



# Council Agenda Report

**From:** Thomas Frutchey, City Manager and Iris Yang, City Attorney

**Subject:** Council Policies and Procedures

**Date:** December 20, 2016

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## Facts

1. The City Council generally reviews its policies every two years, after the biennial election, to address any desired changes.
2. Although the current policies are sound, there are a few updates needed, as a result of actions over the past two years. For example, the Council created an Airport Commission since the last update. Also, there have been court cases regarding the use of City equipment for personal business. Other changes will improve clarity.
3. The current policies, with the proposed changes, are provided at Attachment 1.

## Options

1. Take no action;
2. Adopt the recommended changes;
3. Provide alternative direction.

## Analysis and Conclusions

The proposed edits reflect changes that have occurred in the City and in court decisions over the past two years. No significant alteration of a Council policy is proposed.

A new option for Council is included: the ability for two members to call up an action from an advisory body. In this way, Councilmembers do not have to appeal, thereby having to pay the fee. It is proposed that two Councilmembers call up an item since, if there are not at least two, there is little if any chance that the Advisory body action would be overturned. This is a common approach in other cities.

Additionally, the roles of advisory bodies are clarified. Also, as a result of recent court cases, Councilmembers are advised to use City phones, computers, e-mails, etc. for City business to the greatest extent practicable.

Finally, the language regarding Council relationships with staff was amended, for clarity.

## Fiscal Impact

None.

## Recommendation

Adopt the proposed revisions to the Council Policies and Procedures.

## Attachments

1. Current Council Policies and Procedures, with red-lined recommended revisions
2. Council Policies and Procedures, with revisions incorporated, clean copy

# CITY OF EL PASO DE ROBLES

## Council Policies & Procedures

ADOPTED DECEMBER 18, 2001

REVISION NO. 1 – 03/2003  
REVISION NO. 2 - 02/2007  
REVISION NO. 3 - 08/2010  
REVISION NO. 4 - 01/2015  
[REVISION NO. 5 - 12/2016](#)

1000 Spring Street, Paso Robles, California 93446

## COUNCIL POLICIES & PROCEDURES REVISION INDEX

Revision No. 1 – May 20, 2003	Change to Section 3.2.2, residency requirements
Revision No. 2 – February 2007	Change to Chapter 6.1.6, Compensation See Ordinance No. 921, adopted July 2006
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Revision No. 4 – January 20, 2015	Removed references to the Redevelopment Agency (dissolved) in Sect. 1.1.6, 3.1.2, and 6.1.6. Removed 6.1.5 and renumbered accordingly
<u><a href="#">Revision No. 5 – December 20, 2016</a></u>	<u><i>Added references to Airport Commission; clarified goals of advisory bodies; miscellaneous updates</i></u>

## CHAPTER 1 - COUNCIL POWERS & RESPONSIBILITIES

### 1.1 CITY COUNCIL GENERALLY

- 1.1.1 The Council shall have the power, in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants, which are not specifically prohibited by the Constitution and laws of the State of California.
- 1.1.2 The Council acts as a body. Policy is established by majority vote. A decision of the majority binds the Council to a course of action.
- 1.1.3 No Councilmember has any extraordinary powers beyond those of other members (except as may otherwise be provided in this Chapter or in State law). All members, including the Mayor, have equal votes.
- 1.1.4 The Council may authorize the Mayor to make appointments to Council commissions, boards, and advisory committees.
- 1.1.5 No Councilmember may serve as a voting member of any ~~other~~standing City commission, board, or committee composed solely of citizen volunteers, city employees, or a combination of both as commissioned pursuant to Chapter 3 of these policies.
- 1.1.6 Councilmembers may serve as members of the Paso Robles Successor Agency as provided in State law.

### 1.2 MAYOR – POWER & DUTIES

- 1.2.1 The Mayor shall preside at all meetings of the Council and perform such other duties consistent with the office as may be required by the Council or by vote of the people. The Mayor does not possess any power of veto.
- 1.2.2 The Mayor may make or second any motion, and present and discuss any matter, as a member of the Council.
- 1.2.3 The Mayor, with approval of the Council, may make appointments to Council commissions, boards, and advisory committees.
- 1.2.4 The Mayor shall be recognized as the official head of the City for all ceremonial purposes.
- 1.2.5 The Mayor shall serve as Chair of the Disaster Council convened in accordance with the City's Emergency Operations Plan (pursuant to Municipal Code Section 2.24.030-040).
- 1.2.6 The Mayor, or Council designee, may consult and coordinate with the City Manager in the development of agendas for meetings of the City Council.

### 1.3 MAYOR PRO TEMPORE – APPOINTMENT & POWERS

- 1.3.1 The appointment of the Mayor Pro Tempore is by majority vote of the Council every two years

subsequent to each regularly scheduled general election.

- 1.3.2 The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability.

