



Agenda Item No. 17.

Staff Report

Date: March 9, 2017
To: Mayor Hoertkorn and Councilmembers
From: Joe Chinn, Town Manager
Subject: Town Council Review of Council Procedures Manual

Recommendation

The Council review, discuss, and propose any revisions to the Council Procedures Manual for the Town of Ross.

Background and discussion

In June 2012, the Town Council approved the Council Procedures Manual for the Town of Ross. The Council Procedures Manual for the Town of Ross sets forth how the Town functions, its practices and procedures. Various sections set forth general governing standards and describe: the roles and responsibilities of the Town Council and the Town Manager; interactions between the Council and staff; public meetings and the Brown Act; and communication protocols among other items. It is recommended that the Council Procedures Manual be reviewed periodically by the Town Council. At a prior Council meeting the Council requested to review this document at a future Council meeting when all Councilmembers would be present and the agenda was not lengthy.

Fiscal, resource and timeline impacts

No financial impact for discussing this report.

Alternative actions

No alternative actions are suggested.

Environmental review (if applicable)

N/A

Attachment

- Council Procedures Manual

COUNCIL PROCEDURES MANUAL FOR THE TOWN OF ROSS

1. Introduction.

- Purpose of Procedures Manual.
- Overview of City Documents (Municipal Code, California Government Code, Annual Budget, General Plan, etc.), as well as regional agencies (ABAG, MCSTOPP, Transportation Authority for Marin, Marin Telecommunications Agency, Marin Energy Authority, and other JPA's)
- Orientation of new Council Members (Meeting Town and Ross Recreation Staff, League of California Guide, etc.)

2. Town Council: Roles and Responsibilities.

- Town Council.
- Role of Mayor and Mayor Pro Tempore.
- Appointment of Town Manager and Town Attorney.
- Role in Disaster.
- Council Standing Committees (Finance, General Government, Community Protection, and Public Works).
- Establishment of Advisory Committees.
- Council Relationship with Advisory Committees.
- Ethics and Conflict of Interest.

3. Town Council Meetings.

- General Procedures.
- Meeting Schedule.
- Special Meetings.
- Placing Items on Agenda.
- Public Notice.
- Meeting Procedures (Order of the Agenda, Closed Sessions, Public Comment, Consent Calendar, Committee Reports, Staff Reports, Acting as Planning Commission, Design Review, Adjournment, etc.).
- Discussion Rules.
- Voting Procedures.
- Ordinances.
- Resolutions.
- Open Meeting Laws (the Brown Act).

4. Interaction with Town Staff.

- Overview.
- Council-Manager Form of Government.
- Council-Manager Relationship.
- Town Manager Code of Ethics.
- Town Council/Town Attorney Relationship.
- Roles and Information Flow.
- Restrictions on Political Involvement by Staff.

5. Communication and Representation.

- “Speaking for the Town”.
- Representation on Regional Committees and JPA’s.
- Proclamations.

1. INTRODUCTION.

Purpose of the Procedures Manual.

This Manual has been prepared to assist the Town Council by outlining current practices and procedures. By following the practices and procedures set forth in this Manual, the effective functioning of the Ross Town Council is greatly enhanced. While attempting not to be overly restrictive, these standards are established so that expectations and practices can be clearly articulated to guide Council Members in their actions. It is recommended that this Procedures Manual will be reviewed by each two-year Town Council and may be revised from time to time.

Governing Standard.

It is the policy of the Town of Ross to uphold, promote, and demand the highest standards of ethics and conduct from all of its employees, consultants, and officials, whether elected, appointed, or hired. The Town Council members, all Town employees, and all members of Town boards and committees shall maintain the highest standards of personal integrity, truthfulness, honesty, and fairness in discharging their public duties.

Overview of Town Documents.

This Manual provides a summary of important aspects of Town Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of a town council. Many other laws, policies, plans, and documents exist which bind or influence the Town Council to certain courses of action and practices. A summary of some of the most notable documents that establish City Council direction is provided below.

Municipal Code.

The Municipal Code contains local laws and regulations adopted by Ordinances. The administrative chapter of the code describes the organization of Town Council meetings and the appointment of certain town staff positions. In addition, the Municipal Code contains a variety of laws. The municipal code is available either on the City’s website or from the Town Clerk.

California Government Code.

