

CITY COUNCIL PROTOCOLS

ADOPTED BY THE
CALABASAS CITY COUNCIL



CITY *of* CALABASAS

Adopted
February 12, 2014

CITY OF CALABASAS

City Council Protocols

PREAMBLE

The Calabasas City Council is charged with taking appropriate, necessary, and timely action to maintain the City of Calabasas as a leading, well-managed, and innovative city at the forefront of desirable California cities.

It is the overall responsibility of the City Council a) to gather information and knowledge; b) to take counsel; c) to keep a long-range perspective; d) to hold itself to the highest standards of ethical and professional conduct in the performance of its duties without regard to personal advantage; e) to be free of favoritism; f) to listen carefully to the public; and g) to conduct a reasonable and reasoned period of discussion prior to making decisions.

To accomplish the above-stated responsibilities, and as guidance for the orderly governance of the City, the Calabasas City Council has adopted the following protocols. Except for those protocols that are based on law, these protocols are voluntary and non-binding. They are set forth here to clarify what has become, over time, successful procedures or best practices for the conduct of civic affairs within our City.

These protocols are intended to be consistent with all legal requirements applicable to the conduct of City affairs. In the instance of any conflict with State or federal law, or with the Calabasas Municipal Code, such State, federal or municipal law requirements will control. In addition, official City meetings are generally conducted pursuant to Roberts Rules of Order.

It is expected that the City Council will renew these protocols periodically, in order to consider appropriate additions, deletions, and/or amendments.

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GENERAL

1. The Council participates in regional, state and national programs and meetings which serve the best interests of the City of Calabasas.
2. The Council provides policy direction to the City Manager. The City Manager, through city staff, implements Council policy. The Council does not interfere with the operating decisions of the city, which are the responsibility of the City Manager.
3. The City Manager keeps each Councilmember fully, and equally, informed as to all matters of importance to the city, including agenda items, financial conditions, needs of the city, resident concerns, staffing needs, and urgency items.
4. The Council endeavors not to burden the City Manager or staff with demands for individual time or attention on matters that the City Manager can better handle with general communications to the Council as a whole.
5. The Council looks to the City Manager, staff, commissions and committees for advice on city policies and legislative actions.
6. The Council complies with all laws relating to open meetings, public records, and conflicts of interest.
7. The Council encourages resident participation in the development of City policies.
8. The Council desires the public to be fully informed about decisions that impact the public, and encourages public comment as policies are set.
9. The Council makes adequate provision for the training and continuing education of the Council, commissions, and city staff.
10. All Councilmembers should receive and review any documents shown or provided by city staff to any other Councilmember.
11. Councilmembers inform the City Manager as far in advance as possible of when they will be out of town or otherwise unavailable to conduct city business.

SELECTION OF THE MAYOR

1. The Mayor and Mayor Pro Tem are nominated at the second Council meeting in March of each year, and are selected by a vote of their peers on the Council. Each serves for a one-year term. In the customary rotation, the Mayor Pro Tem is nominated to serve as Mayor at the end of the Mayor's one-year term.
2. The outgoing Mayor will follow [1] those already in the rotation and [2] first-time elected Councilmember(s).
3. The order of the first-time elected Councilmember(s) should be based on the order of finish in the election, with the first-time elected Councilmember receiving the most votes taking the first term, the next in line taking the second, and so on.
4. Once a Councilmember's position in the rotation is established, it does not change based upon the future order of election results.
5. If the election is canceled, the order of the rotation of the appointed candidates will remain the same.
6. The Mayor and Mayor Pro Tem are peers of and serve at the pleasure of the other Councilmembers.
7. The Mayor assumes the center chair on the dais and oversees the seating location of the other Councilmembers.

