

City Officials' Protocol Manual 2024

A Framework for Good Governance



Arcata City Council

Stacy Atkins-Salazar

Meredith Matthews

Sarah Schaefer

Alex Stillman

Kimberley White

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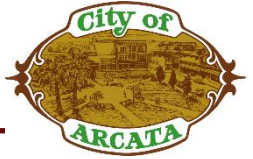
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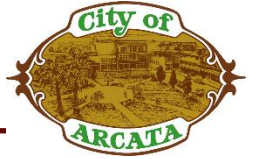
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CHAPTER ONE—Introduction and Overview

As a public official, you not only establish important and often critical policies for the community of Arcata, you are also a 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.

Basic Definitions

1. **Chair** is the individual authorized by law, the AMC or City policy to oversee, direct and preside over the public meeting of the City Council, Planning Commission, or any other City board, commission, or committee.
2. **City Council** is the governing body of the City of Arcata, comprised of four (4) Councilmembers and one (1) Mayor.
3. **City Official** is an elected or appointed member of the Arcata City Council or Arcata Planning Commission, or any other City board, commission, or committee established by ordinance or City Council policy.

1.1—Council-Manager Form of Government

The City of Arcata has a Council-Manager form of government. As described in the Arcata Municipal Code (AMC) 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 direction to the City Manager to administer the affairs of the city government in a businesslike and prudent manner. (See generally, AMC Title II and California Government Code § 34000, *et seq.*).

The City of Arcata was incorporated in 1858. At that time, the separately elected City Clerk was the administrative officer for municipal affairs. There was also a separately elected City Treasurer. The City Council established Arcata as a Council-Manager form of government in 1958 and hired its first City Manager that year. Shortly after that, the position of City Clerk was changed from elected to appointed and the City Treasurer position was changed to the appointed Finance Director position.

1.2—Purpose of City Council Protocol Manual

The City has prepared this Manual to assist Councilmembers and other City Officials by documenting accepted practices and clarifying expectations. This Manual should serve as a reference on adopted practices and procedures pertaining to Arcata City Council meetings, meetings of Boards, Commissions, or Advisory

Groups, provide an overview of City operations, Council powers and responsibilities, expected behavior and decorum from Councilmembers, other elected or appointed officials, and the public, as well as related matters. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide City Officials in their actions.

This Manual supersedes any other manuals which govern the Council, Boards, Commissions, or Advisory Groups, and the handling of their meetings.

1.3—Overview of Basic Documents

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

A. Codes of the State of California

The state laws contain many requirements for the operation of city government and administration of public meetings throughout the state. Arcata 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, Arcata is vested with all the powers of incorporated cities as set forth in the California Constitution and the applicable California state laws.

B. Arcata Municipal Code

The Municipal Code contains local laws and regulations adopted by ordinances. Title II of the Code addresses the role and relationship of the City Council, Mayor, and Vice Mayor. It also describes the organization of the Council, Board, Commissions, and Advisory Group meetings, and the responsibilities and appointment of certain City staff positions, advisory boards, and commissions. In addition to these administrative matters, the Municipal Code contains a variety of laws including, but not limited to, zoning standards, health and safety regulations, traffic regulations, building standards, and revenue and finance policies.

C. Council's Goals & Priority Projects

The City Council sets both long-term and short-term goals for the City each spring. The goal-setting process includes 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 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 and adoption in June.

E. Annual Financial Audit

The annual financial audit includes the financial statements of the City of Arcata 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. Certain amendments necessary for affordable housing development are not subject to this limitation. (California Government Code § 65358).

G. Five-year Capital Improvement Plan

The Five-year Capital Improvement Program serves as a guide for determining priorities, planning, financing, and construction of capital projects which add to, support, or improve the physical infrastructure, capital assets, or productive capacity of City services.

H. Disaster Preparedness Plan

The City maintains a disaster preparedness plan that outlines actions to be taken during times of extreme emergency. The Mayor 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

(See Arcata Municipal Code Title II, Chapter 6, §§ 2700–2709)

***A complete list of City plans and implementation programs is provided in Appendix A.*

1.4—Orientation of New City Officials

It is important for the new and incoming City Officials to gain an understanding of the full range of services and programs provided by the City. As Councilmembers join the Council or other City Officials join their respective Commission, Board, or Committee, department heads are instructed to provide invitations for members to tour facilities and meet with key staff. At any time, if there are facilities or programs about which City Officials would like more information, arrangements will be made to increase awareness of these operations. City Officials are required to receive Ethics AB1234 training and Harassment Prevention/Abusive Conduct Training as required by State Law. City Officials are encouraged to seek out trainings in local municipal governance, racial equity/race awareness, City financing, California environmental regulatory framework, economic development, and other applicable municipal trainings.

A. Council Orientation

As new members join the City Council, the following orientation will be provided to each member in a timely manner.