The State Government Code contains many requirements for the operation of city and town government. Many of these requirements are also replicated within the municipal code to ensure there is broad awareness of such requirements. The Town of Ross is a “general law” entity, which means it is organized in accordance with provisions of the State Government Code. Also described within the government code is the Council-Town Manager form of government. Basically, this form of government prescribes that a town council’s role is to establish policies and priorities, while the role of the Town Manager is to oversee the operations of the town government.

Annual Budget.

The Town's annual budget provides a description of Town services and the resources used to provide services. The document contains both a broad overview of the budget as well as descriptions of programs and services organized for convenience by each Town department. The Town of Ross operates on a July 1 through June 30 fiscal year.

General Plan.

State law requires every incorporated town, city and county to have a general plan containing at least seven elements covering land use, circulation, housing, conservation, open space, public safety and noise. The general plan can be described as the Town's "blueprint" for future development. It represents the community's view of its future; a constitution made up of the goals and policies upon which the Town Council will base their land use decisions. All subdivisions, public works projects, and zoning decisions must be consistent with the general plan. If inconsistent, they must not be approved. In June 2007, the Town Council adopted a new general plan to guide future development in Ross through 2025. Although the plan recognizes that some change is necessary, its underlying philosophy is that the existing character and design of Ross is to be protected and enhanced.

Orientation of New Council Members.

It is important that members of the Council have an understanding of the full range of services and programs provided by the organization. As new members join the Town Council, the Town Manager will coordinate with department heads to provide tours of Town facilities and meetings with key staff.

League of California Cities Guide.

The League is an association of virtually all cities and towns in California. It provides many services including the production of educational conferences for local officials, publication of various newsletters and the monthly magazine *Western City*. The League has lobbyists on staff to represent the interest of member jurisdictions. Each year, the League of California organizes a two-day training session in Sacramento for newly elected council members and mayors. Each newly elected Council members are encouraged to attend at the Town's expense. Participants receive a League publication, the *Mayors and Council Members Resource Guide*, that is a useful resource information on the role and responsibilities of council members and on the specific requirements and laws that govern Council actions.

2. ROLES AND RESPONSIBILITIES.

Town Council Powers and Role.

The powers of a town or city council in California to establish policy are quite broad. Essentially, councils may undertake any action related to town or city affairs other than those forbidden or preempted by state or federal law. Specifically, *the Council shall have the power, in the name of the city or town, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which, are not specifically forbidden by the Constitution and laws of the State of California (California Government Code).*

The Town Council is charged with overseeing governance in the Town of Ross. Five elected Council members establish municipal policy and enact and implement local ordinances. In Ross,

the Town Council also functions as the Planning Commission and is responsible for developing a general plan, considering environmental impact reports, reviewing planning applications, and making zoning and variance decisions, among other matters.

It is important to recognize that the Town Council acts as a body. No member has extraordinary powers beyond those of others members. While the Mayor and the Mayor Pro Tempore may have additional ceremonial and administrative responsibilities, in the establishment of policies, and in other significant areas, all members are equal. Policy is established and direction is given to Town staff by a majority vote of the Council.

While individual Council members may disagree with the decisions of the majority, a decision of the majority binds the Council to a course of action and provides staff with direction to follow. In turn, it is staff's responsibility to ensure the policy of the Council is implemented and upheld consistent with the wishes of the majority. Implementation of Council policy by staff does not reflect a bias against Council members who held a minority opinion on an issue.

Mayor and Mayor Pro Tempore.

The Mayor and Mayor Pro Tempore are selected annually by the Town Council and serve a one-year term.

The Mayor is the presiding officer at meetings of the Town Council and performs duties consistent with the ceremonial office as may be delegated by the Town Council. Neither the Mayor nor the Mayor Pro Tempore possesses the power of veto or any other policy-making authority beyond that of the other Council members. As presiding officer of the Town Council meetings, the Mayor or the Mayor Pro Tempore in his/her absence, is to faithfully communicate the will of the Council majority in matters of policy. The Mayor, or the Mayor Pro Tempore, in his/her absence, is the official head of the Town and recognized spokesperson for ceremonial purposes.

The Mayor shall also consult and coordinate with the Town Manager in the development of agendas for meetings of the Town Council. An item will be put on the Town Council agenda for discussion when at least two Council members submit the request by email or in writing.

The Mayor, whenever available, shall sign all ordinances, and other documents that have been adopted and authorized by the Town Council and require an official signature; except when the Town Manager or another Town Official has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore shall sign in the Mayor's absence.

