

City of Willows City Council Protocol Manual



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CHAPTER ONE INTRODUCTION & OVERVIEW

Chapter One- Introduction & Overview

As a City Councilmember, you not only establish important and often critical policies for the community of Willows, you are also a board member of a public corporation having an annual budget of several million dollars. The scope of services and issues addressed by the city organization go well beyond those frequently reported in the newspaper or discussed at City Council meetings.

1.01- Council-Manager Form of Government

The City of Willows has a Council-Manager form of government. As described in the Willows Municipal Code (WMC) and the Government Code of California, certain responsibilities are vested in the City Council and the City Manager. Basically, this form of government prescribes that a City Council's role is that of a legislative policy-making body which determines not only the local laws that regulate community life, but also determines public policy and gives general direction to the City Manager to administer the affairs of the city government in a businesslike and prudent manner. (See generally, California Government Code §§ 34000, *et seq.* – Specifically Code §§ 34851-34859; and WMC Title 2, Chapter 2.10).

1.02 Purpose of City Council Protocol Manual

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

1.03- Overview of Basic Documents

This Protocol Manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, plans, and documents exist which bind the City Council to certain courses of action and practices. The following is a summary of some of the most notable documents that establish City Council direction.

Basic City Governing Documents

A. Codes of the State of California

The state laws contain many requirements for the operation of city government and administration of meetings of city councils throughout the state. Willows is a “general law city” which means it operates under applicable general laws of the state. As a general law city of the state of California, Willows is vested with all the powers of incorporated cities as set forth in the California Constitution and the applicable California state laws. Conversely, there are a number of cities within California that are “charter cities” and have adopted local provisions that establish basic governing procedures for local government. (See generally, California Government Code §§ 34000, *et seq.*).

B. Willows Municipal Code

The Municipal Code contains local laws and regulations adopted by ordinances. Title 2 of the Code addresses the role of the City Council; describes the organization of City Council meetings; and describes the responsibilities and appointment of certain City staff positions, advisory boards, and commissions. Boards and commissions are also addressed in Title 2. In addition to these administrative

matters, the Municipal Code contains a variety of laws including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, and revenue and finance issues.

C. Council's Goals & Priority Projects

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

D. Annual Budget

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

E. Annual Financial Audit

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

F. General Plan

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

G. Disaster Preparedness Plan (Emergency Organization and Functions)

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

- ✚ The City Manager is the Director of Emergency Services
- ✚ The City Manager may appoint an Assistant Director of Emergency Services (WMC Chapter 2.55; §2.55.010 et seq.)

1.04- Orientation of New Members

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

1. The City Manager will host an orientation program to distribute this manual, along with other materials that he/she deems pertinent, outlining City policies and protocols.
2. The City Manager will facilitate a meeting with the City Attorney for conflict-of-interest training, review of current legal matters and review of parliamentary procedure.
3. The City Manager will arrange a meeting with Personnel prior to the first pay period to cover information reviewed with all City employees.
4. The City Manager will arrange meetings with Department Heads to be briefed on current projects within his/her Department and to tour City facilities.
5. The City Manager's office staff will arrange a meeting for a briefing on various aspects of City Hall, including, but not limited to, travel procedures, email, phone service, etc.
6. The City Manager will provide information for attendance at the League of California Cities' New Mayors and Council Members Academy.



CHAPTER TWO COUNCIL GENERAL POWERS & RESPONSIBILITY

Chapter 2- Council General Powers & Responsibility

2.01- Willows City Council, Generally

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

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor has some additional ceremonial and presiding officer responsibilities as described below, when it comes to establishing policies, voting, and in other significant ways all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. Councilmembers should respect adopted Council policy. In turn, it is staff's responsibility to ensure the policy of the majority of the Council is upheld.

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

a. Council Non-Participation in Administration

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

2.02- Role of Council Members

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

Summary of Council Duties and Responsibilities as provided in, but not limited To State Law

Council Members serve as the:

- a.) City Council
- b.) City of Willows Joint Powers Financing Authority
- c.) Personnel Appellate Board

Establish Policy, through motion, resolution or ordinance to, for example:

- a.) Adopt annual goals and objectives
- b.) Establish priorities for public services
- c.) Adopt/amend the operating and capital budgets
- d.) Establish procurement policies
- e.) Adopt resolutions

Enact Local Laws

- a.) Adoption of ordinances

Supervise Appointed Officials

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

Make Decisions, Give Direction

- a.) Study problems
- b.) Review alternatives
- c.) Determine best course of public policy