- a. The City Manager will host an orientation program to distribute materials outlining City policies and protocols.
- b. The City Manager will facilitate a meeting with the City Attorney for conflict-of-interest training, review of current legal matters, and a review of parliamentary procedures.
- c. The City Manager will arrange a meeting with Personnel prior to the first pay period to cover information reviewed with all City employees (e.g., benefits elections, I-9, retirement options, etc.).
- d. The City Manager will arrange meetings with Department Heads to be briefed on current projects within his/her Department, to receive an update on labor negotiations, and to tour City facilities.
- e. The City Manager will arrange an opportunity for "ride-alongs" with the Arcata Police Department.

- f. 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, elected officials' role during emergencies and disasters, etc.
- g. The City Manager will provide information for attendance at the League of California Cities' New Mayors and Council Members Academy.

B. Boards, Commissions, and Advisory Members Orientation

Newly appointed advisory body members receive a copy of this handbook and should become familiar with the work of the body on which they are about to serve. Each newly appointed member should contact the advisory body's staff liaison for an introduction to current issues. A review of previous meeting minutes will also give the new member an overview of the body's work.

Upon appointment, members of the Planning Commission are required by the Political Reform Act and the City's Conflict of Interest Code to file annual Statements of Economic Interests (Fair Political Practices Commission Form 700) with the City Clerk. This form must also be completed and filed when assuming and leaving office.

The Planning Commission members are required to complete two hours of training in ethics principles and laws every two years and when assuming office. These trainings are offered online and periodically within Humboldt County. Course completion certificates need to be filed with the City Clerk.



CHAPTER TWO—Arcata City Council General Powers and Responsibilities

2.1—Arcata 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 areas, 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 would only damage the credibility of the system.

2.2—Role of Councilmembers

Members of the Arcata 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

1. Councilmembers serve as the:

- a. City Council
- b. Governing Body for the Successor Agency to the Arcata Community Development Agency
- c. City of Arcata Joint Powers Financing Authority
- d. Personnel Board

2. 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

3. Enact Local Laws

- a. Adopt ordinances

4. 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 direction to advisory bodies

5. Make Decisions, Give Direction

- a. Study problems
- b. Review alternatives
- c. Determine best course of public policy
- d. Call special elections as necessary

2.3—Selection of Mayor and Vice Mayor

The Council rotates/selects the Mayor and Vice Mayor each year during the first regular City Council meeting in December. In election years, the Mayor and Vice Mayor will be selected during the City Council meeting in which election results are certified. The City Council believes that experience as a Councilmember will assist those who are selected to serve as Mayor or Vice Mayor, and has outlined a process that provides Councilmembers an opportunity to gain experience in cycles of governing prior to assuming their respective offices. Rotation to Vice Mayor is based on the length of time a councilmember has served since last being elected mayor and if needed the total vote count of his/her last election and works as follows:

1. The Vice Mayor rotates to the position of Mayor.
2. The member with the most continuous time of service on the Council who has not previously served as Mayor will be selected as Vice Mayor.
3. If two or more members have equal time of continuous service, the member who received the highest number of votes at his/her election shall be selected.
4. If a Councilmember is appointed to fill a mid-term vacancy, that Councilmember will go to the bottom of the rotational list.
5. Incumbent Councilmembers, when re-elected, do not begin anew at the bottom of the list, but rather retain their placement in the rotation.
6. A Councilmember may decline to serve as Mayor or Vice Mayor. In this case, the office would pass to the next Councilmember on the list. The Councilmember who declined may drop back one position in the rotation.
7. When the Council reorganizes, the outgoing Mayor will nominate the Vice Mayor to succeed him/her. The newly appointed Mayor will then nominate the next Councilmember in the rotational sequence to serve as Vice Mayor for the coming year.

The process described above shall guide the Council's selection of the Mayor and Vice Mayor; however, a majority of the City Council retains the authority to disregard the process and select any member of the City Council for these positions.

2.4—Role of Mayor

A. *Presiding Officer*

The Mayor serves as the presiding officer, unless otherwise delegated, acts as chair at all meetings of the City Council, and performs all such other duties consistent with the office as may be imposed by the Council. The Mayor and a representative of the Council set the Agenda for regular and special Council meetings. The Mayor or a majority of the Council call 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 Arcata 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). A list of the typical routine functions of the Mayor is included in Appendix I.

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. However, all Councilmembers are encouraged to participate. The Mayor may initiate and execute certificates of appreciation and recognition, and Council approved proclamations.

2.5—Vice-Mayor, Absence of Mayor and Councilmembers

In the absence of the Mayor, the Vice-Mayor shall perform the duties of the Mayor. 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. [See 7.12]

2.6—Resignation of Mayor or Vice-Mayor

If the Mayor or Vice-Mayor resigns, the City Council will select a new Mayor or Vice-Mayor using the procedures set out in section 2.3.

2.7—Emergency Response

The City Council has extraordinary powers for the protection of persons and property within the City in the event of an emergency. 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 shall be reviewed and ratified by the City Council within seven (7) days (Arcata Municipal Code, Title II, Chapter 6, § 2703).

2.8—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.