#### 1.4 COUNCIL ACTIONS

- 1.4.1 Action by the City Council shall be taken by means of ordinance, resolution, or oral motion duly made and passed by the majority (unless otherwise provided in State law).
- 1.4.2 Public actions of the Council shall be recorded in the minutes of any meeting of the Council. Resolutions shall also be recorded separately, serially numbered, and filed sequentially in the office of the City Clerk. Likewise, ordinances shall also be separately recorded, codified in the Municipal Code, and so remain until amended or voided.
- 1.4.3 Actions of the Council concerning confidential property, personnel, and legal affairs of the City shall be reported in a manner consistent with State law.

#### 1.5 ESTABLISHMENT OF COMMISSIONS, BOARDS, & ADVISORY COMMITTEES<sup>1</sup>

- 1.5.1 The Council may establish commissions, boards, and advisory committees to examine certain issues in depth, aid in gathering public input, prepare recommendations for Council consideration, and undertake delegated duties.
- 1.5.2 The Council may adopt criteria for membership on its commissions, boards and committees provided the criteria do not discriminate based on sex, race, religion, creed, color, national or ethnic origin, or any other classification prohibited by law.
- 1.5.3 The Council may adopt reasonable methods for selecting members of its commissions, boards and committees.
- 1.5.4 The Council may disband any commission, board, or advisory body provided State law does not prohibit such action.

<sup>1</sup> : See Chapter 3 & 4.5 for more on Boards & Commissions.

## CHAPTER 2 - CODE OF ETHICS

### 2.1 PREAMBLE

The residents and businesses of Paso Robles 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 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 Paso Robles City Council has adopted this Code of Ethics to encourage public confidence in the integrity of local government and its operation.

### 2.2 PUBLIC INTEREST

- 2.2.1 Councilmembers will work for the common good of the people of Paso Robles 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.
- 2.2.2 Councilmembers shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties.

### 2.3 CONDUCT

- 2.3.1 Councilmembers shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of others.
- 2.3.2 Councilmembers shall perform their duties in accordance with the processes and rules of order established by the City Council.
- 2.3.3 Councilmembers shall inform themselves on public issues; listen attentively to public discussions before the body; and focus on the business at hand.
- 2.3.4 Councilmembers shall base their decisions on the merits and substance of the matter at hand.
- 2.3.5 Councilmembers 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.

## 2.4 CONFLICT OF INTEREST<sup>2</sup>

- 2.4.1 Councilmembers 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.
- 2.4.2 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.
- 2.4.3 Councilmembers 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. 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.
- 2.4.4 Councilmembers 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.
- 2.4.5 Councilmembers shall not use public resources not available to the public for private gain or personal purposes.
- 2.4.6 Councilmembers shall not appear on behalf of the private interests of third parties before the City Council or any board, commission, committee or proceeding of the City.
- 2.4.7 Councilmembers 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.
- 2.4.8 Councilmembers shall refrain from using their position to unduly influence the deliberations or decisions of City commissions, boards or committees.

## 2.5 POLICY ROLE

- 2.5.1 Councilmembers shall respect and adhere to the Council-Manager structure of Paso Robles City government as provided in State law and the Municipal Code.
- 2.5.2 Councilmembers shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.

## 2.6 COMPLIANCE & ENFORCEMENT

- 2.6.1 Councilmembers themselves are primarily responsible for ensuring they understand and meet the ethical standards set forth herein.

<sup>2</sup> State laws governing conflicts of interest are written to ensure that actions are taken in the public interest. These laws are very complex. Councilmembers should consult with the City Attorney or the Fair Political Practices Commission for guidance in advance.

## CHAPTER 3 - COMMISSIONS, BOARDS, & ADVISORY COMMITTEES<sup>3</sup>

### 3.1 COMMITTEES GENERALLY

- 3.1.1 The City Council may establish standing or ad hoc Commissions, Boards, and Advisory Committees (referred to collectively herein as “committees”) ~~as a means of gathering community input.~~ **These bodies shall follow policy established by the Council majority.**
- 3.1.2 Citizens who are appointed to Council committees serve in an advisory capacity to the City Council (except that the Planning Commission, Airport Commission, and Library Board of Trustees may be vested with additional responsibilities as prescribed in State law or Council authorization).

### 3.2 COMMITTEE ORGANIZATION & CONDUCT

- 3.2.1 Standing committees are established by resolution of the City Council and are organized under Council adopted by-laws specific to each.
- 3.2.2 Appointees shall be residents of the City. Exceptions: (a) membership on the Planning Commission may include persons having a vested interest in the City; (b) membership on the Housing Authority Board of Commissioners may include residents of the Housing Authority’s “area of operations” as defined by State Law; (c) **membership on the Airport Commission may include persons who are not residents of Paso Robles, so long as a majority of the Airport Commissioners are residents of the City;** (d) other exceptions as may be warranted, provided that the reasons for exceptions shall be so stated in that committee’s by-laws.
- 3.2.3 Standing committees and standing committee members shall comply with all applicable open meeting and conflict of interest laws of the State.
- 3.2.4 Committee members ~~are expected to~~ **shall** adhere to the Council’s Code of Ethics.