MAYOR'S ROLE

1. The Mayor represents the City, is its official spokesperson, and presides over all City Council meetings.
2. The Mayor, as well as each Councilmember, recognizes the unique role of representing the City, and takes great care to insure that this always takes precedence over representing oneself or one's own personal agenda.
3. It is the Mayor's prerogative to make Council committee assignments from choices provided by Councilmembers. The Mayor accommodates Council choices whenever possible.
4. The Mayor informs the Council by copying to them any correspondence sent under the Mayor's signature which relates to city business. The Mayor will also copy the Council on correspondence or email sent under his signature.
5. The Mayor, in consultation with the City Manager, sets the agenda for each Council meeting.
6. The Mayor or two Councilmembers may place an item on the City Council agenda.
7. At a public meeting, the Mayor has discretion to move agenda items and/or to take them out of order to accommodate the needs of the Council or the public.
8. In the absence of the Mayor, the Mayor Pro Tem performs the duties of Mayor.
9. The Mayor is obliged to act as a facilitator during public meetings. The Mayor ensures that all views are heard and that the meeting progresses in an orderly and timely fashion. The Mayor provides an equal opportunity for each Councilmember to be heard.
10. The Mayor is expected to be an advocate for his or her views, just as other Councilmembers are, but not to take advantage of the Mayor's status on the dais to coerce or to advocate in excess of what is allowed to other Councilmembers. The Mayor's role as a facilitator should not be compromised by his or her role as an advocate.
11. If a Councilmember, or sub-committee, brings an issue forward to the council, it is appropriate for the Mayor to give that member or committee members the opportunity to speak first on that particular issue.

CITY COUNCIL PREPARATION

1. Councilmembers avoid surprising their colleagues or staff. To the maximum extent possible, Councilmembers advise the City Manager in advance of issues or questions they intend to bring up at a public meeting. This refers to issues and questions that the staff would not normally anticipate or have researched for that particular meeting. Getting minor questions resolved with staff prior to a public meeting will shorten meetings and move the agenda forward in a timely manner.
2. Councilmembers are prepared for Council or committee meetings, which includes having read all agendas and supporting documentation prior to the meeting.
3. Councilmembers stay abreast of regional issues affecting neighboring cities, counties, and the operations of other districts or agencies.

PUBLIC MEETINGS

1. Public hearings and discussion items at Council meetings proceed generally in the following order:
 - a. City staff presents a report of the item under consideration.
 - b. Councilmembers have an opportunity to ask questions of staff for clarification or to gather additional information.
 - c. Public testimony is taken from affected parties or members of the public who wish to be heard.
 - d. At the close of public testimony, the Mayor allows staff to respond to any public testimony which staff wishes to supplement or regards as inaccurate or in need of clarification.
 - e. The Mayor allows other Councilmembers to speak first, and then summarizes or provides the final comments before asking for a motion or direction to staff on the item.
 - f. The order of Council comments is at the discretion of the Mayor. If the item under consideration was studied first by a committee of the Council, members of the committee would be expected to lead off the discussion.
2. Any Councilmember who desires to recuse himself or herself for conflict of interest or any other reason shall do so as soon as the item is called and shall leave the Council chambers until the item is concluded.
3. Any Councilmember may request a continuance of an item on the agenda if that Councilmember needs more time to become fully informed and able to render a decision. However, a continuance need not be granted if a majority of the Council deems it necessary to render a decision at the agenda time.
4. If a Councilmember is ill or away for any agenda item of special interest to that Councilmember, the item may be continued or tabled at that Councilmember's request, subject to any applicable statutory time periods, and only if such delay would not be adverse to the City's best interests. However, Councilmembers should not request a continuance without justifiable reason. Bear in mind that the public may attend expecting discussion or action on the issue, staff has prepared reports, and there may be staff or consultants present just for that item. Councilmembers should coordinate with the City Manager about future agendas and their own schedules to avoid missing items that may be of particular interest to them.

PUBLIC MEETINGS, continued...