1. **City Manager:** Is an employee of the City and has an employment agreement which specifies terms of employment, including an annual evaluation by the City Council. The City Manager shall be the administrative head of the City government under the direction of the City Council, except as otherwise provided in the AMC. They shall be responsible for the efficient administration of all the affairs of the City which are under the City Manager's control. In addition to their general powers as administrative head, and not as a limitation thereon, it shall be the City Manager's duty and the City Manager shall have the powers listed in the AMC.
2. **City Attorney:** City Attorney services will be provided by contract. The City attorney attends City Council meetings as requested, as well as other meetings at the request of the City Council or City Manager, as deemed necessary.

2.9—Boards, Commissions, Committees and Task Forces

Boards, commissions, committees, and task forces provide a great deal of assistance to the Arcata 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 Board of Permit Appeals makes final decisions on matters arising under the Uniform Building Code and its final decisions are not subject to review by the City Council.

Each City board, commission, committee and task force acts as a political body conducting public business and, therefore, follows the same rules as does the City Council. Each body's decisions and recommendations are determined by at least a majority vote of the membership. While individual members may disagree with decisions of the majority, a decision of the majority binds the body to a course of action.

The procedures established in this Manual reflect the policy of the City Council regarding the appointment of volunteers to the various bodies of the City. The establishment of these procedures ensures that well-qualified, responsible, and willing residents 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 Arcata 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 (Arcata Municipal Code Title II, Chapter 3).

A. Application Process

Any person interested in serving on an advisory body is invited to complete an application form and submit it to the City Manager's Office. When a vacancy occurs, a vacancy is posted on the City website, and applications are accepted. The applications are forwarded to all members of the City Council.

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 review prior to the Council 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; 4) The applications; and 5) Recommendations from the staff liaison outlining needed expertise on the Commission or Committee, if any.

B. Qualifications

To serve on a City of Arcata advisory body, an appointee must be either a resident or must either live or work within the Arcata Planning area. Exceptions are members of the Board of Permit Appeals, the Historic Landmarks Committee, and the Forest Management Committee.

Appointees may serve on one board, committee or commission at a time. The exception to this is Transactions and Use Tax Oversight Committee members, who may serve concurrently on other City advisory bodies. City Council members may not serve on any advisory body during their terms on the Council.

C. Council Action

1. The Council may interview each applicant, at a time and place to be designated by the Council. The Council reserves the right to make appointments without conducting interviews.
2. The Council may appoint a sub-committee to review applications or conduct interviews of applicants and make recommendations to the full Council for appointment.
3. After applicants are evaluated, the Council will deliberate and reach a decision at its earliest convenience.

4. The City Clerk will notify each applicant of the decision of the Council and provide a copy of the City Commission/Committee Handbook for new members. The City Clerk will also notify the commission/committee's staff liaison of the Council's decision. The staff liaison will notify the chair of the Council's decision and will contact the new member and provide orientation prior to the next scheduled meeting.
5. All Council interviews, deliberations and actions to appoint members to boards, committees and commissions are subject to the Ralph M. Brown Act (state open meetings act, attached as Appendix B), and as such, must be noticed and open to the public.

D. 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 [Arcata Municipal Code, Title II, Chapter 3, § 2202(C)].

E. Councilmembers' Roles 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.

For additional information regarding The Ethical Hazards of Council Members Attending Other Board Meetings—See Appendix J.

F. Department Liaisons

The City Manager oversees the work of all the City departments and appoints a staff liaison from the appropriate department to help each of the advisory bodies in carrying out their mission. The liaison coordinates all activity between the commission or committee and the City Council.

Advisory body members should report changes in personal information (address, phone number, email, etc.) to the liaison in a timely fashion as important information is sometimes distributed to members on short notice. It is also important for members to inform the liaison of any planned absences in advance of meetings to avoid a lack of quorum.

City advisory body liaisons are assigned from the following departments:

Community Development & Planning	822-5955
-potential to replace with a Task Force	
Historic Landmarks Committee	
Planning Commission	
Engineering Division	822-5957
Boards of Permit and Handicapped Appeals	
Transportation Safety Committee	
Environmental Services Department	822-8184
Energy Committee	
Forest Management Committee	
Parks and Recreation Committee	

Wetlands & Creeks Committee

Finance Department

822-5951

Transactions and Use Tax Oversight Committee

Police Department

822-2428

– Potential to replace with quarterly reports, monthly meetings on campus and in the community.

G. Terms of Office

The terms of office for advisory board members are staggered to avoid a complete change of membership at one time. The lengths of terms are as follows:

Board Members:	Four years
Commission Members:	Four years
Committee Members:	Three years

H. Officers

Members of each advisory body elect a chair and vice-chair. Boards elect officers once every four years. Commissions and committees elect officers annually at the first regularly scheduled meeting of each fiscal year, which begins on July 1.

I. 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 as well as committees and task forces, commissioners and board members shall not be appointed to other City boards, commissions or committees. Commissioners and board members may be appointed to task forces concurrent with their terms of office.
2. In furtherance of the goals set out in 2.8(D)(3), above, 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:
 - (i) 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.
 - (ii) 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.
 - (iii) 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.
 - (iv) 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.
 - (v) 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.

J. Meeting Dates

Except where noted, all advisory bodies meet on a monthly or bi-monthly basis on days listed below. (Asterisks denote committees that meet in odd months only (Jan., Mar., May, July, Sep., Nov.))