### 3.3 COMMITTEE APPOINTMENTS

- 3.3.1 The City Clerk shall maintain a list of all committee appointive terms.
- 3.3.2 The City Clerk shall solicit applications for vacancies in accordance with State law or City procedures, whichever is applicable.
- 3.3.3 The Council shall determine a selection methodology as needed or desired.
- 3.3.4 No person shall be eligible for appointment to one standing committee for more than three full consecutive terms, exclusive of prior appointment to fill an unexpired term.
- 3.3.5 Persons who have served three full consecutive terms may be reappointed following a one-term absence.
- 3.3.6 Appointees shall serve on only one standing committee at a time.

<sup>3</sup> NOTE See Chapters 1.5 & 4.5 for more regarding Boards & Commissions.



## CHAPTER 4 COMMUNICATIONS

### 4.1 COMMUNICATION GENERALLY

A fundamental role of a Councilmember is communication – communication with the public to assess community opinions and needs – communication with staff to gain an understanding of policy alternative implications and provide policy direction – communication with other public agencies to represent the community's interests – and communication with the media to inform the public about the functions of government.

Because the City Council functions as a body, i.e., acting on a majority vote, it is important that members represent the City's official position, or if expressing personal views, the public is so advised. To ensure that accurate City communications reach the public in a timely manner, the following shall apply.

### 4.2 CORRESPONDENCE

- 4.2.1 Once the City Council has taken a position on an issue, official correspondence shall reflect that position.
- 4.2.2 Typically, the Mayor will transmit the City's adopted position on policy matters to outside agencies on behalf of the City Council.
- 4.2.3 City stationery shall be used when corresponding on matters relating to official City business.
- 4.2.4 Councilmembers who disagree with a position may prepare correspondence on such issues as private citizens on personal stationery.
- 4.2.5 Councilmembers may transmit correspondence on issues that the Council has yet to take a position so long as the letters indicate that the author is not speaking for the Council. City stationery may be used for these purposes.
- 4.2.6 Councilmembers may prepare letters for constituents in response to inquiries or to provide requested information.
- 4.2.7 City stationery and staff support shall not be used for personal or campaign purposes.

### 4.3 SPEAKING ENGAGEMENTS

- 4.3.1 Councilmembers may accept public speaking invitations.
- 4.3.2 Presentations shall clearly articulate the Council's adopted policy position.
- 4.3.3 A Councilmember may indicate that their individual position differs from that which was adopted.

### 4.4 MEDIA RELATIONS

- 4.4.1 Typically, the Mayor is the designated representative of the Council to speak on official City positions.
- 4.4.2 Individual Councilmembers may comment to the media but should be clear about whether their

comments represent the official City position or a personal viewpoint.

- 4.4.3 Generally, press releases shall be prepared and routed to the City Manager for approval before release to the media.
- 4.4.4 Police and Fire responses to, and/or press releases regarding, emergencies may be reported directly to the media by the designated department spokesperson.

#### 4.5 COMMITTEE RELATIONS<sup>4</sup>

~~4.5.1 The City has established several commissions, boards and committees as a means of gathering community input. These bodies follow policy established by the Council majority.~~

Commented [1]: Duplicative of 1.5;

4.5.12 Councilmembers may attend any public commission, board or committee meeting so long as their attendance does not violate the provisions of State law.

4.5.23 Councilmembers may be assigned to serve as liaison to these bodies. As such, they do not serve as ex-officio members, rather as a conduit to facilitate interaction between the body and the Council.

4.5.34 In interacting with these bodies, Councilmembers are to reflect the views of the Council majority.

4.5.45 Councilmembers shall not engage in any *ex parte* communication with any member of a commission, board or committee regarding any quasi-judicial matter pending, or reasonably expected to come, before such a body.

*Ex Parte Communication* – any oral or written communication, which is intended, or is reasonably calculated, to influence decisions.

*Quasi-Judicial Matter* – the appeal of any employee discipline or grievance, or a proceeding to approve or revoke any license, permit or project.

4.5.56 ~~Two Councilmembers may call up for consideration by the full Council. Any Councilmember may appeal a decision of the Planning Commission or Airport Commission, any City board or commission with decision-making authority, but they shall provide written justification, or reasons for the appeal, such consideration, within the prescribed time period.~~

Commented [TF2]: A single Councilmember can always appeal, as he or she does not waive citizen rights upon being elected. The call up process is reserved exclusively to Councilmembers, as members of the City's governing body. There is no fee associated with a call up. Two Councilmembers should be required, just as in the making and seconding of a motion, otherwise there would be little likelihood of the commission decision being impacted.

#### 4.6 STAFF RELATIONS

4.6.1 The Council shall recognize that the primary functions of City staff are to execute Council policy, and to keep the Council informed.

4.6.2 Councilmembers may make routine requests for information through the appropriate department head. Complex or comprehensive requests shall be made through the City Manager.

4.6.3 Councilmembers may make requests for work to be done through the City Manager. Requests requiring significant staff time or other resources shall be made by the Council as a body.

