.

### **4.2 Public Interest**

Council Members will work for the common good of the people of Mt. Shasta and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

Council Members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties.

### **4.3 Conduct**

Council Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of others.

Council Members shall perform their duties in accordance with the processes and rules of order established by the City Council.

Council Members shall inform themselves on public issues; listen attentively to public discussions before the body; and focus on current business issues.

Council Members shall abide by the Ralph M. Brown Act and shall not hold discussions, that include more than one other City Council Member, regarding City business outside of public City Council meetings which would be considered to be a serial meeting.

Council Members shall base their decisions on the merits and substance of the matter submitted for review.

Council Members shall publicly share substantive information that is relevant to a matter under consideration that they may have received from sources outside of the public decision-making process.

#### **4.4 Conflict of Interest**

The Political Reform Act (Government Code, Title 9, Sections 81000-91015) controls conflict of interest through disclosure and prohibition of participation in decisions, which are actual conflicts of interest. The rules as set forth in the Political Reform Act are complex and not necessarily intuitive. The consequences of violating the rules can be severe, including substantial monetary penalties and possible criminal prosecution.

Specifically, the Political Reform Act requires City Council Members and other public officials to annually disclose all financial interests that may be affected by decisions made in their official capacity; this includes interests such as investments, real property, and income. Council Members must also disqualify themselves from making or participating in making or influencing any governmental decision that will have a foreseeable material financial effect on any economic interest of the Council Member or certain family members.

The Political Reform Act requires State and local government agencies to adopt and promulgate conflict of interest codes, which shall be reviewed bi-annually on even-numbered years. On February 14, 1995 the City Council adopted Ordinance No. CCO-95-02.

##### 4.4.1 Statements of Economic Interest

A financial disclosure form (Statement of Economic Interest) must be filed online or with the City Clerk no later than April 1 of each year for financial interests pertaining to the preceding calendar year. Newly elected Council Members must file a statement within 30 days of officially assuming office. Certain commission members and City employees are also subject to this disclosure requirement.

Commission, Committee, and Board member appointments shall not be valid, nor shall they participate in any activities of that body until they have filed the required Statement of Economic Interests, Form 700, with the City Clerk, nor shall they continue to participate in the activities of that body if they have not filed the annual Statement of Economic Interests by April 1<sup>st</sup> of any year until such time as they do file. Failure to file such Statements may lead to Council revocation of the appointment.

##### 4.4.2 Sources of Assistance

The Fair Political Practices Commission (FPPC) is the state agency that administers the Public Records Act (PRA), issues regulations, gives conflict advice, and enforces the rules. The FPPC also provides a "hot line" that a Council Member may call for informal advice. The City Attorney is available for consultation, but the City Attorney's advice on conflict matters cannot provide a Council Member with any immunity from prosecution. The City Attorney may not keep consultations confidential from the full Council, and the City Attorney's opinion is not a defense to a Fair Political Practices Commission (FPPC) enforcement action. Most

conflict of interest questions ultimately depend on whether it is reasonably foreseeable that the decision will have a “material financial effect” on the Council Member’s economic interest. Municipal attorneys generally do not advise public officials as to whether a material financial effect would exist unless the answer is absolutely certain based upon applicable regulations. While the City Attorney may have his or her own opinion as to whether or not a material financial effect will be present, it is ultimately up to the Council Member to determine this issue. Only a formal written opinion from the FPPC provides immunity from prosecution for violations of the conflict of interest rules. The City Attorney is available to assist with preparing a request for a formal opinion.

#### 4.4.3 Identifying Conflicts

It is the responsibility of each Council Member to identify, disclose and declare his or her conflict before action is taken on a matter. If possible, the conflicted Council Member should notify staff prior to the council meeting at which the matter will be heard, to ensure the presence of a quorum. Staff will attempt to assist with identifying obvious conflicts, but the ultimate responsibility is with each Council Member.

#### 4.4.4 Using Official Position to Influence

Council Members shall not attempt to coerce or influence any member, officer, official, consultant, or Commission Member of the City in awarding contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits. The Council shall not attempt to change or interfere with the operating policies and practices of any City Department.

### **4.5 General Rules**

Council Members shall not use their official positions to influence government decisions in which they have a financial interest, or where they have an organizational responsibility, or personal relationship that would present a conflict of interest under applicable State law. As required by law, Council Members declaring a conflict of interest shall recuse themselves and leave the Council Chambers.

In accordance with the law, members shall file written disclosures of their economic interests and, if they have a conflict of interest regarding a particular decision, refrain from participating in that decision, unless otherwise permitted by law.

Council Members shall not take advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general, nor shall they use public resources not available to the public for private gain or personal purposes. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

Council Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

Council Members shall not appear on behalf of private interests of third parties before the City Council or any board, commission, committee or proceeding of the City.

Council Members shall represent the official policies and positions of the City Council to the best of their ability. When presenting their personal opinions and positions, members shall explicitly state they do not represent the Council or the City.

Council Members shall refrain from using their positions to unduly influence the deliberations or decisions of City commissions, boards or committees.

A public official who has a financial interest in a decision shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

- a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
- b. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.
- c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.
- d. Notwithstanding paragraph c, a conflicted public official may speak on the issue during the time that the general public speaks on the issue when he or she appears solely to represent himself/herself on a matter related to his or her personal interest. Personal interests are interpreted to include, but are not limited to:
  1. An interest in real property that is wholly owned by the official or members of his/her immediate family.
  2. A business entity wholly owned by the official or member of his or her immediate family.
  3. A business entity over which the official exercises sole direction and control, or over which the official and his/her spouse jointly exercises sole direction and control.