2.03- Role of the Mayor

A. Presiding Officer

The Council selects the Mayor by a majority vote each year at the first meeting in December. The Mayor shall preside over all meetings of the council. The agenda shall be prepared by the city manager in consultation with the mayor. The Mayor calls all special meetings. The Mayor may participate in all deliberations of the Council in the same manner as any other member and is expected to vote in all proceedings unless a conflict of interest exists. During Council proceedings, the Mayor facilitates discussion, gauges direction, and listens for majority support prior to calling for a vote on a motion. The Mayor does not possess any power of veto. State law allows the Mayor to move or second an action. As a matter of Willows tradition, the Mayor typically does not make a motion and will only second a motion in rare and unusual circumstances. (California Government Code §§ 36801–36815).

B. Ceremonial Representative and other Duties of the Mayor

The responsibility to act as the City Council’s ceremonial representative at public events and functions has been assigned to the Mayor. In the Mayor’s absence, the Vice Mayor shall perform the ceremonial role. However, all Councilmembers are encouraged to participate. The Mayor may initiate and execute certificates of appreciation and recognition, and Council approved proclamations.

2.04 – Vice-Mayor, Absence of Mayor and Council Members

In the absence of the Mayor, the Vice-Mayor shall perform the duties of the Mayor. The Council selects the Vice-Mayor by a majority vote each year at the first meeting in December. When both the Mayor and Vice-Mayor are absent, the Mayor will designate another Councilmember to serve as Acting Mayor, who shall, for the term of such absence, have the powers of the Mayor.

2.05- Resignation of Mayor or Vice-Mayor

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

2.06 – Emergency Response

The City Council may proclaim the existence of an emergency. If the City Council is not in session, the Director of Emergency Services may proclaim the existence of an emergency, which proclamation the Council shall ratify (Willows Municipal Code 2.55.060).

2.07 –Appointment of Officers

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

2.08 Boards, Commissions, Committees and Task Forces

A. Appointments Made by the Council

Boards, commissions, committees, and task forces provide a great deal of assistance to the Willows City Council when formulating public policy and transforming policy decisions into action. The City has several standing boards, commissions and committees. In addition, special purpose task forces are often appointed by the City Council to address specific issues of interest on a limited duration basis. These ad hoc committees are dissolved upon completion of the intended task. Committees and task forces are purely advisory to the Council and, in some situations, staff. Commissions have final decision-making authority, subject to appeal to the City Council, but may also serve in an advisory capacity in certain situations.

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

The City Council is specifically empowered to create all boards, commissions, committees and task forces, pursuant to the provisions of the Willows Municipal Code, as the Council deems necessary or

advisable. In the exercise of this power, it is the desire of the City Council to establish a consistent policy in its decision-making role to fairly and equitably evaluate those citizens of the community who demonstrate a desire to serve on such boards, commissions, committees, or task forces (Willows Municipal Code, Title 2).

For full-term vacancies, the filing period is as determined by Ordinance. For all vacancies, the City Clerk will:

1. Advertise vacancies.
2. Invite the incumbents whose terms are expiring to consider being reappointed.
3. Accept applications.
4. Prepare interview packets for Councilmember Subcommittee review prior to the Council Subcommittee interview period, including:
 - 1) A list of current membership;
 - 2) A list of current vacancies and term expirations;
 - 3) A summary of the duties and responsibilities of the vacant position on the Commission or Committee; and
 - 4) The applications.

B. Council Action

1. The City Council will appoint a two-person Council Member subcommittee to review applications and conduct interviews of each applicant and make their recommendations to the full Council for appointment(s) at an open and noticed meeting of the Council. The Council reserves the right to make appointments without the subcommittee conducting interviews.
2. After each applicant or member is evaluated, the Council will deliberate and reach a decision at its earliest convenience.
3. The City Clerk will notify each applicant of the decision of the Council and provide the new members a copy the City Commission/Committee Handbook (if applicable), along with any other pertinent materials required to serve on the Commission/Committee.
4. All full-Council deliberations and actions to appoint members to boards, committees and commissions are subject to the Ralph M. Brown Act (state open meetings act), and as such, must be noticed and open to the public

C. Resignations

Vacancies occurring in the middle of a term shall be filled by appointment for the unexpired portion of the term in the same manner provided herein for initial appointment.