4.6.4 The Council shall set policies and may establish priorities. However, Councilmembers shall not

<sup>4</sup> See Chapters 1.5 & 3 for more regarding Boards & Commissions

attempt to pressure or influence staff decisions, recommendations, workloads, schedules or department ~~priorities absent the approval of the Council majority~~operations.

#### 4.7 REMOTE ACCESS TO COMMUNICATIONS/INFORMATION<sup>5</sup>

- 4.7.1 The City will provide Councilmembers with direct access to the City telephone and computer systems from their homes, including, but not limited to, electronic mail accounts for the conduct of City business.
- 4.7.2 The City will provide Councilmembers with cellular phones for remote access as needed.
- 4.7.3 The City will provide Councilmembers with computer workstations or portables for their home-based or remote use while in Office, as needed.
- 4.7.4 Councilmember use of the City telephone and computer systems and other City equipment is subject to all City guidelines concerning use of such systems.
- 4.7.5 Councilmembers shall use (to the greatest extent practicable) their City electronic mail accounts for the conduct of or correspondence relating to City business.

<sup>5</sup> See Chapter 6.3.3 for more regarding reimbursement of remote access expenses

## CHAPTER 5 - CITY COUNCIL MEETINGS

### 5.1 COUNCIL MEETING DEFINED

A City Council meeting is any publicly noticed congregation of a majority of the members of the City Council at the same time and place to hear, discuss, deliberate, vote upon, and/or otherwise transact the public business that is within the subject matter jurisdiction of the City Council.

The presiding officer may limit public comment/testimony to those matters that are on the meeting agenda or are within the subject matter jurisdiction of the City Council.

### 5.2 MEETING SCHEDULE

- 5.2.1 The Council shall provide by ~~resolution~~ minute action the time and place for regular meetings.
- 5.2.2 Closed sessions may be scheduled before or after regular meetings, and/or as a special or adjourned meeting.
- 5.2.3 Adjourned regular meetings, study sessions and workshops may be called by a majority of the Council at a time and place convenient, within the City limits, and advantageous for public participation.
- 5.2.4 Special meetings may be called by the Mayor or by three members of the City Council with a minimum 24-hours public notice.
- 5.2.5 Generally, meeting business, other than closed session items, should be completed by ~~4:30~~ 10:30 pm. If at that time the Council has not concluded its business, it will review the balance of scheduled business to determine by majority vote whether to extend the meeting or continue consideration of the remaining items to another meeting.

### 5.3 PUBLIC PARTICIPATION

- 5.3.1 It is the policy of the City Council that members of the public shall have the opportunity to speak to any meeting agenda item before final action.
- 5.3.2 Any person desiring to address the Council should first submit a speaker's card and secure the permission of the presiding officer.
- 5.3.3 Public remarks shall generally be limited to three minutes unless the presiding officer grants additional time. Those persons whose interests are the subject of the matter before the Council may be provided ten minutes with an additional five minutes for rebuttal.
- 5.3.4 When a group of persons wishes to address the Council on the same subject, the presiding officer may request that a spokesperson be chosen to speak for the group.
- 5.3.5 The public may request an item be placed on a future agenda, and upon majority action of the Council, the item will be placed on the agenda of a future meeting.
- 5.3.6 The presiding officer may rule a speaker out-of-order who is speaking too long, being unduly

repetitious, or extending discussion of irrelevancies.

- 5.3.7 The presiding officer may rule a speaker out-of-order who is disrupting a meeting with personal, impertinent, slanderous or profane remarks.
- 5.3.8 Any Councilmember may request the presiding officer to enforce these rules. The presiding officer, or the Council by majority vote, may exclude or expel all persons from a meeting where a disturbance has been created which will not allow the meeting to continue unimpeded.

#### 5.4 MEETING DISCUSSION RULES

- 5.4.1 To obtain the floor, a Councilmember shall first address the presiding officer to gain recognition.
- 5.4.2 Comments and questions should be limited to the issue before the Council.
- 5.4.3 When present, all Councilmembers shall vote, unless they declare a conflict of interest and do not participate in the discussion.
- 5.4.4 A vote may be changed by a Councilmember only immediately after the vote announcement and prior to the introduction of the next agenda item.
- 5.4.5 A Councilmember is not obligated to state reasons for dissent.
- 5.4.6 Roll call voting is the preferred method for recording Council votes.

#### 5.5 MEETING AGENDAS <sup>6</sup>

- 5.5.1 Agenda format is determined by majority action of the Council.
- 5.5.2 The order of specific public hearing and business items is determined by the City Manager based upon anticipated public interest, participation of paid consultants, implementation urgency/time sensitivity, and other related considerations.
- 5.5.3 Any Councilmember may request an item be placed on a future agenda. If the request is to reconsider a Council action effected within the preceding 12 months, authorization for placement will require majority action of the Council.
- 5.5.4 Council Commission, Board and Committee recommendations shall be placed on the agenda in a timely manner once a staff report can be prepared.
- 5.5.5 The City Council cannot take action on items not included on the posted agenda except as provided for emergency or urgent items (as provided in the Brown Act).
- 5.5.6 Meeting agendas are posted and distributed 72 hours in advance of any Council meeting, except for special meetings.