## **5. COUNCIL ADMINISTRATION / PROFESSIONAL DEVELOPMENT**

### **5.1 Compensation**

Discussion of Council salary adjustments may be raised by any Council Member, scheduled, agendaed and discussed in open session.

- A. Each member of the Council currently receives a salary of \$137.50, with exception of the Mayor's salary, which is \$ 206.25.
- B. The salary established is in addition to Council Member reimbursement for actual and necessary expenses incurred in the performance of official duties, in accordance with the City Travel and Expense Policy.

In accordance with State law, the Council may increase by ordinance the salary established in accordance with State law, provided that the amount of such increase may not exceed an amount equal to 5% for each calendar year from the operative date of the last adjustment.

### **5.2 Retirement / Medical and Dental Insurance / Life Insurance**

Pursuant to the City's Public Employees Retirement System (PERS) Agreement, Council Members may elect to participate in the City's Benefit Plan.

### **5.3 Car Allowance**

Council Members shall not receive a car allowance, but may be reimbursed for mileage expenses pursuant to the City Travel and Expense Policy.

### **5.4 Professional Development**

The Council may establish an annual budget for conferences, meetings, and training. Council Members shall attend these functions as approved by a consensus of the Council for purposes of improving their comprehension of and proficiency in municipal affairs and/or legislative operations.

### **5.5 Travel and Expense Reimbursements**

Council Members shall be subject to the travel and expense reimbursement guidelines as established for employees in the Personnel Rules and Policy Manual. Receipts for all expenses shall be included with the reimbursement request and shall be submitted within the same fiscal period in which the expenditure took place and within 60 days of such expenditure.

## **6. COMMISSIONS / BOARDS / COMMITTEES**

### **6.1 Commissions, Boards and Committees**

City Commissions, Boards, and Committees serve as advisory bodies to facilitate public input and citizen participation in the determination of public policies. This is accomplished by formulating recommended courses of action and policy for submission to the City Council with whom final determination rests. City commissions, boards and committees are established by ordinance or resolution. Commission and Committee members shall abide by the same rules and guidelines as listed for Council Members.

### **6.2 Commission, Board and Committee Appointments**

Terms are established by City Ordinance or Resolution. Those seeking appointment must submit a Commission/Board/Committee Application. Those members whose terms have expired, must submit a written request for reappointment, terms are not automatically renewed. The City Clerk advertises vacancies of City commissions/committees/boards, which are subject to Mayoral appointment with ratification by the full City Council.

### **6.3 Contact with Commissions, Boards and Committees**

Members of the City Council should not attempt to influence nor publicly criticize commission, board, or committee recommendations of bodies under the Council's jurisdiction prior to the submission to the whole Council; nor to influence or lobby individual members on any item under their consideration. It is important for such bodies to be able to make objective recommendations to the City Council on items before them. Members of the Council who attempt to influence commission positions on any item may prejudice or hinder their role in reviewing the body's recommendation as a member of the City Council.

### **6.4 Relations with Commissions, Boards and Committees**

The majority of Council may, from time to time, direct Council Members or appoint Liaisons to meet with commissions, boards, and committees for specific purposes such as establishing goals or for problem solving.

All communications from commissions, boards, and/or committees whose members are appointed by the City Council shall be submitted to the City Manager before dissemination to third parties. When deemed appropriate the City Manager shall then submit such communications to the City Council for approval before distribution.

### **6.5 Appointments to Outside Committees**

Council Members are appointed by the Mayor to serve on various boards and committees for outside agencies. Following the annual appointment of the Mayor or as vacancies arise the Mayor shall review the list of current assignments and make appointments. Any Council Member desiring to serve on a certain committee (or who desires not to be considered) should inform the Mayor. These appointments are subject to approval by the majority of Council.

## **7. MEETING GUIDELINES & PROCEDURES**

### **7.1 Meeting Dates**

#### 7.1.1 Regular Meetings

Pursuant to the Mt. Shasta Municipal Code Section 2.08.030, regular meetings shall be held on the second and fourth Mondays of each month and pursuant to Resolution No. CCR-17-08 will meet at the hour of 5:30 pm. Meetings are held at the City Park Upper Lodge, 1315 Nixon Road, Mt. Shasta. No meeting shall continue past the hour of 10:30 pm, with the exception that, by a majority vote of the members present, the meeting may extend the final deadline of 10:30 pm, for fifteen minute intervals thereafter, by majority vote. The meeting shall adjourn no later than 12:00 a.m. and any unfinished business shall be continued at the next regular meeting.

Quorum – Three members of the Council shall constitute a quorum and must be present for any action to occur. Meetings will be canceled or adjourned when there is a lack of a quorum.

Council Members shall inform the City Manager and City Clerk as soon as possible of any expected absences.

Closed Sessions – Consistent with Government Code Sections 54950, et seq., 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, and may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions. The general subject matter for consideration shall be expressed in open meeting before such session is held, and any action taken by the Council in closed session shall be announced in open session immediately following the closed session.

#### 7.1.2 Alternate Meeting Dates

When the day for any regular meeting falls on a national or state holiday or Election Day, the regular scheduled meeting for that day shall be held on the next business day.

#### 7.1.3 Adjourned/Special Meetings/Emergency Meetings

The Brown Act sets forth specific requirements for holding adjourned, special, and emergency meetings.

Special and/or emergency meetings of the Council may be called and held from time to time consistent with and pursuant to the procedures set forth in the Ralph M. Brown Act (Government Code Sections 54950, et seq.) and Mt. Shasta Municipal Code Section 2.08.040. Agendas shall be posted at City Hall at least 24 hours prior to such meetings.