D. Council Members' Role and Relationships with City Bodies

1. Because the Council has the ability to review decisions made by the commissions and recommendations made by committees and task forces, Councilmembers shall not be appointed to City boards, commissions, committees, or task forces concurrent with their term of office.

2. Unless specifically authorized by a majority vote of a quorum of the Council, no Councilmember shall be authorized to testify before or direct the work of any board, commission, committee or task force of the City.

3. If a Councilmember is testifying in such a capacity pursuant to the above provision, testimony should be undertaken in such a manner as to assure public confidence in the decision-making process and avoid the appearance of bias, prejudice, or improper influence. Toward this purpose, the following protocol should be observed:

a. Councilmembers shall not testify in matters pending before any commission, committee, or task force that will receive, or could potentially receive, future appeal or review before the City Council. Violation of this protocol shall require the Councilmember to disqualify his or herself from participating in any appeal or review proceedings before the City Council.

b. Except in matters directly involving personal interests, Councilmembers, in their capacity as private residents, should abstain from providing testimony or influencing decisions in matters pending before any City board, commission, committee or task force that will receive, or could potentially receive, future review or other action before the Council. Where a Councilmember elects to provide such testimony, the following rules shall apply:

i.) The Councilmember shall declare at the outset and upon the record that the Councilmember is present in his or her private capacity as an interested resident, and not on behalf of or at the request of the City Council.

ii.) The Councilmember shall refrain from stating or implying that the Councilmember's position or opinion is that of the City Council.

iii.) The Councilmember shall refrain from directing City staff or the advisory body to take any action on behalf of the Councilmember.

iv.) The Councilmember shall observe any rules of procedure or protocol that apply to any other private resident testifying before the advisory board.

v.) The Councilmember shall disqualify him or herself from participating in the matter should it come before the Council for review and/or decision.

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

1. Because commissions and boards may at times review the recommendations of other commissions and committees, commissioners and board members shall not be appointed to other City boards, commissions or committees concurrent with their terms of office.

2. To assure public confidence in the decision-making process and avoid the appearance of bias, prejudice, or improper influence, members of boards, commissions, committees and task forces shall observe the following protocol:

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

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

- b. When an appointed member of a board, commission, committee or task force elects to provide personal testimony to another City body or the City Council, the following rules shall apply:
 - 1. The member shall declare at the outset and upon the record that the member is present in his or her private capacity as an interested resident, and not on behalf of or at the request of the body to which he or she is appointed.
 - 2. The member shall refrain from stating or implying that the member's position or opinion is that of the body to which he or she is appointed.
 - 3. The member shall refrain from directing City staff or the body to which he or she is appointed to take any action on behalf of the member.

4. The member shall observe any rules of procedure or protocol that apply to any other private citizen testifying before the City bodies or the City Council.
5. Members of boards and commissions who chose to provide personal testimony before other City bodies may be required to disqualify themselves from participating in that matter should it come before his or her board or commission for review and/or decision if issues of bias would prevent the board or commission from impartial decision-making.

2.09 –Service on Outside Boards

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

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

Assignment and direction of staff in relation to regional meetings are at the discretion of the City Manager.

2.10 – Incompatibility of Offices

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



CHAPTER THREE

SUPPORT PROVIDED TO CITY COUNCIL

Chapter Three – Support Provided to City Council

3.01 – Staff/Clerical Support

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

3.02- Office Equipment

To enhance Councilmembers’ service to the community and their ability to communicate with staff and the public, the City offers Councilmembers a “cityofwillows.org” email address and meeting facilities for City business.

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

A.) Business and Personal Use of City Equipment

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

B.) Photocopy Machines and Other Equipment

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

3.03- Meeting Rooms

Councilmembers may utilize the meeting rooms, including the conference room located at City Hall. Use of the meeting rooms may be scheduled through the City Manager’s Office.

3.04- Mail Deliveries

Members of the City Council receive mail and other materials that are delivered primarily through the use of City Council folders located in the City Council’s office. The City Manager’s staff disseminates mail to individual Council folders. Staff does not open mail addressed to individual Councilmembers.

General correspondence addressed to Councilmembers as a whole will be opened, copied and placed in each Councilmember's folder. Councilmembers are encouraged to check folders often. In addition, City staff will email, telefax or personally deliver time-sensitive materials to a Councilmember's home or office, if appropriate.



CHAPTER FOUR FINANCIAL MATTERS

Chapter Four- Financial Matters

4.01- Council Compensation

The Municipal Code provides for payment of a modest stipend to members of the City Council. State law sets the level of compensation (California Government Code § 36516 and Willows Municipal Code, Title 2, Chapter 2.05.010).