Board/Committee/Commission	Meeting Day	Time
Arcata Foundation	By Call of the Chair	TBA
Boards of Permit & Handicapped Appeals	As Necessary	TBA
City Council	First and Third Wednesday	6:00 p.m.
Energy Committee*	Third Monday	5:30 p.m.
Forest Management Committee *	Second Thursday	7:00 a.m.
Historic Landmarks Committee*	Third Thursday	4:00 p.m.
Parks and Recreation Committee*	Second Wednesday	6:00 p.m.
Planning Commission	Second and Fourth Tuesday	5:30 p.m.
Transactions and Use Tax Oversight Committee	By Call of the Chair	TBA
Transportation Safety Committee	Third Tuesday	4:30 p.m.
Wetlands and Creeks Committee*	Third Tuesday	5:30 p.m.

K. Annual Reports to the City Council/Study Sessions

The City Council will schedule study sessions with the different advisory bodies when needed or as requested in writing to the Mayor by the advisory body chair. In addition, each committee and commission is responsible for making an annual report to the City Council on its work activity.

2.10—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 should consider past positions or decisions of the Council. Often outside board decisions require regional opinions to be considered and an appointee is apprised of new information that the Council would not have considered, therefore it is understood that the board appointee will exercise independent decision-making based on the facts and situation at the time of the decision. 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.



CHAPTER THREE—Support Provided to City Officials

3.1—Staff/Clerical Support

Staff and administrative support to City Officials is provided through the City Manager’s Office. Secretarial services provided include distributing mail and email, scheduling appointments and receiving messages. All other City Official 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.

3.2—Office Equipment

To enhance City Officials’ service to the community and their ability to communicate with staff and the public, the City provides meeting facilities and office equipment for City business.

An iPad will be issued to each Councilmember. The Information Technology Manager will ensure all appropriate software is installed and will also provide an orientation in the use of computers and related software. Lost, stolen, or damaged devices must be reported to the Information Technology Manager within one working day of discovery.

A City issued cell phone shall be provided by the City for the Mayor. The Information Technology Manager will ensure all appropriate applications and connections are programmed and will also provide an orientation in the use of the phone. Lost, stolen, or damaged devices must be reported to the Information Technology Manager within one working day of discovery.

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 City Officials 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 a code number for use of the photocopier for City business.

2. Other equipment. Except as provided herein, in no event shall a City Official take City property to his or her home.

C. Monitoring, Enforcement and Penalties

1. City information systems or storage media are the property of the City of Arcata. The City retains the right to access, copy, change, alter, modify, destroy, delete or erase this property without prior notice to Councilmembers. The City retains the right to monitor and audit email and internet usage. The right to use these technologies does not include the right to privacy.
2. Deleted documents, messages and data may be retrieved from a variety of points in the network. Councilmembers should assume that electronic evidence discovery might recover deleted or unsaved data.
3. City Officials' use of a personal internet account on City equipment, and City Officials' use of a City internet account on personal equipment are to be arranged through the City Manager and are subject to the provisions of this policy. City Officials should be aware that their personal email and electronic files could be reviewed as part of a public records request.

3.3—Meeting Rooms

City Officials may utilize the office space provided in City Hall. Use of other meeting rooms, including the conference room located at City Hall, may be scheduled through the City Manager's Office.

3.4—Mail Deliveries

Members of the City Council receive mail and other materials that are delivered primarily through the use of mailboxes located in the City Council's office. The City Manager's staff disseminates mail to individual Council mailboxes. Staff does not open mail addressed to individual Councilmembers. General correspondence addressed to the Mayor and/or Councilmembers as a whole will be opened and delivered to the Council General Box.

Councilmembers are encouraged to check mailboxes often. In addition, City staff will email, telefax or personally deliver time-sensitive materials to a Councilmember's home or office, if appropriate.

3.5—Council Library

A library of current City plans, implementation programs, and the Arcata Municipal Code is located in the City Council's office. These documents are for reference and are not to be removed from the office. Copies can be made available for individual Councilmembers upon request to the department of origin.

3.6—Inappropriate Actions

The Council has delegated the City Manager the responsibility to discuss, on behalf of the full Council, any perceived or inappropriate action by a Councilmember. The City Manager will discuss with the Councilmember the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the City Manager will report the concern to the Mayor or to the full Council as needed.



CHAPTER FOUR—Financial Matters

4.1—Council Compensation

State law and the Municipal Code provide for payment of a modest honorarium and supplemental benefits to members of the City Council. State law sets the level of compensation (California Government Code § 36516 and Arcata Municipal Code, Title II, Chapter 1, § 2010).

Councilmembers may waive their monthly salaries as provided by state law; however, they may not elect to assign their salary to any person or entity, including a charitable organization.

4.2—Budget

The annual City budget includes appropriations for expenses 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.

4.3—Financial Disclosure

Candidates for the office of Councilmember and Public Officials appointed to any Commission or Board 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.