Location During Local Emergency – If by reason of fire, flood or other emergency, it shall be unsafe in the Lodge, the meeting may be held for the duration of the emergency at such other place as may be designated by the Mayor, Mayor Pro Tem or City Manager.

## **7.2 Agenda**

### 7.2.1 Placing Items on the Agenda

The City Manager and Mayor determine which items are placed on the agenda and the timing for scheduling such items. In addition, any two Council Members may request items to be placed on future agendas.

The City Manager shall hold a Pre-Agenda meeting on the Thursday two weeks prior to the Monday City Council meeting to discuss items of business, and supporting material for the next meeting agenda. The City Manager, requested staff, the Mayor, and one council member shall attend the meeting.

Public Requests for Placement of Items on the Agenda: Members of the public may request to place an item on the agenda for regular meetings of the City Council by submitting the appropriate City of Mt. Shasta Request Form or a written request to the City Clerk that includes information as to the matter which they wish to discuss and a substantial statement outlining the information which they intend to present to the City Council. The request must be given to the City Clerk no later than 12:00 p.m. twelve (12) working days prior to the regular City Council meeting at which it is to be considered and is subject to the discretion of the Council Members and staff attending the Pre-Agenda meeting as to its placement on the Agenda. Alternatively, members of the public may address the entire Council during the public comment period and request that an item be placed on a future agenda for discussion. Two Council Members may agendaize such an item by making a request during the Future Agenda items portion of the City Council meeting.

No additional items are to be added to the agenda after 12:00 p.m. on the Tuesday before the next regular meeting except items determined by the City Manager and Mayor to be of an urgent nature.

Subject to the provisions of Government Code Section 54954.2, the Agenda shall be posted in the front office of City Hall by 12:00 p.m. each Thursday prior to the next regular City Council meeting. Citizens or organizations wishing copies for their use shall be charged the fees adequate to cover the direct cost of providing copies and if mailed, self-addressed stamped envelopes must be provided to the City Clerk. The Agenda with supporting material will be prepared and distributed to all officers, City Council members, and administrative staff normally in attendance at regular meetings by 12:00 p.m. each Thursday prior to the next regular City Council meeting and shall be available at the City Hall office for review by the public at this time.

Communications that do not directly relate to the conduct of business for the City of Mt. Shasta shall be provided to the Council on an information basis only. Such communications may be placed on a City Council Agenda by the Mayor and City Manager at the Pre-Agenda

meeting or upon request by two City Council Members during the Future Agenda Items portion of the City Council meeting.

### 7.2.2 Agenda Packet Preparation

After review by the City Manager, the City Clerk's Office will assemble all requests or appearances on the agenda per direction of the City Manager, Mayor, or designee at the Pre-Agenda meeting. Notice shall be given to those persons having a place on the Agenda of the meeting date and approximate time their matter will be heard. Agenda packets are compiled, photocopied, and distributed by the City Clerk's office. Agenda packets are normally available for pick-up by 12:00 p.m. on the Thursday before the City Council meeting and is available at City Hall for review by the public at this time.

### 7.2.3 Order of Agenda Items

The business of the Council at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified in an agenda. A closed session may be held at any time during a meeting consistent with applicable law.

The City Manager and Mayor may give special consideration on the ordering of scheduling items dealing when circumstances so warrant, including but not limited to: 1) families and children; 2) veterans and seniors; 3) items with an anticipated large audience; and 4) paid consultants.

Call to Order and Flag Salute  
Roll Call  
Public Comment  
Approval of Minutes  
Special Presentations and Announcements  
Consent Agenda Items  
Public Hearings  
Old Business  
New Business  
Brown Act Committee Reports  
Consideration of Future Agenda Items  
Council and Staff Comments  
Adjournment

Action Agenda Items – In accordance with the Ralph M. Brown Act, the Council may not take action on any item that did not appear on the posted Council Agenda 72 hours prior to the Council meeting unless an exception is made as permitted under Government Code Section 54954.2.

## **7.3 Agenda Items**

### 7.3.1 Call to Order & Flag Salute

The Mayor will call the meeting to order at 5:30 p.m. and may announce policies regarding public speaking, submission of information, special assistance, and public testimony procedures and ask that audience members turn off pagers and/or cell phones while in the Council Chambers.

The Council may add an item to the Agenda by a 4/5 vote of the City Council if the change is of an emergency nature which arose after the posting of the agenda.

### 7.3.2 Roll Call

A quorum must be present to continue the meeting.

### 7.3.3 Public Comment

Members of the public are entitled to speak on matters of municipal concern not on the agenda, during consideration of that portion of the meeting agenda entitled "Public Comment" when that item is called by the Mayor.

Each person is entitled to speak on any non-agendized item only once at any meeting. Brief questions by Council Members for clarifications may be posed and answered, and Council Members may make requests that items be placed on future agendas, but in accordance with State Law, ( Government Section 54954.3 ) no substantive discussion may take place unless and until the matter properly appears on the agenda.

Speaker Sign Up – Persons wishing to speak under Public Comment are requested to sign up on the sheet provided for public comment prior to the start of the public comment portion of the meeting. When called upon, the person should come to the podium, state his/her name, and if desiring a written response, must provide their address for the record, and if speaking for an organization or other group, identify the organization or group represented. All remarks should be addressed to the Council as a whole, not to individual members or the audience.

### 7.3.4 Approval of Minutes

Minutes of the City Council, Commissions, Committees will be, at a minimum, action minutes recorded by the City Clerk or designee. Action minutes include, at a minimum, any direction by Council, Commissions, and Committees and motions with votes. The minutes will reflect the names of public speakers and a synopsis of their comments.