4.02– Budget

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

4.03- Financial Disclosure

Candidates for the office of Councilmember shall file Statements of Economic Interests (Fair Political Practices Commission Form 700) with the City Clerk together with the candidate’s nomination papers (California Government Code §§ 87201 and 87202)..Councilmembers must file Statements of Economic Interests (FPPC Form 700) within 30 days of assuming or leaving office, and every year while in office covering the previous 12 months, or the period since the previous statement was filed under Government Code § 87202 or 87203 (California Government Code § 87201–87204). Statements of Economic Interests are available for public inspection.



CHAPTER FIVE COMMUNICATIONS

Chapter Five- Communications

5.01- Overview

Perhaps the most fundamental role of a Councilmember is communication—communication with the public to assess community opinions and needs; communication to share the vision and goals of the City with constituents; and communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives.

Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the Council. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

5.02- Correspondence for Council Members

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

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

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

5.03- Local Ballot Measures

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

5.04- Proclamations

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

5.05 California Public Records Act

To ensure that public disclosure of communications submitted to and by elected and appointed officials complies with the California Public Records Act and the Ralph M. Brown Act, the City has the following guidelines:

A. Communications, Generally

All letters, memoranda, and electronic communications involving City Councilmembers and members of boards, commissions, committees and task forces, containing information relating to the conduct of the public's business may be public records and subject to public disclosure, with a few exceptions as outlined in the Public Records Act. Public requests for copies of such communications are initiated with the City Clerk, who has the responsibility for processing such requests.

B. Written Communications

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

C. Electronic Communications

1. Informal messages that do not contain information relating to the conduct of the public's business and are not prepared, owned, used, or retained by the City do not constitute a public record. Users should delete these messages once their administrative purpose is served.
2. All other messages that relate to the conduct of the public's business constitute a public record. Such records are subject to public inspection and copying unless specifically exempted from disclosure; users may either print a copy of the record and create hard copy file for retention according to the City's Records Retention Schedule, or create an electronic subject folder to retain it in accordance with the City's Records Retention Schedule.
3. Email communications that are intended to be shared among three or more Councilmembers, whether concurrently or serially, must be considered in light of the Ralph M. Brown Act (state open meetings act). If the intended purpose of the email is to create a collective concurrence, the electronic discussion should not occur.
4. Email should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other "confidential" City business. In general, email is discoverable

in litigation, and even deleted email is not necessarily removed from the system. Confidential email communications should not be shared with individuals other than the intended recipients or the attorney-client privilege protecting the document from disclosure may be waived.

5. Email between Councilmembers and between Councilmembers and staff shall not be transmitted to the public or news media without the submission of a public records request with the City Clerk.
6. Email shall not be used for personal use since conventional City email addresses include the City's "return address."



CHAPTER SIX

CONFLICTS OF INTEREST

Chapter Six – Conflicts of Interest

6.01- Ethics, AB 1234 Ethics Training

The City maintains a commitment to conducting business according to the highest achievable ethical standards. Recognizing that ethical dilemmas may arise and that public officials must make difficult choices after careful consideration of competing public, personal and/or private interests at stake, the Council has adopted a code of ethical conduct within the Administrative Procedure and Policy Manual (AP&P 10-1).

State law (California Government Code § 53235, *et seq.*) requires public officials to complete two hours of training in ethics principles and laws every two years. In addition to Councilmembers, Willows requires the training of all of its Planning Commissioners, its City Manager, its department directors, some of its mid-managers, and members of the Economic Development Committee. Additionally, the City Council encourages all committee and board members to complete the training. Alternatively, the League of California Cities offers AB 1234 training, often in conjunction with League conferences or other training workshops, and online training is offered through the Fair Political Practices Commission. Certificates of course completion are kept on file by the City Clerk.

6.02- Conflicts of Interest

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

In general, under the PRA, public officials are prohibited from making, participating in or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest (California Government Code § 87100). A "public official" is defined as including every member, officer, employee or consultant of the state or local government agency (California Government Code § 82048).

A. Conflict of Interest Code

The City is required to adopt and maintain a Conflict of Interest Code. This code is adopted as Resolution No 45-2008. Under state law, the code must be reviewed every two years and amended as circumstances change. The City's code must be consistent with minimum requirements of the PRA (California Government Code §§ 87300-87313).