5. If any Councilmember becomes aware of an unexpected issue that may be brought up by a member of the public at a Council, commission or committee meeting, that Councilmember will, as a courtesy, inform the other Councilmembers and the City Manager to the extent legally permissible.
6. Councilmembers are expected to attempt to persuade their colleagues to their point of view through reasoned debate, but also to accept the Council's ultimate decision graciously and as final. Councilmembers should not place the City Manager or staff in the position of having to deal with minority positions which do not further established Council policy.
7. Public comments are limited to no more than three (3) minutes per speaker, but that time may be reduced at the Mayor's discretion if there are numerous speakers on a particular item.
8. The Mayor requests speakers to direct their comments to the Council and not to the audience or to the TV cameras.
9. The Mayor controls the meeting, and discourages personal attacks of any kind from speakers by encouraging them instead to productively address the issues at hand.
10. The Council listens carefully to the speakers and does not interrupt or engage in debate with the speakers. The three-minute period belongs to the speaker.
11. Subject to applicable legal deadlines, the Mayor or any Councilmember may move to refer back to staff any agenda item that is deemed to be incomplete or unready for final decision. The same rule applies to City Commissions.
12. A Councilmember may suggest a change in procedure if he or she feels it will be helpful for the conduct of a particular meeting, understanding that the Mayor runs the meeting.
13. While unanimity is not required or always possible, the Mayor attempts to find consensus on discussion items.
14. Councilmembers make the reasons for their votes clear to their colleagues and to the public. This is particularly important when the Council is divided on an issue.
15. The Mayor, Councilmembers, and all Commission and committee members treat everyone with courtesy and respect.
16. All participants in a public meeting, including Councilmembers, staff and the public, shall make their remarks succinct, to the point, and as brief as possible. Participants shall avoid repeating remarks already made by others, and may simply state agreement with those particular shared sentiments.

PUBLIC MEETINGS, continued...

17. Direction to staff must be determined by a majority of the Council and must be clearly identified at the Council meeting. Tacit approval, or lack of disagreement by others, is not considered direction. The Mayor should ensure that the direction staff receives is clear and represents the majority view of the Council.
18. Every Council action should be:
 - a. A reasoned decision that was arrived at in a fair way.
 - b. Not to the personal advantage of any Councilmember.
 - c. Free of favoritism.
 - d. Based on information and opinions from a variety of sources, and particularly, from those who would be most affected.
19. Councilmembers do not have private communications, among themselves or with members of the public, via electronic communication devices or otherwise, from the dais during public meetings.
20. All members of the public desiring to speak at a Council or Commission meeting shall complete a speaker card which will be made available at all such meetings. The speaker should provide his and her name and city of residence on the speaker card. Speaker cards shall be submitted to the City Clerk or meeting staff prior to the time the item begins. It is within the discretion of the Mayor or meeting chair to accept a late submitted speaker card.
21. All meeting participants will tell the truth to the best of their knowledge and ability when presenting testimony or oral comments to the Council or Commission.
22. All meeting participants shall conduct themselves in an orderly manner. As a last resort, any person conducting themselves in a disorderly manner may be removed from the meeting room pursuant to California Government Code Section 54954.3(c).

CITY COUNCIL INTERACTION AND COMMUNICATION

1. Councilmembers treat each other with the respect and courtesy that is their due as residents and public officials.
2. Each Councilmember has the responsibility to initiate action to resolve problems cooperatively and as soon as possible, either directly with other Councilmembers or with the City Manager.
3. The Council maintains a respectful decorum, and avoids personal attacks during public meetings, in the press, or at any other time. Legitimate dissent or opposition to another Councilmember's voting record or positions on issues are within the bounds of appropriate political discourse.
4. Councilmembers should be sensitive to the negative impact that inappropriate conduct has on the public perception of the City. Councilmembers should be mindful of the fact that they are representatives of the City in all their public activities.
5. Councilmembers are flexible and cooperative in filling in for one another at meetings or important functions.
6. Councilmembers do not engage in private discussions in violation of the Brown Act. A Councilmember who feels that a conversation is potentially a violation should express his or her concern and immediately withdraw from the conversation. Councilmembers are expected to honor such concerns and immediately cease the conversation even if they do not agree that the Brown Act applies in that particular instance.
7. Personal attacks are always off-limits. Councilmembers start with the assumption that other members have the best interests of the City at heart, even if they disagree with their positions.
8. If a Councilmember takes a position in the media, or at any public hearing, critical of a decision, or critical of fellow Councilmembers or members' positions on issues, such public comments should stick to the issues under contention and never involve personal attacks. Councilmembers shall be mindful when representing views or making comments and, if they do not reflect the majority of the Council, must claim the comments as their own personal opinion. Positions set forth in writing on City letterhead should clearly indicate if the position stated is one officially voted on by the City Council, or if it only represents the position of the individual Councilmember.