- A. Comments for the Record: If a Council member, Commissioner or Committee member desires a comment to be included in the minutes, it is his/her responsibility to indicate that the statement is "for the record" before making comments.

- B. Approval of Minutes – Minutes of meetings are generally submitted to the Council, Commission, or Committee within two to four weeks for approval at a scheduled meeting.
- C. Recordings of Meetings – Recordings of proceedings are maintained by the City Clerk for a period of 30 days and as described in Government Code 54953.5(b). If any member of the City Council, Commission, or Committee wants a recording kept permanently as a record of the City meeting because information on the agenda was of some special importance, they can do so by submitting a written request to the City Clerk according to the procedure as outlined in Resolution No. CCR-96-58.

#### 7.3.5 Special Presentations and Announcements

May be scheduled as necessary in recognition of persons or groups, for their service in the Community. Request must be submitted to the City Manager 12 days in advance of a regular meeting. The City Manager shall bring the request to the Pre-Agenda meeting for consideration as to the appropriateness of the award. Upon approval, the City Clerk will coordinate the presentation with the requesting party in order to schedule the item on the agenda.

#### 7.3.6 Consent Agenda

Those items on the Agenda considered routine by the City Manager shall be grouped together under "Consent Agenda" and the recommended actions approved by a single voice vote of the Council. Members of the public may comment on consent items prior to the Council consideration of the Consent Agenda. At the request of any Council Member or a member of the public, a Consent Item shall be considered separately following approval of the remaining "Consent Items." Items approved under the heading "Consent Items" will appear in the council minutes in their proper form, as if approved item by item. A Council Member may vote "no" on any consent item without comment or discussion.

Council Members may comment on Consent Agenda items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration.

Appointments to Citizen Advisory Groups, Commissions, and Committees may be placed on the Consent Agenda. The Mayor may ask the candidate to stand and be recognized and speak to the Council.

#### 7.3.7 Public Hearings

Public Hearings may be required on certain items as prescribed by the Mt. Shasta Municipal Code or by state or federal law. Notices for public hearings shall be posted ten (10) days prior to the meeting, except those requiring separate posting requirements, set by government code. The general procedure for public hearings is as follows:

- a. Council Members disclose any conversation(s), meetings or communication with applicants and/or other party(ies) that might influence the discussion of the item.

- b. Staff presents its report. Council Members shall only ask questions of staff and defer any opinion on the item(s) until after the public comments section of the meeting.
- c. The Mayor opens the public hearing.
- d. Applicant(s) present their request/proposal subject to time limits established by Council and subject to public testimony rules under meeting conduct within this document.
- e. Members of the public are provided with the opportunity to present their comments, testimony or argument for the record. The Mayor will take speakers in the order in which they signed up to speak. If anyone wishes to speak who has not signed up, they may do so if recognized by the chair.
- f. Applicant(s) shall be permitted time (generally 5 minutes) at the end of other comments for rebuttal.
- g. The Mayor closes the public input portion of the public hearing with the consensus of the Council. The chair will then ask for discussion and consideration from the Council. In this discussion, there may be further questions and or comments by staff, appellant, proponent, or members of the public.
- h. The Council action occurs and the chair announces the decision.

Time for Consideration: Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and will continue until the matter has been completed or until other dispositions of the matter has been made.

Continuance of Hearings: Any Public Hearing being held or noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice or continuance, be continued or re-continued to any subsequent meeting.

Materials for Public Record: All persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented will be retained by the City Clerk as part of the Clerk record of the hearing, unless otherwise directed.

Germane Comments: No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Chair, but may be appealed by the full council or Commission.

Repetitious Comments: The Chair may terminate the verbal comments of any speaker whose comments are mere repetition of the verbal or written presentation of that speaker or another person.

Communications and Petitions: Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Chair.



Suspension of the Rules: The Council or Commission may suspend any of the rules of procedure for verbal comment for the duration of an agenda, by a 4/5 vote of the Council. The suspension should be to allow the Council to occasionally be permitted to consider more public testimony than is normally required.

7.3.8 Old Business: Regular items are those reports brought forth for Council approval that are neither public hearings nor reports of Council or staff, but require adoption of a resolution or require action by the Council. These are items which have been considered at an earlier City Council meeting but required either additional work or research and are brought back for further consideration of the City Council with new or additional information as needed.

7.3.9 New Business: Regular items are those reports brought forth for Council approval that are neither public hearings nor reports of Council or staff, but require adoption of a resolution or require action by the Council. These are items provided to the City Council which have not been previously considered as a part of the Agenda but require action by the City Council.

7.3.10 Brown Act Committee Minutes: If available at the time of distribution of the Agenda Packet, the Council is provided with the Minutes from meetings held by any of the Brown Act Advisory Committees which have been established by the City Council and have been received by the City Clerk.

#### 7.3.11 Reports RE: Attendance At Outside Meetings

Pursuant to Government Code section 53232.3(c) and (d), "Expense reports must be submitted "within a reasonable time....as determined by the legislative body. Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body."

Given this requirement, Members attending such meetings/conferences will alert the City Clerk of the need to agendize the item under Reports. A verbal or written report may be given at that time.

#### 7.3.12 Future Agenda Items

Future Agenda Items is a brief list of items to be considered by Council at upcoming meetings and serves as an opportunity for Members to request items to be placed on a future Agenda.

#### 7.3.13 Council & Staff Comments

The City Council & Staff Comments portion of the meeting provides Members and staff with the opportunity to briefly comment on City business, City operations, City projects, and other items of community interest. Members shall govern themselves as to the length of their comments, but shall generally not exceed five minutes. The Chair has the responsibility to assist Members by signaling when the Council Member has been speaking for over five minutes.