B. Disqualifications and Disclosure

When the agenda item is called, a City Councilmember who has a conflict of interest is required to publicly state that a conflict of interest exists, describe the nature of the economic interest giving rise to the conflict, disqualify himself or herself, and leave the room. Ideally, Councilmembers will become familiar enough with the sources of conflicts to determine in advance whether disqualification is necessary. However, if a Councilmember becomes aware of a potential conflict only during the meeting, it is perfectly appropriate for the Councilmember to ask for a break in

order to discuss the matter with the City Attorney. If any Councilmember questions a potential conflict of interest related to another Councilmember, a recess may be called at the request of the Councilmember who may have a conflict to allow discussion of the issue with the City Attorney to determine if there is a conflict. If the Councilmember decides a conflict exists, that Councilmember may not participate in any aspect of the decision making, including discussing the matter with City staff. When a conflict of interest arises involving a matter on the consent calendar portion of the agenda, the Councilmember is not required to leave the room, unless that item is pulled from the consent agenda for separate discussion.

C. Legally Required Participation

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

D. Advice on Conflict of Interest

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

E. Other Source of Conflict

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

F. Resolving Door Policy

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

The image shows the cover page of California Form 700, titled "STATEMENT OF ECONOMIC INTERESTS COVER PAGE". The form includes a header with "CALIFORNIA FORM 700" and "FAIR POLITICAL PRACTICES COMMISSION A PUBLIC DOCUMENT". It also has a "Date Received" field for "Official Use Only". Below the header, there is a section for "NAME OF FILER" with fields for (LAST), (FIRST), and (MIDDLE). The main section is titled "1. Office, Agency, or Court" and includes fields for "Agency Name", "Division, Board, Department, District, if applicable", and "Your Position". A note at the bottom states: "If filing for multiple positions, list below or on an attachment."



CHAPTER SEVEN

INTERACTION WITH CITY STAFF

Chapter Seven- Interaction with City Staff

7.01 Overview

City Council policy is implemented through staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so policies and programs may be implemented successfully. To support effective relationships, it is important that roles are clearly recognized.

7.02- Council-Manager Form of Government

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

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

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

- ✚ Generally supervise over the administrative affairs of the City
- ✚ Appoint and remove any department director level position(s)
- ✚ Attend all meetings of the Council at which the Manager's attendance may be required by that body
- ✚ See that all laws and ordinances are faithfully executed, subject to the authority which the Council may grant the City Manager to maintain law and order in times of emergency
- ✚ Recommend for adoption by the Council such measures as the Manager may deem necessary or expedient
- ✚ Prepare and submit to the Council such reports as may be required by that body, or as deemed advisable to be submitted
- ✚ Keep the Council fully advised of the financial condition of the City and its future need
- ✚ Submit to the Council a proposed budget for the fiscal year, and be responsible for its administration upon adoption
- ✚ Perform such other duties as the Council may determine by ordinance or resolution
- ✚ Implement and administer City Council policy

7.03- Non-Interference by City Council

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

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

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

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

7.04- City Council / City Manager Relationship

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

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

A. Performance Evaluation

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

7.05 City Council/City Staff Relationship

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

7.06 City Council/ Attorney Relationship

Pursuant to recommendation of the City Manager, the City Council shall make provision for obtaining legal counsel for the City, either by appointment of a City Attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services. The City Attorney is a contract employee appointed by the City Council. The City Attorney is the legal advisor for the Council, its committees, commissions and boards, the City Manager, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City. The general legal responsibilities of the City Attorney are to:

1. Provide legal assistance necessary for formulation and implementation of legislative policies and projects;
2. Represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings;
3. Prepare or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
4. Keep City Council and staff apprised of court rulings and legislation affecting the legal interests of the City.

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

7.07- Roles and Information Flow

A. Council Roles

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

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

B. Access to Information

The City Manager is the information liaison between the Council and City staff. Requests from Councilmembers for information are to be directed to the City Manager and will be responded to promptly. The information requested will be copied to all members of the

Council so that each member may be equally informed. The sharing of information with the City Council is one of the City Manager's highest priorities.

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

C. Staff Roles

The Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council, and keeping the Council informed. Staff is obligated to take guidance and direction only from the City Manager or Department Director. This direction follows the policy guidance of the City Council as a whole. Staff is directed to reject any attempts by individual Councilmembers to unduly direct or otherwise pressure them into making, changing, or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Councilmembers provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, that it would be more appropriately assigned to staff through the direction of the full City Council.