Appointment of Town Manager, Town Attorney and Town Treasurer.

The Town Council appoints three positions within the city organization: the Town Manager, Town Attorney, and the Town Treasurer. All positions serve at the will of the Town Council. The Town Manager is an employee of the Town and has an employment agreement that specifies certain terms of employment including an annual evaluation by the Town Council. The Town Manager is responsible for all other personnel appointments within the Town. The current Town Attorney is under contract, and a partner in a Bay Area law firm. The Town Treasurer is not an employee of the Town.

Role in a Disaster.

The Town Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the Council may be directed by the Town Manager or the Mayor to assemble to provide policy guidance and to receive information in an emergency. Should the Town Council not be available during an emergency, state law specifies a hierarchy of others who may serve in place of the Town Council.

Ross Town Council Standing Committees.

Every year, after newly Council members are seated (if applicable) and officers are selected, the Mayor shall appoint Council members to the four standing Town Committees, as well as representatives on JPA's and regional committees. The Council must formally ratify these appointments, which thereafter serve at the pleasure of the Mayor. All Standing Committees shall meet as necessary and comply with the requirements of the Ralph M. Brown Act. Town staff, according to the discretion of the Town Manager, shall work with and support the efforts of Committees. Other than recommendations, no official vote or action is taken at Standing Committee meetings. Each Standing Committee shall inform the Council about its work and progress at Council meetings. The full Council may take action on the recommendations of the Standing Committees.

The basic duties and purposes of the four Standing Council Committees are described below:

General Government Committee.

The General Government Committee creates a public forum to consider issues relating to the effective and efficient administration of the Town's general government, while ensuring it is responsive to the values and priorities of its residents. The General Government Committee provides an opportunity for developing policies, resolutions, ordinances, contracts, etc., for further discussion at a regular Council meeting.

Finance Committee.

The Finance Committee shall meet as necessary with the Town Manager to review and provide input concerning Town financial matters and make regular reports and recommendations to the Town Council regarding budgetary management and the Town's financial standing. Among other tasks, the Committee will review financial statements and track revenues and expenditures relative to budget allocations, monitor Town investments, review the annual audit, provide guidance with the annual budget, and explore alternative strategies to further the long-range financial objectives.

Community Protection Committee.

The Community Protection Committee shall meet as necessary and review policies, practices, facility and equipment needs related to fire and police protection, disaster planning, and other emergency services affecting Town residents and businesses. The Committee shall provide recommendations concerning community protection to the Town Council.

Public Works Committee.

The Public Works Committee shall review items relative to Town infrastructure, including road repair and construction, pedestrian and bicycle safety, bridges, creeks, storm water management, trees and parks. The Committee shall review and evaluate potential capital

improvement programs and grant proposals, which shall be subject to the Town Council review and approval.

JPA and Liaison Appointments.

Members of the Council are assigned to serve in a board member capacity on regional Joint Power Authority (JPA) Boards, other bodies, and commissions (i.e. Transportation Agency of Marin, Marin Energy Authority and the Marin Telecommunications Agency. The purpose of the JPA assignment is to make decisions and advocate positions that are the interest of the JPA, taking into account the interest of Town of Ross. The Council member on the JPA has a responsibility to facilitate communication between the Town Council and the body. Members of the Council will also be assigned to serve as liaisons to various organizations and entities in the community, including the Ross School District Board, Ross Recreation, and the Marin Art and Garden Board. The liaison also helps to increase the Council's familiarity with the membership, programs and issues of the board or organization. Typically, assignments to commission liaison and JPA positions are made at the beginning of a Council term in July or August. The Mayor will ask Council members which assignments they desire and will submit recommendations to the full Council regarding the various committees, boards, JPA's, and commissions which City Council Members will represent as a liaison.

Appointment of Advisory Bodies.

The Town Council may form advisory bodies, such as the Advisory Design Review Group. When establishing an advisory committee, the Council must ratify a resolution clearly stating its purpose, responsibility, and term of service. In addition, resident committees and task forces can be appointed by the Town Council to address issues of interest. A task force or advisory body is a body created by Council for a specific task. Note that both appointed advisory bodies and task forces are usually subject to the open meetings laws commonly known as the Brown Act.

3. COUNCIL MEETINGS.

General Procedures.