This opportunity is provided each meeting and will be prior to the adjournment of the meeting. Members may request information or research directly from staff on a given subject when it is anticipated that the request can be completed by staff in less than one hour. Member requests for research or information that is anticipated to take staff more than one hour to complete shall have the direction of a majority of the full Council. Request for new information or policy direction will be brought to the full Council at a regular meeting for consideration. All written products will be copied to the full Council.

#### 7.3.14 Closed Sessions – May be held prior to, or during the meeting.

The Brown Act requires all Council action to be discussed and taken in open session, except for specified and limited exceptions such as personnel matters, real property negotiations, and pending or threatened litigation. ALL MATTERS DISCUSSED IN CLOSED SESSION ARE CONFIDENTIAL. Closed Sessions can be held prior to the start of the regular Council meeting, during a regular Council meeting, at the end of a regular Council Meeting or at a Special Council meeting, but prior to conclusion of the meeting.

- A. City Council Members shall consider all written materials and verbal information provided to them on matters that are confidential under State law in complete confidence to insure that the City position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the City Attorney, City Manager, or Risk Manager.
- B. 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 claim or litigation, and/or employee negotiations, all contact with the other party and/or attorney shall be limited to, and made by, the designated City staff representative handling the negotiations, claim or litigation.

No Council Member shall have any contact or discussion with the other party or its representative involved with the negotiation, claim or litigation during this time, nor shall any Council Member communicate or disclose any discussion conducted or information received in Closed Sessions. All public statements, information and press releases shall be handled exclusively by a designated Staff spokesperson.

#### 7.3.15 Adjournment

Adjournment of a meeting is customarily by motion of the City Council; or can be accomplished by unanimous consensus and the Chair simply declaring the meeting adjourned. A motion to adjourn to another time can be done similarly, but is debatable only as to the time to which the meeting is to be adjourned.

## **7.4 Meeting Conduct**

### 7.4.1 Addressing the Council Generally

Each person addressing the Council may give his or her name and address (optional) in an audible tone of voice for the record. Each person's comments shall be limited to 3 minutes or such additional time granted at the chair's discretion. In the further interest of time, speakers will be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group. Speakers may not cede any part of their allotted time to another speaker.

### 7.4.2 Additional Time

There may be an occasion where justification for more time is warranted for public commentary. Citizens must ask for this at the outset of the comment period and have it approved by the City Council prior to speaking.

### 7.4.3 Less Time

Where the Council determines that the existence of unusual or controversial issues exist, that the large number of speakers wishing to address the Council so justifies, or that other considerations make modification appropriate, the Council may limit the total amount of time to be devoted to public comment, the amount of time to be afforded each speaker, or the number of speakers to be heard on an issue, or may make such other modifications as the Council may deem appropriate. To the extent practicable, the Council shall make any such modification or limit at the time the given issue or matter is scheduled for Public Hearing, and the City Clerk shall, to the extent practicable, include notice of such modification or limit in published notice of the hearing.

### 7.4.4 Addressing Council at Land Use Public Hearings

The applicant at a land use Public Hearing shall be permitted to address the Council for 15 minutes following the staff report. If there is a spokesperson for the opposition, the spokesperson shall be permitted to speak for 15 minutes. All other speakers will be limited to 5 minutes each. Applicant shall be permitted 5 minutes at close of public comments for rebuttal.

### 7.4.5 Presentation by Spokesperson

Whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Mayor to request that a spokesperson be chosen by the group to address the Council and, in case additional matters are to be presented at the time by any other member of the group, to limit the number of persons so addressing the Council so as to avoid unnecessary repetition before the Council.

#### 7.4.6 Irrelevant Testimony

The Mayor shall rule out of order any testimony not relevant to the agenda item then under discussion.

#### 7.4.7 Testimony by the Public

The purpose of public testimony is for Council Members to benefit from the views of the public. Comments from the public should only be directed toward the Council. All comments and testimony shall be made from the podium or other approved Council location; no comment or testimony shall be shouted from the audience. Council Members and staff should avoid entering into a dialog with members of the public who may address the Council.

#### 7.4.8 Public Comment on Agendized Items.

Members of the public are entitled to speak on any item on the agenda either immediately after the item is called by the Mayor or during a public hearing on the subject matter opened by the Mayor. Each person is entitled to speak on any agenda item only once at any meeting, and the right to speak at the appropriate time waives any further right to address the Council on that item at that meeting. Participation in debate on any item before the council shall be limited to members of the Council, although Council Members may ask members of the public for additional information.

#### 7.4.9 Disruptive Comments and/or Conduct.

No person who addresses the Council shall make any belligerent, personal, impertinent, irrelevant, redundant, slanderous, loud, threatening, abusive or disparaging remark, statement, or commentary toward the Council, staff, or other individuals in a manner which disrupts, disturbs, or otherwise impedes the orderly conduct of the Council meeting, nor shall any person engage in any other disorderly conduct which so disrupts, disturbs, or impedes the orderly conduct of the meeting. Any violation of this rule shall be grounds for terminating the citizen's comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, also shall be grounds for removal from the meeting. Council shall not be belligerent or make disparaging commentary toward the speaker. Nothing in this section shall prohibit or discourage orderly criticism of any City decision or policy within the limits of these rules.

### **7.5 Meeting Procedures**

#### 7.5.1 Matters Considered

The Council should not consider any resolution, motion, or matter which does not affect the conduct of the business of the City of Mt. Shasta or its corporate powers or duties as a municipal corporation, nor shall the Council consider any resolution or motion supporting or disapproving any legislation or action pending in the Legislature of the State of California, the congress of the United States or before any officer or agency of the State or Nation

unless such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City of Mt. Shasta or its officers or employees as such.