7.08 Dissemination of Information

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

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

7.09- Magnitude of Information Request

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

7.10- Staff Relationship to Advisory Bodies

Staff support and assistance may be provided to the City's boards, commissions, committees, and task forces. These bodies, however, do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the City Manager. The members of the commissions, boards, or committees are responsible

for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or committee bylaws. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

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

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

7.11- Restrictions on Political Involvement by Staff

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

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



CHAPTER 8

CITY COUNCIL MEETINGS

Chapter 8- City Council Meetings

8.01- Meeting Schedule

Regular City Council meetings are held the second and fourth Tuesday of each month at 7:00 p.m., in the Council Chamber, 201 N Lassen, Willows.

8.02- Public Notice of Meetings and Hearings

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

A. Notices

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

B. Preliminary Agenda for City Council Meeting

The public shall be notified of the agenda for the forthcoming regular City Council meeting by the posting of a copy of the agenda in the following public places in the City at least 72 hours in advance of a regular meeting and 24 hours in advance of a special meeting:

- ✚ Entrance door to Willows City Hall

201 N Lassen St

Willows, California 95988

- ✚ On the City's Website at www.CityofWillows.org

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

- ✚ Willows Public Library

C. Duties of the City Clerk

The City Clerk is directed to publish notices, prepare copies, post and distribute agendas as required by the California Government Code.

8.03- Emergency Meetings

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

8.04- Special Meetings

Special meetings may be called by the Mayor or by the Vice-Mayor or Acting Mayor in the absence of the Mayor. Additionally, a majority of the members of the Council may call a special meeting, provided

that the majority has not engaged in substantive consideration of the proposed special meeting agenda item(s) at a non-noticed meeting. Generally, the City Clerk will prepare a notice of special meeting to be signed by the Mayor, or all members of the majority, calling the special meeting, and will provide written notice as least 24 hours in advance to each member of the Council, local newspaper of general circulation, and radio or television station which has on file with the City a written request to be notified of special meetings. The special meeting notice will also be posted on the City's website. The call and notice shall specify the time and place of the special meeting and the business to be transacted.

The notices provided in this section may be dispensed with in the event a meeting is called to deal with specified types of extreme emergencies when prompt action is necessary due to the disruption or threatened disruption of public facilities.

At all regular and special meetings, public comments invited during a public hearing before or during consideration of any item on the agenda. Public comment is appropriate on any matter within the jurisdiction of the City Council.

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

8.05- Placing Items on the Agenda

City Council Agenda Planning

Any Councilmember may request that an item be placed on a future City Council agenda by doing so during a regular, noticed City Council Meeting and there must be a consensus of the Council to place the item on a future agenda. If the Council agrees to the placement of the item on a future agenda, the requesting Councilmember must provide the following information to the City Manager before the item will be placed on an agenda for consideration:

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

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

8.06- Development of the Agenda

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

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

8.07- Communications Received After Agenda Preparation

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

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

8.08- Council Action

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

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

8.09- Legislative and Quasi-Judicial Actions of the Council

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

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

8.10- General Parliamentary Procedure

Parliamentary procedures set the agreed-upon standard for conducting business. For general guidance, the Council will follow Rosenberg's Rules of Order. Certain processes are subject to state code and must be complied with. The Council will accept direction from the City Manager, City Clerk, and the City Attorney on the code. For other matters, the Willows City Council has a tradition that adheres to the common parliamentary practices used by similar institutions to facilitate the orderly processing of the business of its meetings. When necessary to resolve issues that may arise over the process, the Mayor will refer to the City Attorney who will act as the Parliamentarian. Upon such advice, the Council will vote and follow the decision of the majority.

8.11- Presentations at Meetings

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



CHAPTER 9

PROTOCOL ADMINISTRATION

Chapter Nine- Protocol Administration

9.01- Biennial Review

The City Council and Staff will review and revise the City Council Protocol Manual as needed.

9.02- City Attorney as Protocol Advisor

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

9.03- Adhere to Non-interference Policy

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

9.04- Applicability of Protocol Manual

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



CHAPTER 10

APPENDIX

10.01- Web Addresses

- ✚ <https://oag.ca.gov/system/files/media/the-brown-act.pdf>
- ✚ www.ca-ilg.org
- ✚ www.cacities.org
- ✚ <https://www.calcities.org/docs/default-source/get-involved/rosenberg's-rules-of-order-simple-parliamentary-procedures-for-the-21st-century.pdf>

10.02- City Organizational Chart