4.4—Travel Policy and Procedures

The City Council has, by resolution, adopted a travel policy (Appendix C). Councilmembers, staff, and appointed officials will be reimbursed for all “approved travel” as defined in the City Travel Policy only up to the amount of an individual's funds allocated for travel/training. If a Councilmember desires to exceed his or her allocated annual travel budget, prior to travel he/she may submit a written request to the City Manager for a reallocation of another Councilmember's unused travel balance. The City Manager will confirm that the reallocation is approved by the Councilmember donating the unused budget allocation and that the reallocation is in the best interest of the City.

“Approved Travel” means pre-authorized travel to attend training or conferences, or other City Council-directed travel activities.

A. Pre-authorization of Travel/Training

Councilmembers and appointed officials traveling on City business that involves an overnight stay shall submit a Travel/Training Authorization Form to the City Manager for pre-approval. In advance of making travel arrangements, Councilmembers must check account balances, complete a Travel/Training Authorization Form and make all travel arrangements with the City Manager’s Office Administrative Assistant. The travel authorization form will include a complete estimate of the costs of the trip, including conference registration, transportation, and per diem. The travel authorization form will also include the purpose of the trip, the dates of travel, and other pertinent details.

In advance of any travel on City business, a Travel/Training Authorization Form must be submitted to and signed by the City Manager. The City Manager authorizes:

- a. Overnight travel by elected or appointed officials
- b. Use of a rental vehicle by elected or appointed officials
- c. Out-of-state travel by elected or appointed officials

B. Authorization for Reimbursement of Travel Expenses

Within 10 days of the close of the authorized travel period, a final itemized Travel/Training Authorization Form, including all receipts and expense reimbursement requests, must be submitted to the City Manager’s Administrative Assistant, who will prepare for signature by the City Manager, final approval, and processing. The City Manager’s Office Administrative Assistant will process and submit authorized travel reimbursement requests to the Finance Department.

4.5—City Credit Card Policy

Card Issuance. The Finance Department issues each Councilmember a City credit card. Use of City credit cards is set forth in the City Credit Card Policy (Appendix D).

Cards Lost or Stolen. Lost or stolen cards must be reported to the Finance Director within one working day of discovery.

Leaving Office. Each card holder must surrender the City credit card immediately upon leaving office, or upon request of the City Manager or Finance Director. Use of the card after privileges are withdrawn is prohibited.



CHAPTER FIVE—Communications

5.1—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.

5.2—Correspondence from Councilmembers

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.

City Council members should never speak on behalf of the City or the Council.

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.

5.3—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.

5.4—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.

Proclamations can be directly made if they have been listed on the Council Approved Proclamations List (Appendix E). All proposed proclamations not on the annually approved list must first be approved by the Council during a regular City Council meeting as an item on the Consent Calendar. If the proclamation is expected to be an annual event, the Consent Calendar item description shall include the phrase "and add proclamation to the Council-approved list." The decision to add or not to add a proclamation to the approved list shall be made following consultation between the City Manager and the Mayor when the Council meeting agenda is being prepared. Requests for new proclamations should be directed to the City Manager's Office staff at least four weeks prior to the meeting at which the requestor would like it read.

Proclamations not requested for two years will automatically be deleted from the list of pre-approved proclamations.

5.5—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 (state open meetings laws), the City has adopted 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 a system for processing such requests.

B. Written Communications

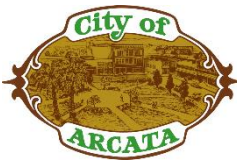
Written letters and memoranda received by the City referring to a specific agenda item, addressed to a Councilmember or the Council as a body, will be provided to all City Councilmembers and the public, and a copy kept according to the City's Records Retention Schedule.

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 Councilmembers' conventional email addresses include the City's "return address."
7. Electronic communications that meet the California Public Records Act definition of a public record made to or from a Councilmember's privately owned device(s) may be subject to public disclosure.
8. Electronic communications during a public meeting are strongly discouraged because they prohibit the public from observing or participating in the Council's public discussion and may violate the Brown Act.



Photo courtesy of Leslie Scopes Anderson



CHAPTER SIX—Conflicts and Liability

6.1—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 which is attached as Appendix F.

The City Manager is subject to a professional code of ethics as a member of the International City/ County Management Association (ICMA). These principles appear in the appendix of this manual, as Appendix G. It should be noted that this code binds the City Manager to certain practices that are designed to ensure actions are in support of the City's best interests. Violations of such principles can result in censure by the ICMA.

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, Arcata 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. Biennial ethics training is provided locally. 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.

6.2—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. *Applicability*

Under the PRA, an official has a financial interest if it is reasonably foreseeable that a decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

1. Any business entity in which the public official has a direct or indirect investment worth \$2,000 or more (California Government Code § 87103(a); 2 California Code of Regulations § 18700(c)(6)(A)).
2. Any real property in which the public official has a direct or indirect interest worth \$2,000 or more (California Government Code § 87103(b), 2 California Code of Regulations § 18700(c)(6)(B)).
3. Any source of income other than gifts or certain loans aggregating \$500 or more provided to the public official within 12 months prior to the time of the decision (California Government Code § 87103(c); 2 California Code of Regulations § 18700(c)(6)(C)).
4. Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management (California Government Code § 87103(d); 2 California Code of Regulations § 18700(c)(6)(D)).
5. Any gift totaling \$470 (adjusted biennially by the FPPC) or more provided to, received by or promised within 12 months prior to the decision (2 California Code of Regulations §§ 18703.4, 18704-18961).