#### 7.5.2 Action by the Council

Action by the Council shall be by motions made and voted upon. A motion shall require a second. The Mayor or any other Council Member may make or second a motion. A substantive motion is out of order while another substantive motion is pending.

#### 7.5.3 Roll Call and Voice Votes

A roll call vote shall be taken on the introduction and adoption of ordinances. Roll call votes shall be entered in the minutes of the Council showing those members voting yes, those voting no, and those abstaining or absent. All other matters may be made by voice vote indicating consensus on the proposed action.

#### 7.5.4 Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of California.

Resolutions, orders for the payment of money, and all ordinances require a recorded majority vote of the total membership of the Council. (GC 36936).

If a motion has received a second, the Mayor shall state the motion and then open the floor to debate on it. The Mayor shall preside over the debate according to the following general principles:

- a. The maker of the motion is entitled to speak first;
- b. A person who has not spoken on the issue shall be recognized before someone who has already spoken;
- c. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

#### 7.5.5 Ratification of Actions

To the extent permitted by law, the Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

#### 7.5.6 Procedural Motions

In addition to substantive proposals, the following procedural motions, *or any others set forth in Rosenberg's Rules of Order*, shall be in order. Unless otherwise noted, each motion

is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption.

- a. To Adjourn: The motion may be made only at the conclusion of action of a pending substantive matter; it cannot interrupt deliberation of a pending matter.
- b. To Take a Brief Recess.
- c. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
- d. To Suspend the Rules. A vote of the majority of the quorum of the Council is required to suspend the rules. The Council may not suspend provisions of the rules that are state requirements imposed by law on the Council.
- e. To Divide a Complex Motion and consider it by Paragraph (bifurcate).
- f. To Call the Previous Question. The motion is not in order until there have been at least fifteen (15) minutes of debate, and every member has had an opportunity to speak once.
- g. To Continue an Item to a Future Meeting Certain.
- h. To refer to staff for action.
- i. To Amend: An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if the amended motion has the same effect as rejection of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last amendment is disposed of by a vote.
- j. To Reconsider: A motion to reconsider can be made by any member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain, or at the next Regular Meeting unless intervening actions taken based on the original action make such reconsideration impracticable. Reconsideration requires a majority vote of the members present. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting. In the case of a tie vote on an action, any member of the City Council may request a reconsideration as outlined above.
- k. To Rescind or Repeal a Previous Action. A motion to rescind or repeal a previous action is not in order if the rescission or repeal is forbidden by law or made inappropriate by virtue of actions taken in accordance with the previous action.
- l. Ordinances & Resolutions – Motions offering ordinances and resolutions are deemed to include waiver of full reading and title of the ordinance or resolution unless otherwise specifically stated.

#### 7.5.7 Withdrawal of A Motion

A motion may be withdrawn by the introducer at any time before a vote, with or without the consent of any "seconded" of the motion. However, any other Council Member may ask to be considered the introducer of the motion and, if again seconded, debate may continue without further interruption.

#### 7.5.8 Duty to Vote

Every member must vote on every item unless prevented from doing so by virtue of an actual or potential conflict of interest or other valid abstention under applicable State Law. Any member who believes he or she has a conflict or potential conflict of interest must announce such at the initiation of debate or when such conflict or potential conflict becomes apparent, shall disclose and describe that the conflict involves either an investment, business position, interest in real property, or the receipt of income, loans, or gifts, and shall refrain from any part in the debate, deliberations, or voting on that issue. If a decision for which a Member has a conflict will be made during the Closed Session, the disclosure(s) as to such conflict shall be made orally during the open session either before the body goes into closed session or immediately after the closed session.

A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action.

An abstention does not count as a vote for or against a matter. Council members must state the reason for abstention. If a Council Member abstains, he/she is counted as present for quorum purposes, but is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting."

#### 7.5.9 Legally Required Participation

When members are disqualified based on a conflict of interest under GC Section 87100, legally required participation can be instituted in order for the body to take action. A random selection may be used to select only the number of officials needed. When an official is selected (by drawing lots), he or she is selected for the duration of the proceedings in all related matters until his or her participation is no longer legally required, or the need for invoking the exception no longer exists.

For the purposes of this section, a "quorum" shall constitute the minimum number of members required to conduct business and when the vote of a super majority is required to adopt an item, the "quorum" shall be that minimum number of members needed for that adoption (GC Sections 81002, 81003 and 87101, operative 11/23/98).

#### 7.5.10 Introduction and Passage of Ordinances

A proposed Ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the Council, unless substantial changes have been made to the ordinance. The Clerk or the maker of the motion shall read the full title of the Ordinance and, at the

Council's option, waive its reading after which a roll call vote shall be taken by the Council to introduce the first reading of the Ordinance. The Ordinance is then scheduled for its second reading and adoption and shall be adopted by a recorded roll call vote of the City Council.

Ordinances become effective 30 days after their adoption unless otherwise specified by Government Code. Upon the Ordinance's final adoption and within 15 days of its passage, the City Clerk will post the full text of the ordinance in the City's designated legal posting locations, and as needed, update the Municipal Code.

An Ordinance, other than an urgency Ordinance, may not be passed within five (5) days of its introduction or alteration. Corrections of typographical or clerical errors are not alterations.

#### 7.5.11 Closed Sessions

The Council may hold Closed Sessions only as provided for by law. Only those actions specifically authorized by statute may be taken in Closed Session, and actions so taken shall be reported as required by law. The City Manager may, at his/her discretion, announce any actions taken prior to the next regular meeting if doing so would not have a deleterious effect on the conduct of the City business and would be consistent with the spirit of the action taken. (Also see Section 7.3.14)

#### 7.5.12 Quorum

A majority of the actual membership of the Council, including the Mayor but excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present. Per Government Code § 36936, Resolutions, orders for the payment of money, and all Ordinances require a recorded majority vote of the total membership of the City Council.