<sup>6</sup> The public may request items to be placed on an agenda – see Chapter 5.2.5.

## CHAPTER 6 COUNCIL FINANCIAL MATTERS

### 6.1 COMPENSATION

- 6.1.1 The California Government Code controls the “salary” of Councilmembers. The Code permits the Council to establish by ordinance a “salary” up to a ceiling determined by a City’s population.
- 6.1.2 A “salary” established by council action may be increased but the amount of the increase may not exceed an amount equal to five percent for each calendar year from the operative date of the last adjustment.
- 6.1.3 The electorate may separately approve a higher “salary.”
- 6.1.4 The directly elected Mayor may receive additional compensation with the consent of the electorate or by ordinance of the Council.
- 6.1.5 Councilmembers receive \$600/month), the Mayor receives \$800/month.<sup>7</sup>

### 6.2 BENEFITS

- 6.2.1 The California Government Code provides that Councilmembers may receive health and welfare benefits.
- 6.2.2 City-funded medical, dental, vision, and employee assistance insurance plan benefits are provided.

### 6.3 EXPENSES<sup>8</sup>

- 6.3.1 Councilmembers may be reimbursed for actual and necessary expenses incurred in the performance of official duties.
- 6.3.2 Eligible expenses include travel expenses (including meals), mileage reimbursement, attendance at conferences and educational seminars, purchase of government business related publications and annual subscriptions, and membership in professional associations.
- 6.3.3 Councilmembers may be reimbursed for the expense of cellular phone service and charges, internet connection and use charges, and the like, incurred as a result of the performance of their public duties.
- 6.3.4 Expense reimbursement is subject to the City’s adopted travel and expense reimbursement policy.
- 6.3.5 The expenses of spouses accompanying Councilmembers in the conduct of their public duties are not reimbursable.

<sup>7</sup> Updated by Ordinance No. 920 N.S. adopted July 5, 2006, effective December 2006. See §2.40.030 of Municipal Code.

<sup>8</sup> Certain communication and computer resources are also provided – see Chapter 4.7.

## CHAPTER 7 COUNCIL POLICIES & PROCEDURES

### 7.1 REVIEW OF POLICIES & PROCEDURES

The policies and procedures contained herein shall be reviewed whenever at least one member of the Council commences a new term pursuant to any General Election.

### 7.2 RESTRICTIONS ON POLICIES & PROCEDURES

The policies and procedures contained herein shall govern the City Council in all cases to which they are applicable, and in which they are consistent with State or Federal law.

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- 1.3.2 The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability.

### 1.4 COUNCIL ACTIONS

- 1.4.1 Action by the City Council shall be taken by means of ordinance, resolution, or oral motion duly made and passed by the majority (unless otherwise provided in State law).
- 1.4.2 Public actions of the Council shall be recorded in the minutes of any meeting of the Council. Resolutions shall also be recorded separately, serially numbered, and filed sequentially in the office of the City Clerk. Likewise, ordinances shall also be separately recorded, codified in the Municipal Code, and so remain until amended or voided.
- 1.4.3 Actions of the Council concerning confidential property, personnel, and legal affairs of the City shall be reported in a manner consistent with State law.

### 1.5 ESTABLISHMENT OF COMMISSIONS, BOARDS, & ADVISORY COMMITTEES<sup>1</sup>

- 1.5.1 The Council may establish commissions, boards, and advisory committees to examine certain issues in depth, aid in gathering public input, prepare recommendations for Council consideration, and undertake delegated duties.
- 1.5.2 The Council may adopt criteria for membership on its commissions, boards and committees provided the criteria do not discriminate based on sex, race, religion, creed, color, national or ethnic origin, or any other classification prohibited by law.
- 1.5.3 The Council may adopt reasonable methods for selecting members of its commissions, boards and committees.
- 1.5.4 The Council may disband any commission, board, or advisory body provided State law does not prohibit such action.

<sup>1</sup> : See Chapter 3 & 4.5 for more on Boards & Commissions.

## CHAPTER 2 - CODE OF ETHICS

### 2.1 PREAMBLE

The residents and businesses of Paso Robles 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 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 Paso Robles City Council has adopted this Code of Ethics to encourage public confidence in the integrity of local government and its operation.

### 2.2 PUBLIC INTEREST

- 2.2.1 Councilmembers will work for the common good of the people of Paso Robles 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.
- 2.2.2 Councilmembers shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties.

### 2.3 CONDUCT

- 2.3.1 Councilmembers shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of others.
- 2.3.2 Councilmembers shall perform their duties in accordance with the processes and rules of order established by the City Council.
- 2.3.3 Councilmembers shall inform themselves on public issues; listen attentively to public discussions before the body; and focus on the business at hand.
- 2.3.4 Councilmembers shall base their decisions on the merits and substance of the matter at hand.
- 2.3.5 Councilmembers 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.