CITY COUNCIL INTERACTION AND COMMUNICATION, continued...

9. Councilmembers should avoid expressions, comments, or opinions of city fault responsibility or liability in any matters involving property damage, personal injury or alleged breach of contract or alleged violation of law.
10. These Protocols do not, by themselves, carry the weight of law. Councilmembers are expected to abide by them out of a desire to have a well run City that treats its residents respectfully and with dignity. A governing body that strives to be fair, informed, honest, diligent, dignified, efficient and respectful of others will win the respect and trust of its residents.
11. If any Councilmember feels that a Protocol is being violated, it is appropriate for that member to discuss it individually with the errant Councilmember. If the City Manager or staff are involved, it is appropriate to discuss it with the City Manager. If this does not resolve the situation, it is appropriate, as a last resort, to bring up the matter within the Future Agenda Item period of a public meeting and ask for the issue to be put on a future agenda.
12. A principal purpose of the Protocols is to establish or uphold procedures and behavior that win the trust of the public by promoting efficient, productive and civil interaction between Councilmembers. Any Councilmember who habitually ignores these Protocols should expect to be called to task by his or her fellow Councilmembers and by the public.
13. A Councilmember who originates an idea or program shall continue to be identified as the originator even if the idea or program is pursued by another Councilmember or City official.
14. Councilmembers may request, through the City Clerk, certificates or other awards recognizing special events, organizations or individuals of importance to the City. All such requests must be approved by the Mayor, who should ask staff to vet the organization, if necessary. Such certificates or awards are normally to include the name and/or signature of all Councilmembers.
15. Councilmembers who plan or appear at programs or events which involve the use of City staff or resources shall provide notice of such programs or events to all Councilmembers.

CITY COUNCIL INTERACTION AND COMMUNICATION WITH STAFF

1. The Council and City Manager work together as a solution-oriented team.
2. Councilmembers feel free to communicate with the City Manager about any City issues, including resident concerns. However, Councilmembers are also mindful of the City Manager's busy schedule and competing requests for access.
3. Complaints or concerns about any City departments or staff are first taken up with the City Manager. It is not appropriate, in any situation, to critique, ridicule, or complain about other staff to any staff person other than the City Manager.
4. Councilmembers may routinely ask department heads for information relative to their department. However, inquiries that require extensive research, or reports that may occupy more than cursory staff time should first be discussed with the City Manager, and may require action or approval by the entire Council.
5. Department heads report to the City Manager. Councilmembers do not insert themselves into or interfere with that chain of command.
6. The Council should expect to be fully and promptly informed by the City Manager or his designee regarding any unusual activities or events of public concern.
7. Councilmembers keep a friendly, professional relationship with staff members, but avoid getting involved with personal matters, operational matters, work assignments or projects with any staff other than the City Manager.
8. It is staff's role to provide factual, objective, and unbiased information to the Council and the public in its reports. Councilmembers do not interfere or attempt to unduly influence the content of reports being prepared by staff. If a Councilmember disagrees with a staff recommendation, he or she is not obligated to vote for it and is likewise free to attempt to convince his or her colleagues on the Council of his or her position.
9. Councilmembers establish action and budget priorities for the City once a year during the annual budget review process.
10. Changes from the priorities or budget allocations established during the annual budget review process should be pursued only after careful consideration, as they may involve changes in staff work load and appropriations, and because the original priorities were established with the benefit of a public hearing.