The Town Council runs its meetings using common-sense guidelines based upon a modified version of Robert's Rules of Order.

Presiding Officer: The Mayor is the presiding officer and acts as chair at Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro Tempore serves as presiding officer.
Quorum: Three-fifths of the Council members constitute a quorum for the transaction of business.

Regular Meetings.

Rules of meeting conduct and procedure are adopted by resolution and amended from time to time. Regular meetings of the Ross Town Council are usually held (unless modified by Council action) the second Thursday of the month at 6.30 p.m. at the Ross Town Hall, located at the corner of Sir Francis Drake Boulevard and Lagunitas Road.

Special Meetings and Emergency Meetings.

Special meetings and emergency meetings of the Town Council may be called by the Mayor or majority of the Town Council and held from time to time consistent with and pursuant to the

procedures set forth in the Ralph M. Brown Act. Any special meeting called pursuant to this section shall not be scheduled unless a majority of the Town Council has confirmed their availability.

Closed Sessions.

The Town Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter that is authorized by State law. The Town Council may exclude from any such closed session any person or persons, which it is authorized by State law to exclude from such closed sessions. The general subject matter for consideration shall be shown in the agenda posted for such session pursuant to the procedures set forth in the Ralph M. Brown Act.

Public Hearings.

Public hearings may be required on certain items as prescribed by the Town of Ross Municipal Code or by state or federal law. The general procedure for public hearings is as follows:

1. Staff presents its report. Council members may ask questions of staff.
2. The Mayor opens the public hearing.
3. The applicant and/or appellant have the opportunity to present his/her comments, testimony, or arguments. Adequate time must be allotted for the applicant and/or appellant to present his/her case. If the applicant and appellant are different persons, the applicant and appellant should each be given equal time to present his/her views.
4. Members of the public may present their comments subject to time limits established by the Mayor.
5. The applicant and/or appellant have the opportunity to present his/her rebuttal comments, testimony, or arguments. Adequate time must be allotted for the applicant and/or appellant to present his/her rebuttal case. If the applicant and appellant are different persons, the applicant and appellant should each be given equal time to present his/her views.
6. The Mayor closes the public hearing after everyone wishing to speak has had the opportunity to do so.
7. Council deliberates and takes action. When the Town Council acts in an adjudicatory or quasi-judicial capacity, the agenda shall reflect that each member must (1) disclose on the record the general nature and substance of any ex parte communications relating to the matter; and (2) provide interested parties full and fair opportunity to rebut or explain the information obtained from those communications.

Conflict of Interest.

A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected Council Member shall state why there is a conflict of interest when the Agenda item is introduced and will step down from the dais and leave the Chambers. The Town Attorney is available to advise Council Members individually about a potential conflict of interest.

Discussion Rules.

To assist the Town Council in the orderly discussion of items, rules are followed which represent accepted practices for the management of Council meetings.

1. Obtaining the floor: A member of the City Council or staff shall first address the Mayor and

gain recognition. Comments and questions should be directed through the chair and limited to the issue before the Council. Cross-exchange between Council Members and public should be avoided.

2. Questions to staff: A Council Member shall, after recognition by the Mayor, address questions to the Town Manager, Town Attorney, department head or designated staff member. If a Council Member has questions on an agenda item, that member should preferably contact staff prior to the meeting in order to allow staff time to research a response for the meeting.

3. Interruptions: a. Once recognized, a Council Member is considered to have the floor, and another Council Member may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the Council Member holding the floor shall cease speaking until the point of order or privilege is resolved. b. Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.

4. Discussion: A Council Member should not speak more than once on a particular subject until every other Council Member has had the opportunity to speak. Council Members are encouraged to discuss items during the decision-making process and may ask staff to respond when appropriate. The Mayor normally allows other members to speak first, then will give his/her views and summarize.

5. Tabling procedure: Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain. A motion to "continue" an agenda item has the same effect, but is generally used when a scheduling problem arises or when insufficient time is available to address the matter thoroughly.

6. Right of protest: A Council Member is not required to state reasons for a dissenting vote.

7. Calling for the question: The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A Council Member may move to "call for the question" on an item which is being considered. The motion requires a second, is not debatable, and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable and the City Council must vote on it.

8. Conducting business at a late hour. According to Council policy, all regular meetings of the Council are to end by midnight unless there is a three-fourths vote taken by 11:00 p.m. to extend the meeting. The motion to extend is to include the title of the items to be considered after 11:00 and a new ending time for the meeting.