## 2.4 CONFLICT OF INTEREST<sup>2</sup>

- 2.4.1 Councilmembers 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.
- 2.4.2 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.
- 2.4.3 Councilmembers 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. 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.
- 2.4.4 Councilmembers 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.
- 2.4.5 Councilmembers shall not use public resources not available to the public for private gain or personal purposes.
- 2.4.6 Councilmembers shall not appear on behalf of the private interests of third parties before the City Council or any board, commission, committee or proceeding of the City.
- 2.4.7 Councilmembers 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.
- 2.4.8 Councilmembers shall refrain from using their position to unduly influence the deliberations or decisions of City commissions, boards or committees.

## 2.5 POLICY ROLE

- 2.5.1 Councilmembers shall respect and adhere to the Council-Manager structure of Paso Robles City government as provided in State law and the Municipal Code.
- 2.5.2 Councilmembers shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.

## 2.6 COMPLIANCE & ENFORCEMENT

- 2.6.1 Councilmembers themselves are primarily responsible for ensuring they understand and meet the ethical standards set forth herein.

<sup>2</sup> State laws governing conflicts of interest are written to ensure that actions are taken in the public interest. These laws are very complex. Councilmembers should consult with the City Attorney or the Fair Political Practices Commission for guidance in advance.

## CHAPTER 3 - COMMISSIONS, BOARDS, & ADVISORY COMMITTEES<sup>3</sup>

### 3.1 COMMITTEES GENERALLY

- 3.1.1 The City Council may establish standing or ad hoc Commissions, Boards, and Advisory Committees (referred to collectively herein as “committees”). These bodies shall follow policy established by the Council majority.
- 3.1.2 Citizens who are appointed to Council committees serve in an advisory capacity to the City Council (except that the Planning Commission, Airport Commission, and Library Board of Trustees may be vested with additional responsibilities as prescribed in State law or Council authorization).

### 3.2 COMMITTEE ORGANIZATION & CONDUCT

- 3.2.1 Standing committees are established by resolution of the City Council and are organized under Council adopted by-laws specific to each.
- 3.2.2 Appointees shall be residents of the City. Exceptions: (a) membership on the Planning Commission may include persons having a vested interest in the City; (b) membership on the Housing Authority Board of Commissioners may include residents of the Housing Authority’s “area of operations” as defined by State Law; (c) membership on the Airport Commission may include persons who are not residents of Paso Robles, so long as a majority of the Airport Commissioners are residents of the City; (d) other exceptions as may be warranted, provided that the reasons for exceptions shall be so stated in that committee’s by-laws.
- 3.2.3 Standing committees and standing committee members shall comply with all applicable open meeting and conflict of interest laws of the State.
- 3.2.4 Committee members shall adhere to the Council’s Code of Ethics.

### 3.3 COMMITTEE APPOINTMENTS

- 3.3.1 The City Clerk shall maintain a list of all committee appointive terms.
- 3.3.2 The City Clerk shall solicit applications for vacancies in accordance with State law or City procedures, whichever is applicable.
- 3.3.3 The Council shall determine a selection methodology as needed or desired.
- 3.3.4 No person shall be eligible for appointment to one standing committee for more than three full consecutive terms, exclusive of prior appointment to fill an unexpired term.
- 3.3.5 Persons who have served three full consecutive terms may be reappointed following a one-term absence.

<sup>3</sup> NOTE See Chapters 1.5 & 4.5 for more regarding Boards & Commissions.



- 3.3.6 Appointees shall serve on only one standing committee at a time.

## CHAPTER 4 COMMUNICATIONS

### 4.1 COMMUNICATION GENERALLY

A fundamental role of a Councilmember is communication – communication with the public to assess community opinions and needs – communication with staff to gain an understanding of policy alternative implications and provide policy direction – communication with other public agencies to represent the community's interests – and communication with the media to inform the public about the functions of government.

Because the City Council functions as a body, i.e., acting on a majority vote, it is important that members represent the City's official position, or if expressing personal views, the public is so advised. To ensure that accurate City communications reach the public in a timely manner, the following shall apply.

### 4.2 CORRESPONDENCE

- 4.2.1 Once the City Council has taken a position on an issue, official correspondence shall reflect that position.
- 4.2.2 Typically, the Mayor will transmit the City's adopted position on policy matters to outside agencies on behalf of the City Council.
- 4.2.3 City stationery shall be used when corresponding on matters relating to official City business.
- 4.2.4 Councilmembers who disagree with a position may prepare correspondence on such issues as private citizens on personal stationery.
- 4.2.5 Councilmembers may transmit correspondence on issues that the Council has yet to take a position so long as the letters indicate that the author is not speaking for the Council. City stationery may be used for these purposes.
- 4.2.6 Councilmembers may prepare letters for constituents in response to inquiries or to provide requested information.
- 4.2.7 City stationery and staff support shall not be used for personal or campaign purposes.