B. *Analysis*

In general, the FPPC suggests that a four-part analysis be followed in applying the conflict of interest rules:

1. *Step One: Is it reasonably foreseeable that the governmental decision will have a financial effect on any of the financial interests listed above (2 California Code of Regulations § 18700(d)(1))?* If the financial interest is a named party to or the subject of the governmental decision, the financial effect on the public official's interest is reasonably foreseeable. If not a named party or subject of the decision, the financial effect on the interest will be reasonably foreseeable if there is a realistic probability of a financial effect.
2. *Step Two: Will the reasonably foreseeable financial effect be material (2 California Code of Regulations § 18700(d)(2))?* Materiality is determined in reference to the specific financial interest involved.
3. *Step Three: Can the public official demonstrate that the material financial effect on the public official's financial interest is indistinguishable from the effect on the public generally (2 California*

Code of Regulations § 18700(d)(3))? This requires establishing that at least 25% of certain population segments are all affected, and that the effect on the governmental official's interest is not unique compared to the segment.

4. Step Four: *If after applying the three step analysis and determining that the public official has a conflict of interest, he or she may not make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision.*

C. Conflict of Interest Code

The City is required to adopt and maintain a Conflict of Interest Code. This code is found in the Arcata Municipal Code at Title 2, Chapter 8. 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).

D. Disqualification 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.

E. 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).

F. 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.

G. Other Sources 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).

H. 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.



Photo courtesy of Britton Latham

I. Revolving Door Policies

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).



Photo courtesy of Humboldt State University



CHAPTER SEVEN—Interactions with City Staff

7.1—Overview

City Council policy is implemented through dedicated and professional 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.

7.2—Council-Manager Form of Government

Arcata 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 prepare and 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 at any time any department directors and employees
- Attend all meetings of the Council at which the Manager's attendance may be required by that body [AMC § 2107(d)]
- See that all laws and ordinances are faithfully executed, subject to the authority which the Council may grant the Mayor 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 needs
- Prepare and 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

7.3—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.

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. The Council, on a case-by-case basis, will establish what, if any, corrections and/or sanctions are appropriate.

7.4—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, quality of service, safety/risk-taking, implementation and administration of adopted Council policy.

7.5—City Council/City Staff Relationship

City Councilmember contact with City staff members, in respect of staff's personal time will be during regular business hours and through City standard forms of communication (email, phone and appointment), except in the case of an emergency. Unless matters are urgent, communications outside of normal working hours are not expected to be responded to immediately.

7.6—City Council/City 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.

7.7—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.

7.8—Dissemination of Information

In addition to regular, comprehensive 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 a regular 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

7.9—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

Arcata 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.

7.12—Council Attendance Policy

If a Councilmember intends to be absent from the City for more than 24 hours, he or she shall notify the City Manager of such absence and its duration.

A. *Vacancy for Nonattendance*

Under state law, if a Councilmember is absent without permission from all regular City Council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy [California Government Code § 36513(a)].

At the start of each City Council meeting, the City Clerk, or designee, will call the roll. Any absent Councilmember who has called the Mayor or City Manager's Office before 5:00 p.m. on the day of the meeting to advise of such absence may request to be excused by the City Council.



Arcata City Hall



CHAPTER EIGHT—City Council Meetings

The City Council’s collective policy and law-making powers are put into action at the Council meetings. It is here that the City Council conducts its business. The opportunity for citizens to be heard, the availability of local officials to the residents, and the openness of Council meetings all lend themselves to the essential democratic nature of local government.

8.1—Meeting Schedule

Regular City Council meetings are held the first and third Wednesdays of each month at 6:00 p.m., in the Council Chamber, 736 F Street, Arcata. By a majority vote of the Council, meetings not completed by 10:30 p.m. will be continued to the following Thursday at 6:00 p.m. in the Council Chamber.

8.2—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 Arcata 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:

- Bulletin Board Outside the F Street Entrance to Arcata City Hall
736 F Street
Arcata, California 95501
- On the City’s Website at www.CityofArcata.org

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

- Arcata Branch, Humboldt County Library

C. Duties of City Clerk

The City Clerk is directed to publish notices and post agendas as required by § 8.02 of the Arcata City Council Protocol Manual and the California Government Code.

8.3—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).

8.4—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 at 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 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 comment is 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.

8.5—Study Sessions

The City Council may meet informally in a study session. The study session is the forum used by the Council to review forthcoming programs of the City, to receive progress reports on current issues, or to receive similar information from the City Manager and others.

All discussions and conclusions held during a study session are of an informal nature. Although no final action is taken while in a study session, a majority of the Council may give City staff preliminary direction on what to bring back to the Council for later consideration. Such direction given at a study session does not in any

way obligate a Councilmember to vote in a particular way if the item is later brought back to the Council for further review.