Voting.

All members of the Council, when present, must vote. If a member of the Council states that he or she is not voting, his or her silence shall be recorded as an affirmative (aye/yes) vote unless, however, the Council member abstains from voting by reason of his/her interest in the matter before the Council and that reason is stated at the meeting.

Other Guidelines.

Other guidelines have been developed to ensure that meetings of the Council are conducted in a civil and professional manner. Council members and staff shall:

1. Work to preserve appropriate order and decorum during all meetings.
2. Discourage side conversations, disruptions, interruptions or delaying efforts.
3. Inform the Mayor before departing from a meeting.
4. Limit disruptive behavior. The Mayor will call persons demonstrating rude, boisterous, or profane behavior to order. The Council has a policy to discourage applause, booing or other

similar behaviors from the public during meetings.

5. Impose time limits on speakers. While the Town Council encourages and embraces the need for and right of public participation, it acknowledges that public comments must, at times, be limited. Typically, speakers are limited to three minutes but a shorter time limit may be established as deemed necessary.

Ordinances.

Ordinances are legislative acts by the Council and are the most permanent and binding types of Council actions. Non-zoning ordinances are codified into the Ross Municipal Code. Non-urgency ordinances require two readings, by title only, at separate Council meetings. An ordinance is introduced during first reading and given final approval at second reading. Except for urgency ordinances and ordinances relating to an election, taxes or street improvements, ordinances become law thirty (30) days after second reading. Urgency ordinances may be adopted at first reading and become effective immediately, as long as they are approved by 4/5ths of the Council. Non-urgency ordinances require a majority vote of at least three (3) Council members.

With the exception of urgency ordinances, which may be introduced and adopted during first reading and become effective immediately, all proposed ordinances are placed on the Council agenda twice. The first reading is to insure that all interested parties are afforded the opportunity to give input prior to final adoption of such ordinance. After introduction, the ordinance will be placed on the next Council agenda on the Consent Calendar. When an ordinance has been so placed on the Consent Calendar, anyone wishing to speak on the proposed ordinance may do so during Public Comments. If adopted upon second reading, the ordinance shall be published by title in a newspaper of general circulation and become effective thirty (30) days after final approval, except as to ordinances relating to elections, taxes or streets. Upon becoming law 30 days after the second reading, ordinances are eligible to be codified into the Municipal Code.

Resolutions.

Resolutions are legislative acts that are not codified and are filed in the Office of the Town Clerk. Resolutions, orders for the payment of money, require a recorded majority vote of at least three Council members, otherwise they require a simple majority vote.

Resolutions may be used in the following situations:

1. The item states the Council's policy position on issues or activities.
2. The Council's action on an item is being formally documented.

Resolutions may not be used in the following situations:

1. The matter under consideration by the Council amends or repeals an ordinance.
2. The matter before the Council proposes to impose a penalty by fine, imprisonment or forfeiture on a Town-wide basis.
3. The matter before Council is expressly required by statutes to be acted upon by ordinance.

Open Meeting Laws ("The Brown Act")

Operations and procedures of the Town and Town Council incorporate requirements of the State's open meeting law (commonly referred to as the Brown Act). Because this law is such an important part of local government operations, some specific requirements of the law are

highlighted below.

Applicability and Penalties: The entire Town organization conducts its business in compliance with the Ralph M. Brown Act, State Government Code Section 54950. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings.