CITY COUNCIL INTERACTION AND COMMUNICATION WITH STAFF, continued...

11. Councilmembers should bring forward requests for deviations from the established budget priorities only if they involve a degree of urgency that cannot wait until the next budget review.
12. Councilmembers may individually ask the City Attorney general questions involving matters related to their performance as City officials. However, inquiries that require extensive research, opinions or reports should first be discussed with the City Manager, and may require action or approval by the Council.

COMMITTEES OF THE COUNCIL

1. Committees of the Council serve the entire Council. Committees are not seen as territorial, but neither do Councilmembers interfere in the committee work of others.
2. The Council endeavors to define the jurisdiction and area of study of each committee so as to avoid conflicts or overlapping issues.
3. Committee members keep the rest of the Council informed of their work, which may include the filing of reports, memoranda or minutes.
4. The Council is available to advise committees by placing items about which a committee needs guidance on a Council agenda.
5. Each Council meeting agenda should include an opportunity for the making of committee reports. Whenever possible, written reports are provided to the Council prior to the public meeting.
6. Committees may recommend a course of action to the Council, but they never supplant the decision-making authority of the Council, unless authority to take specific action is expressly delegated to a committee by a vote of the Council at a public meeting.
7. Committee meetings are scheduled and (where applicable) proper public notice is provided through staff. Councilmembers who wish to call a committee meeting do so by asking the City Manager to make the appropriate arrangements.

COMMISSIONS AND BOARDS

1. Commission appointments are generally based on the recommendation of one nominee from each Councilmember. The nominations are then subject to approval by the entire Council. The Commissions shall elect a Chair and Vice-Chair from among themselves, which positions shall rotate.
2. The Council is responsible to make its vision for the City clear to all appointed and advisory bodies as policy guidance for those bodies.
3. The Council holds Commissions and boards to the highest standards of ethical and professional conduct in the performance of their appointed duties.
4. Like the City Council, Commissions and boards work for the benefit of the community and never for personal purposes.
5. The Council spells out the role, jurisdiction, authority and prerogatives of appointed bodies.
6. Commissions and boards are expected to make specific recommendations on matters brought before them, and not merely to pass them on to the City Council for final decision.
7. Councilmembers do not dictate the decisions of Commissioners and other board members. Commissioners and board members come to their own conclusions based on the evidence, the city's Municipal Code, and other governing and visioning documents. Substantial consideration is to be given by Commissioners to the recommendations of staff contained in the agenda reports.
8. Commissioners are encouraged to discuss questions or concerns about any agenda items with the Commission's staff liaison prior to Commission meetings in order to be prepared to take action at public meetings. Commissioners are to be mindful of undue consumption of staff time and resources.
9. Any Commission or board action should clearly state for the record the specific justification for the decision, so that the Council and the public may have the benefit of its reasoning.
10. All persons requesting appointment or re-appointment to a Commission or Board shall make written application to the City Clerk. The City Clerk is to acknowledge receipt of each application by letter to the applicant which includes an explanation of the appointment process. The City Council shall provide an opportunity for applicants to come before the Council and be interviewed before nominations are made.

COMMISSIONS AND BOARDS, continued...

11. All nominations for appointment to a Commission or Board are to be placed on the Council's public agenda with the applicant's name and a copy of the application (with personal information redacted). All nominees are required to appear in person before the Council prior to appointment or re-appointment. The City Clerk shall send a letter to all applicants stating the results of the appointment process in which they participated.

RESIDENT COMPLAINTS

1. Upon receiving a complaint from the public, Councilmembers direct that complaint to the City Manager for appropriate staff action and follow-up.
2. Councilmembers first ensure that they are in possession of all of the facts and both sides of the story before making any statements to the press or to the complaining party regarding what action, if any, the City should take.
3. The Council allows staff to handle resident complaints and does not to attempt a direct resolution of the problem. The Council gives staff time to do their job.