8.6—Placing Items on the Agenda

A. *City Council Agenda Planning*

Any Councilmember may request that an item be placed on a City Council agenda by submitting a written request to the City Manager or City Clerk. The written request must, at a minimum, contain all of the following:

1. A substantive outline or summary of the information that will be presented to the City Council;
2. A concise statement of the specific action the City 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.

B. *Advisory Bodies and Civic Organizations*

Advisory bodies of the City Council and other civic agencies (e.g., Chamber of Commerce, Arcata Main Street) may submit items for Council consideration by submitting a written request, as outlined in paragraph A. *City Council Agenda Planning* above, to the City Manager or City Clerk at least 15 working days prior to the meeting, to be considered by the Mayor and City Manager for placement on an agenda.

C. *Members of the Public*

A member of the public may request an item be placed on a future agenda while addressing the City Council during a regular meeting.. If the issue is placed on the agenda, the City Clerk will notify the requester so that he or she may plan to attend the meeting.

D. *Emergency or Other Items Added to the Agenda*

Emergency items may be added to an agenda in accordance with state law. The reason(s) for adding an emergency item to the agenda shall be announced publicly at the meeting, and the issue shall be included in the minutes of the meeting. Adding emergency items to an agenda at the meeting requires a 4/5ths vote by the Council after determining that there is need to take immediate action and that the need for action came to the City's attention after posting of the agenda [California Government Code § 54954.2(b)].

8.7—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.

8.7.1—Public Comments During the Meeting

After the Council has had an opportunity to discuss an item and ask questions of staff and presenters, the Mayor will call for public comment. The public speaker's role is to provide additional information focused on the item being considered that will assist the Council in making its final decision on the matter.

The City's basic standard is to provide three (3) minutes per speaker for all business items.

- The Mayor may modify the amount of time members of the public are allocated for individual comments, depending on the number of speakers. They may limit the number of speakers and/or the time each speaker can speak.
- A change to the amount of time allocated for individual comments on a particular agenda item or during a particular comment period will apply equally to all speakers during that agenda item or comment period.
- Members of the public may not cede time for comments to other members of the public, to prevent unfair domination of meetings by regular commenters.

8.8—Video/DVD, Web Streaming and Audio Recording of Meetings

City Council meetings, except study sessions and those meetings or portions of meetings conducted in closed session pursuant to the California Government Code, are broadcast live over the local Community Access Channel, and web streamed live and archived on the City's website. Digital video files are kept for the sole purpose of being able to rebroadcast the meetings on the Community Access Channel and web meetings are archived on the City's website. Both forms of broadcasted meetings are for the convenient viewing by Arcata residents, are not the permanent record of City Council proceedings, and are only retained consistent with state law.

8.9—Order of Business

I. Land Acknowledgment

II. Flag Salute

The Mayor, or in the Mayor's absence the Vice-Mayor, presides over all meetings of the City Council, and after determining that a quorum is present, calls the meeting to order. In the absence of the Mayor and Vice-Mayor, the City Clerk shall call the Council to order, whereupon a temporary Mayor Pro-tem shall be elected by the members of the Council present. Following the call to order, those in attendance are asked to join the Council in reciting the Pledge of Allegiance.

III. Roll Call

The City Clerk, or designee, takes roll and announces the presence or absence of individual Councilmembers.

IV. Ceremonial Matters

Requests for proclamations, other than those listed on the Council-approved list, will be approved by the Mayor through the agenda setting process.

V. Reports by Commission/Committee

At this time, the Council may receive a report from a City commission or committee.

VI. Oral and Written Communication [Early (Time Limited)]

This 15-minute time period is provided for people to address the Council on matters not on the agenda. Speakers addressing Council during this time may be limited to two minutes. This item is continued through item XIII where speakers are allotted 3 minutes at the end of the meeting. Speakers may elect to speak during either time slot but as one agenda item speakers may only speak during one Oral Communications period.

VII. Meeting of the Successor Agency to the Community Development Agency

At this time the City Council presides as the governing body for the Successor Agency to the Community Development Agency of the City of Arcata in accordance with Health and Safety Code Section 34172(d)(1) and City of Arcata Resolution No. 112-10.

VIII. Consent Calendar

All matters on the Consent Calendar are considered to be routine by the City Council and are enacted on one motion. If discussion is required, that item is removed from the Consent Calendar and considered separately. At the end of the reading of the Consent Calendar, Councilmembers may remove an item.

Members of the public may comment on any item remaining on the consent calendar in the comment period before the vote.

IX. Items Removed from the Consent Calendar

Items removed from the Consent Calendar are heard at this time.

X. Old Business

XI. New Business

XII. Council and Staff Reports

All reports shall be specifically limited to items relating to City business and shall not request or lead to action by the Council at this meeting.

XIII. Oral and Written Communications [continued]

This time is provided for people to address the Council or submit written communications on matters not on the agenda. At the conclusion of all oral communications, the Council may respond to statements. Any request that requires Council action will be set by the Council for a future agenda or referred to staff. Speakers addressing the Council may be limited to three minutes, and a time limit on the overall length of Oral Communications may be imposed.