#### 7.5.13 Public Hearings

Public Hearings shall be scheduled and notice published without any action required by the City Council, excepting that the Council may, if they so desire, schedule a Public Hearing on an item of interest for a date certain.

At the time designated for the Public Hearing, or soon after as is practicable, the Mayor shall direct the attention of a report and respond to questions from Council Members, after which the Mayor shall formally open the Public Hearing and members of the public shall be allowed to speak in accordance with the rules set forth elsewhere in these Rules of Procedure. When the allotted time expires, or when no one wishes to speak who has not done so, the Mayor shall declare the hearing closed.

Following the close of the Public Hearing, the Council may debate or take action on the matter in accordance with these rules. The Mayor may in his or her discretion allow questions and/or comments from the public after close of Public Hearing.



#### 7.5.14 Breaks

The Council will generally take a break when requested by a Member and will extend their meeting time by vote if conducting business beyond 10:30 pm.

### **7.6 Rules of Council Conduct**

#### 7.6.1 Discussion Rules

The Mayor has the responsibility to control the debate and the order of speakers. Each Council Member shall be allowed the opportunity to speak twice on each issue and the Mayor shall call upon all Council Members fairly.

#### 7.6.2 Germane Comments/Time Limit for Council

Council Members shall limit their comments to the subject matter, item, or motion being currently considered by the Council. A determination of relevance shall be made by the Mayor, but may be appealed to the full Council.

Council Members shall govern themselves as to the length of their comments, but shall generally not exceed ten minutes. The Mayor has the responsibility to assist Council Members by signaling when the Council Member has been speaking for over ten minutes.

#### 7.6.3 Derogatory Comments

Council Members are expected to interact with one another with mutual respect and courtesy. Derogatory, snappy, or sarcastic comments towards another Council Member, a member of the public or a staff member are inappropriate. The Mayor may call for a short recess should a Council Member or member of the public become disruptive or agitated so as to interfere with the normal conduct of business.

#### 7.6.4 Packing of Audience

It is inappropriate for a Council Member to pack the audience for a specific agenda item.

## **8. COMMUNICATIONS**

### **8.1 Processing of Mail**

Staff shall open all mail addressed to the Mayor and Council, date stamp it and forward it to the City Clerk for disposition. Mail received by the Mayor and/or City Council Members which is directly related to a particular department shall be copied to the City Manager and the Department Supervisor by the City Clerk. Council letters of complaint shall be sent directly to the City Clerk for disposition, for copying to the City Manager and Department Supervisor(s). Junk mail will be disposed of by the City Clerk and no mail marked confidential or personal or which is addressed to individual Council Members by name not title shall be opened by City staff.

Mail addressed to the Mayor and/or City Council shall be distributed by the City Clerk to each Council Member with the notation "All Council Received." Correspondence addressed to the Mayor which requires a response shall be coordinated by the City Clerk and copied to all Council Members.

### **8.2 Calendars**

Calendars shall be prepared by the City Clerk and distributed to each Council Member for Council events, functions, and meetings as needed.

### **8.3 Citizen Complaint Process**

All complaints directed to the Mayor or City Council shall be given to the Mayor and City Clerk, and a copy forwarded to the City Manager for information purposes. The City Clerk shall draft a response to the complaint for the Mayor's signature, in coordination with the City Manager.

Council Members are discouraged from responding directly to complaints without coordinating with the City Manager to ensure a unified response and to prevent dual efforts in the event another department is already preparing a response.

Staff will copy or otherwise communicate all responses to the City Council.

### **8.4 Distribution of Information**

Responses to all requests for information from Council Members will be copied to all Council Members.

### **8.5 Use of City Letterhead & Logo**

All Council Member correspondence written with City resources, i.e., letterhead, typing, staff support, postage, etc., will reflect the position of the full Council, not individual Council Members' positions. All Council Member correspondence using City resources shall be copied to the full Council.

Regarding the use of the City's logo, "No person(s) other than authorized City Staff or City Council Members, may in any way use the City's logo without prior approval of the Council."

## **8.6 Representing Majority Decision vs. Individual Opinion**

If a member of the City Council appears before another governmental agency or organization to give a statement on an issue affecting the City, the Council Member should first indicate the majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Council Member clarifies that these statements do not represent the position of the City Council.

## **8.7 Media/Press Relations:**

Council Members, the City Manager and Department Supervisors may issue routine media/press releases from time to time, which may range in scope from generic topics to sensitive and controversial issues.

8.7.1 Distribution: Generally, all media/press releases prepared for distribution to newspapers or electronic media related to official City matters shall first be submitted to the City Manager for approval and then submitted to the City Clerk prior to release, and should be prepared as follows:

A. All press/media releases shall be formatted on the City template;

B. Press/media releases shall contain the name, title, email address and telephone number of the City official available to address any inquiries. As a general rule, inquiries from the press and other publications should be given a high priority and be responded to as quickly and efficiently as possible. Every effort should be made to meet media deadlines and ensure that all information released is accurate;

C. The media/press release shall be faxed, emailed, mailed, or placed in each Councilors box at City Hall, whichever is appropriate, and distributed to the following agencies, with the need for additional agencies to be determined by the City Manager:

1. Mt. Shasta Herald
2. Siskiyou Daily News
3. Local Radio & Television
4. City Website

D. The City Council and City Clerk should receive a copy of every media/press release that is distributed by any departmental staff.