### 4.3 SPEAKING ENGAGEMENTS

- 4.3.1 Councilmembers may accept public speaking invitations.
- 4.3.2 Presentations shall clearly articulate the Council's adopted policy position.
- 4.3.3 A Councilmember may indicate that their individual position differs from that which was adopted.

#### 4.4 MEDIA RELATIONS

- 4.4.1 Typically, the Mayor is the designated representative of the Council to speak on official City positions.
- 4.4.2 Individual Councilmembers may comment to the media but should be clear about whether their comments represent the official City position or a personal viewpoint.
- 4.4.3 Generally, press releases shall be prepared and routed to the City Manager for approval before release to the media.
- 4.4.4 Police and Fire responses to, and/or press releases regarding, emergencies may be reported directly to the media by the designated department spokesperson.

#### 4.5 COMMITTEE RELATIONS<sup>4</sup>

- 4.5.1 Councilmembers may attend any public commission, board or committee meeting so long as their attendance does not violate the provisions of State law.
- 4.5.2 Councilmembers may be assigned to serve as liaison to these bodies. As such, they do not serve as ex-officio members, rather as a conduit to facilitate interaction between the body and the Council.
- 4.5.3 In interacting with these bodies, Councilmembers are to reflect the views of the Council majority.
- 4.5.4 Councilmembers shall not engage in any *ex parte* communication with any member of a commission, board or committee regarding any quasi-judicial matter pending, or reasonably expected to come, before such a body.

*Ex Parte Communication – any oral or written communication, which is intended, or is reasonably calculated, to influence decisions.*

*Quasi-Judicial Matter – the appeal of any employee discipline or grievance, or a proceeding to approve or revoke any license, permit or project.*

- 4.5.5 Two Councilmembers may call up for consideration by the full Council, a decision of any City board or commission with decision-making authority, but they shall provide written justification, or reasons for such consideration, within the prescribed time period.

#### 4.6 STAFF RELATIONS

- 4.6.1 The Council shall recognize that the primary functions of City staff are to execute Council policy, and to keep the Council informed.
- 4.6.2 Councilmembers may make routine requests for information through the appropriate department head. Complex or comprehensive requests shall be made through the City Manager.
- 4.6.3 Councilmembers may make requests for work to be done through the City Manager. Requests requiring significant staff time or other resources shall be made by the Council as a body.

<sup>4</sup> See Chapters 1.5 & 3 for more regarding Boards & Commissions

- 4.6.4 The Council shall set policies and may establish priorities. However, Councilmembers shall not attempt to pressure or influence staff decisions, recommendations, workloads, schedules or department operations.

#### 4.7 REMOTE ACCESS TO COMMUNICATIONS/INFORMATION<sup>5</sup>

- 4.7.1 The City will provide Councilmembers with direct access to the City telephone and computer systems from their homes, including, but not limited to, electronic mail accounts for the conduct of City business.
- 4.7.2 The City will provide Councilmembers with cellular phones for remote access as needed.
- 4.7.3 The City will provide Councilmembers with computer workstations or portables for their home-based or remote use while in Office, as needed.
- 4.7.4 Councilmember use of the City telephone and computer systems and other City equipment is subject to all City guidelines concerning use of such systems.
- 4.7.5 Councilmembers shall use, to the greatest extent practicable, their City electronic mail accounts for the conduct of or correspondence relating to City business.

<sup>5</sup> See Chapter 6.3.3 for more regarding reimbursement of remote access expenses

## CHAPTER 5 - CITY COUNCIL MEETINGS

### 5.1 COUNCIL MEETING DEFINED

A City Council meeting is any publicly noticed congregation of a majority of the members of the City Council at the same time and place to hear, discuss, deliberate, vote upon, and/or otherwise transact the public business that is within the subject matter jurisdiction of the City Council.

The presiding officer may limit public comment/testimony to those matters that are on the meeting agenda or are within the subject matter jurisdiction of the City Council.

### 5.2 MEETING SCHEDULE

- 5.2.1 The Council shall provide by minute action the time and place for regular meetings.
- 5.2.2 Closed sessions may be scheduled before or after regular meetings, and/or as a special or adjourned meeting.
- 5.2.3 Adjourned regular meetings, study sessions and workshops may be called by a majority of the Council at a time and place convenient, within the City limits, and advantageous for public participation.
- 5.2.4 Special meetings may be called by the Mayor or by three members of the City Council with a minimum 24-hours public notice.
- 5.2.5 Generally, meeting business, other than closed session items, should be completed by 10:30 pm. If at that time the Council has not concluded its business, it will review the balance of scheduled business to determine by majority vote whether to extend the meeting or continue consideration of the remaining items to another meeting.