XIV. Dates of Future Meetings

XV. Closed Session: Litigation, Personnel and/or Real Estate

XVI. Closed Session Reports

XVII. Adjournment

By majority vote of the Council, meetings not completed by 10:30 p.m. will be continued to the following Thursday at 6:00 p.m. in the Council Chamber. Should the Council vote to continue the meeting past 10:30 p.m., discussion on an item on the agenda that either requires or allows for public input may not begin without a unanimous vote of the City Councilmembers present. (Closed session items may begin later.) (Resolution No. 067-56.)

8.10—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.

8.11—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.

8.12—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, attached as Appendix H; however, any failure of the Council to strictly adhere to the Rosenberg's Rules of Order shall not invalidate any action taken or direction given by the Council. 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.. 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.

8.13—Presentations at Meetings

Presentations are not allowed during Oral and Written Communications. 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.



Photo courtesy of Chris Santos

8.14—Meeting Decorum

Meetings of the City Council shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the Council is retained. Pursuant to California Government Code section 36813, the City Council may establish rules for the conduct of its proceedings. 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.

- Councilmembers and City Officials: Members of the City Council shall not by conversation or other means delay or interrupt the Council proceedings or disrupt any other member while speaking. Councilmembers shall fully participate in public meetings, in both the open and closed sessions while demonstrating respect and courtesy to others. City Officials shall stay focused, stay on topic and act efficiently during public meetings. They shall refrain from interrupting other speakers or otherwise interfering with the orderly conduct of the meetings.
- By a majority vote, councilmembers may admonish, reprimand, or censure other councilmembers or any other City official for egregious violation of civil norms or other misconduct, as further elucidated below.
- “Admonishment” means a formal reminder of the rules and is appropriate for allegations of a violation of law or City policy. An admonishment is not disciplinary in nature. “Reprimand” means a formal reminder that is appropriate when the Council finds that a Councilmember has committed misconduct but determines that the misconduct does not rise to the level of requiring censure. “Censure” means a formal resolution to reprimand an individual Councilmember for misconduct and is a disciplinary action.

Any City official facing admonishment, reprimand, or censure must be given notice and opportunity to respond to the accusation.

- Persons Addressing the Council. Public comment communications are opportunities for the public to formally address the Council as a whole, for matters that are on the agenda or those that cannot be handled during regular working hours of the City government. Comments shall be made in an orderly manner and shall not include personal, impertinent, slanderous or profane remarks to any member of the Council, staff or general public. Commenters shall wait patiently in the designated area for their turn to speak.
- Audience Members. Audience members shall not engage in disorderly or boisterous conduct including the utterance of loud or threatening / abusive language, whistling, stamping of feet, cheering or jeering, excessive clapping or snapping which disrupts, disturbs or otherwise impedes the orderly conduct of any Council meeting.
- Per California Government Code section 54957.95, Mayor, or presiding officer of a non-City Council meeting, or their designee may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding member or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding member or their designee may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to: a failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to any law; and engaging in behavior that constitutes use of force or a true threat of force.

A “True threat of force” means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

Members of the public are permitted to bring signs to public meetings as long as they remain in the designated sign area and do not block anyone’s view of the meeting. Commenters may not bring signs into the waiting area for public comment.

Councilmembers and other City Officials are discouraged from wearing political attire or bringing political signs to City Council Meetings, in order to preserve the public’s faith in a non-partisan local government.

For strategies on maintaining efficient and orderly council meetings see Appendix K: *Dealing with Disruptions at Public Meetings. Legal and Practical Considerations*. Renne Sloan Holtzman Sakai LLP report to the League of California Cities, 2015.



CHAPTER NINE—Protocol Administration

9.1—Biennial Review

The City Council will review and revise the City Council Protocol Manual as needed. The City Council will specifically review, and if necessary revise, the Protocol Manual every July following a City Council election.

9.2—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.

9.3—Adherence to Non-Interference Policy

(Incorporated into section 7.3)

9.4—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.



Photo courtesy of Humboldt State University



City Council Protocol Manual--APPENDIX

PAGE

A—List of City Plans A-1

B—Ralph M. Brown Act B-1
(Gov Code Sections 54950—54963)

C—City of Arcata Travel Policy C-1

D—City of Arcata Credit Card Policy D-1

E—Council Approved Proclamations List E-1

F—City of Arcata Code of Ethics F-1

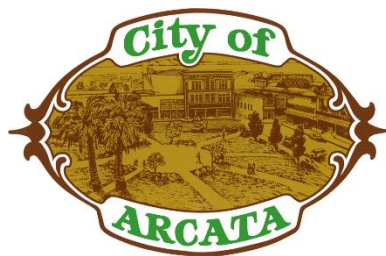
G—ICMA Code of Ethics G-1

H—Rosenberg’s Rules of Order H-1

I—Typical and Routine Mayoral Functions I-1

***J—The Ethical Hazards of City Council Members Attending
Other Board Meetings***

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City of Arcata
736 F Street
Arcata, CA 95521
(707) 822-5953
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