When reporters seek information that requires interpretation, an opinion, or information that is not readily available or routinely provided to the general public and of which Council Members may not be aware, the request shall be referred to the City Manager. The Council should be notified of any major news interviews.

### 8.7.2 Press Conferences:

When necessary, press conferences may be conducted to make extremely important announcements and facilitate the flow of immediate, accurate information when several reporters request information that City officials cannot respond to on an individual basis. The City Manager should be notified in advance of a Council Member or Department Supervisor's intent to hold a press conference. The full Council shall also be informed of a press conference.

### **8.8 Public Records Requests**

Requests from the media or the public for details or other information related to official City business that are governed by the Public Records Act should be referred to the City Clerk. The City Manager must be informed of the request, and a representative of the City Attorney's office must approve the response before it is released. The Public Records Act allows up to 10 days for this process, but Departments are encouraged to provide information in as timely a manner as possible.

### **8.9 Email**

Email communication between Council Members should be careful to be handled so as not to violate the Ralph M Brown Act. Email will be considered written communication and retained by the city as per normal retention rules and guidelines.

### **8.10 Formal Recognition By Mayor or Other City Officials**

When formal recognition by the City upon an individual or community event is desired, such as a "Key to the City" or letter of gratitude, such recognition should be directed through the City Manager. The City Manager shall schedule the matter as a part of the Agenda in order for the matter to be brought before the entire Council for confirmation.

## **9. COUNCIL / STAFF / ATTORNEY RELATIONSHIP**

### **9.1 Council/Staff Relationships**

City Staff acknowledges the Council as policy makers and the City Council acknowledges Staff as administering the Council's policies.

### **9.2 Communications with Staff and Requests for Information**

Council Members may contact the City Manager and/or Department Supervisors directly to ask questions for clarification or to request information. Council Members may also request research from the City Manager on a given topic directly when it is anticipated that the request can be completed by staff in less than one hour.

Council Member requests for research or information that are anticipated to take staff more than one hour to complete or require policy direction or require staff attendance at outside meetings shall be directed to the City Manager. Requests of this type shall be brought to the full Council for consideration and approval. Responses to all requests will be copied to all Council Members.

A Council Member shall not direct Staff to initiate any action, change a course of action, or prepare any report that is significant in nature, nor shall a Council Member initiate any project, meeting, or study without the approval of a majority of Council.

### **9.3 Undue Influence on Staff and Commissions**

Council Members shall not attempt to coerce or influence Staff, Commission, or committees in the making of appointments, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits. The Council shall not attempt to change or interfere with the operating policies and practices of any City department.

### **9.4 Complaints Regarding Performance of Staff**

Any concerns by a member of Council over the behavior or work of a City employee shall be directed to the City Manager privately to ensure the concern is resolved. Council Members shall not reprimand employees directly, nor shall they communicate their concerns to anyone other than the City Manager.

### **9.5 Handling of Litigation and Other Confidential Information**

City Council Members shall consider all written materials and verbal information provided to them on matters that are confidential under State law in complete confidence to ensure that the Cities position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the City Attorney or City Manager. All written materials must properly safeguarded to preserve their confidentiality after consideration or should be returned to the City Manager for disposition.

## 9.6 City Attorney/Council/Staff Relations

The City Attorney is hired by and reports directly to the Council pursuant to State law. The City Attorney serves at the pleasure of the Council under a professional services agreement terminable at will by either party upon written notice. The City Attorney represents as his or her client the City as a legal entity, acting through the City Council as the City's highest administrative authority. No individual Council Member nor any other officer or employee of the City is a client of the City Attorney.

There is an attorney-client privilege as to Council and staff communications with the City Attorney regarding matters that involve parties outside the City. For example, attorney-client communications are protected where someone sues the City and seeks to compel disclosure. Similarly, everyday communications between Council Members and the City attorney are generally protected. Communications between staff and the City Attorney are *not* protected from disclosure to the Council, since the Council is the holder of the attorney-client privilege.

There is no attorney-client privilege between Council Members and the City Attorney when the City Attorney has reason to believe that the Council Member is violating or intends to violate conflict of interest rules or some other law. The City Council authorizes the City Attorney to publicly disclose conflict of interest violations or other violations of law, where the violation is clear and where the public official proposes or takes action that clearly violates the conflict of interest rules or other laws in disregard of the City Attorney's advice.

Since the City Attorney is responsible directly to the Council, the Council, by majority vote, may have the City Manager contact the City Attorney directly to ask questions or to request information. Council Members, also by majority vote, may request research from the City Attorney on a given topic. A single Council Member shall not direct the City Attorney to initiate any action, change a course of action, or prepare any report, without the approval of a majority of Council and notice to the City Manager.

## **APPENDIX**

### **BUDGET SCHEDULE**

1. First February Meeting – Receive Mid-Year Budget Report from Finance Department
2. Second February Meeting – Adopt Revised Mid-Year Budget if Required
3. First March Meeting – Develop Goals and Priorities for New Fiscal Year.
4. April Meetings – Consider and Adopt Capital Improvement Plan and Fleet Equipment Replacement Plan
5. Second April Meeting – Third Quarter Budget Report; Release of Preliminary Revenue Estimates and Staff Proposed Budget
6. May Special Meeting Workshop for General Fund and Special Meeting Workshop for Enterprise and Special Revenue Funds
7. First June Meeting – Public Hearing on Revised Preliminary Budget
8. Second June Meeting – Adopt Operating Budget.

This schedule is a guideline for both Council and staff and is subject to change depending on actions of the State of California, the City's Bargaining Units, or the other work priorities of the City.