### 5.3 PUBLIC PARTICIPATION

- 5.3.1 It is the policy of the City Council that members of the public shall have the opportunity to speak to any meeting agenda item before final action.
- 5.3.2 Any person desiring to address the Council should first submit a speaker's card and secure the permission of the presiding officer.
- 5.3.3 Public remarks shall generally be limited to three minutes unless the presiding officer grants additional time. Those persons whose interests are the subject of the matter before the Council may be provided ten minutes with an additional five minutes for rebuttal.
- 5.3.4 When a group of persons wishes to address the Council on the same subject, the presiding officer may request that a spokesperson be chosen to speak for the group.
- 5.3.5 The public may request an item be placed on a future agenda, and upon majority action of the Council, the item will be placed on the agenda of a future meeting.

- 5.3.6 The presiding officer may rule a speaker out-of-order who is speaking too long, being unduly repetitious, or extending discussion of irrelevancies.
- 5.3.7 The presiding officer may rule a speaker out-of-order who is disrupting a meeting with personal, impertinent, slanderous or profane remarks.
- 5.3.8 Any Councilmember may request the presiding officer to enforce these rules. The presiding officer, or the Council by majority vote, may exclude or expel all persons from a meeting where a disturbance has been created which will not allow the meeting to continue unimpeded.

#### 5.4 MEETING DISCUSSION RULES

- 5.4.1 To obtain the floor, a Councilmember shall first address the presiding officer to gain recognition.
- 5.4.2 Comments and questions should be limited to the issue before the Council.
- 5.4.3 When present, all Councilmembers shall vote, unless they declare a conflict of interest and do not participate in the discussion.
- 5.4.4 A vote may be changed by a Councilmember only immediately after the vote announcement and prior to the introduction of the next agenda item.
- 5.4.5 A Councilmember is not obligated to state reasons for dissent.
- 5.4.6 Roll call voting is the preferred method for recording Council votes.

#### 5.5 MEETING AGENDAS <sup>6</sup>

- 5.5.1 Agenda format is determined by majority action of the Council.
- 5.5.2 The order of specific public hearing and business items is determined by the City Manager based upon anticipated public interest, participation of paid consultants, implementation urgency/time sensitivity, and other related considerations.
- 5.5.3 Any Councilmember may request an item be placed on a future agenda. If the request is to reconsider a Council action effected within the preceding 12 months, authorization for placement will require majority action of the Council.
- 5.5.4 Council Commission, Board and Committee recommendations shall be placed on the agenda in a timely manner once a staff report can be prepared.
- 5.5.5 The City Council cannot take action on items not included on the posted agenda except as provided for emergency or urgent items (as provided in the Brown Act).
- 5.5.6 Meeting agendas are posted and distributed 72 hours in advance of any Council meeting, except for special meetings.

<sup>6</sup> The public may request items to be placed on an agenda – see Chapter 5.2.5.

## CHAPTER 6 COUNCIL FINANCIAL MATTERS

### 6.1 COMPENSATION

- 6.1.1 The California Government Code controls the “salary” of Councilmembers. The Code permits the Council to establish by ordinance a “salary” up to a ceiling determined by a City’s population.
- 6.1.2 A “salary” established by council action may be increased but the amount of the increase may not exceed an amount equal to five percent for each calendar year from the operative date of the last adjustment.
- 6.1.3 The electorate may separately approve a higher “salary.”
- 6.1.4 The directly elected Mayor may receive additional compensation with the consent of the electorate or by ordinance of the Council.
- 6.1.5 Councilmembers receive \$600/month), the Mayor receives \$800/month.<sup>7</sup>

### 6.2 BENEFITS

- 6.2.1 The California Government Code provides that Councilmembers may receive health and welfare benefits.
- 6.2.2 City-funded medical, dental, vision, and employee assistance insurance plan benefits are provided.

### 6.3 EXPENSES<sup>8</sup>

- 6.3.1 Councilmembers may be reimbursed for actual and necessary expenses incurred in the performance of official duties.
- 6.3.2 Eligible expenses include travel expenses (including meals), mileage reimbursement, attendance at conferences and educational seminars, purchase of government business related publications and annual subscriptions, and membership in professional associations.
- 6.3.3 Councilmembers may be reimbursed for the expense of cellular phone service and charges, internet connection and use charges, and the like, incurred as a result of the performance of their public duties.
- 6.3.4 Expense reimbursement is subject to the City’s adopted travel and expense reimbursement policy.
- 6.3.5 The expenses of spouses accompanying Councilmembers in the conduct of their public duties are not reimbursable.

<sup>7</sup> Updated by Ordinance No. 920 N.S. adopted July 5, 2006, effective December 2006. See §2.40.030 of Municipal Code.

<sup>8</sup> Certain communication and computer resources are also provided – see Chapter 4.7.

## CHAPTER 7 COUNCIL POLICIES & PROCEDURES

### 7.1 REVIEW OF POLICIES & PROCEDURES

The policies and procedures contained herein shall be reviewed whenever at least one member of the Council commences a new term pursuant to any General Election.

### 7.2 RESTRICTIONS ON POLICIES & PROCEDURES

The policies and procedures contained herein shall govern the City Council in all cases to which they are applicable, and in which they are consistent with State or Federal law.

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