- A. **Applicability:** The Act applies to Council and all standing committees, advisory committees, and task forces that advise Council. Staff cannot promote actions that would violate the Act.
- B. **Meetings:** All meetings shall be open and public. A Town Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless city business is discussed. Serial meetings, which are not allowed under the Brown Act, take place when any member of Council or city staff contact more than two Council Members for the purpose of deliberating or acting upon an item pending before the Town Council. This restriction does not apply to the public or media who may contact Council Members. Correspondence that merely takes a position on an issue is acceptable. Note that the Brown Act applies to Town Council Members immediately after their election and prior to their swearing-in ceremony.
- C. **Agendas:** Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.
- D. **Actions:** No action can be taken on any item not appearing on the posted agenda. *Exceptions:* 1) An emergency situation exists (determined by a majority of the Council). 2) The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by 2/3 vote of the Council; or if less than 2/3 are present, by unanimous vote). 3) The item was continued to another meeting that was scheduled and posted within 5 days of the original agenda.
- E. **Public Input:** The public, by law, has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council, at the time the matter is heard. The Mayor has the right to establish a time limit on speakers and the total time allocated for a particular issue. Three minutes per speaker has been standard, but in unusual cases, either shorter or longer time periods may be established by the Mayor or the Council.
- F. **Public Disruptions:** A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.
- G. **Correspondence:** All writings distributed for discussion or consideration during open session of a public meeting are public records.
- H. **Special Meetings:** Special meetings may be called by the Mayor or a majority of the Council with strict notification requirements for delivery to the media and Council 24 hours before the time of the meeting.
- I. **Emergency Meetings:** Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.
- J. **Other Provisions:** The Act provides many other restrictions and requirements; this chapter is intended merely as a Council summary and overview of the Act, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the Town Attorney and/or the Town Clerk for more information.
- K. **Closed Sessions:** The Town Council may hold closed sessions during any regular or special

meeting, or any time otherwise authorized by law, to consider or hear any matter that is authorized by State law. The Town Council may exclude from any such closed sessions any person or persons which it is authorized by State law to exclude from such closed sessions. The general subject matter for consideration shall be shown in the agenda posted for such session pursuant to the procedures set forth in the Ralph M. Brown Act.

4. INTERACTION WITH TOWN STAFF.

Overview.

Town Council policy is implemented on a daily basis through staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so that policies and programs may be implemented successfully.

Council-Manager Form of Government.

Like most California cities and towns, Ross has adopted a Town Council-Town Manager form of government. The Council appoints a Town Manager to implement policy, enforce its laws, to direct the daily operations of city government, and to prepare and monitor the municipal budget. Council Members work through the Town Manager in dealing with Town staff unless simply requesting information from department heads or other staff members. The Town Manager is responsible to the Town Council as a body rather than to individual Council Members.

Council-Manager Relationship.

The employment relationship between the Town Council and Town Manager reflects the fact that the Town Manager is the administrative head of government for the Town. The Town Manager has an employment agreement with the Town Council. Regular communication between the Town Council and Town Manager is important in maintaining effective interpersonal relations. All dealings with the Town Manager, whether in public or private, should be consistent with the authority of the Town Manager in administrative and personnel matters. Council Members should avoid situations that can result in Town staff being directed, intentionally or unintentionally, by one or more members of the Town Council. Further, Town Members should avoid involving themselves in matters regarding individual Town employees or related affairs.

The Town Council evaluates the Town Manager's performance on a regular basis to ensure that both the Town Council and Town Manager are in agreement about organizational performance and priority goals that are based on mutual trust and common objectives.

As in any professional relationship, it is important that the Town Manager keep the Town Council informed. The Town Manager respects that the final responsibility for establishing the policy direction of the Town is held by the Town Council. The Town Manager communicates with Town Council in various ways. In addition to the formal Council meetings, there are periodic briefing meetings with individual Council members and written memoranda and email. Communication must be undertaken in such a way that all Council Members are treated similarly and kept equally informed. It is also important that the Council provide ongoing feedback, information and perceptions to the Town Manager including responses to written communications and surveys requesting feedback.

Town Manager Code of Ethics.

The Town Manager shall at all times adhere to the professional Code of Ethics (with guidelines) established and updated (most recently revised in July 2004) by the International City/County Management Association (ICMA), which are intended to ensure that his or her actions are in support of the Town's best interests.

Town Council-Town Attorney Relationship.

The Town Attorney is the legal advisor for the Council, Town Manager and departments. The general legal responsibilities of the Town Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the Town's interest, as determined by the Town Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep Town Council and staff apprised of court rulings and legislation affecting the legal interest of the Town. It is important to note that the Town Attorney does not represent individual members of Council, but the Town Council as a whole.

Roles and Information Flow.

Objectives: It is the intent of staff to ensure Council members have free and easy access to information from the Town and to ensure that such information is communicated completely, with candor and without bias. Individual Council Members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the Town Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Council Members, and to allow staff to execute the priorities given by management and the Council as a whole without fear of reprisal.

Council roles: The full Town Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, workloads and schedules, departmental priorities, and the performance of Town business. If a Council Member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy. Should a Council Member become dissatisfied about a department, he/she should always talk it over with the Town Manager, not the department head. Concerns about a department head must be taken to the City Manager or the full Council.

Access to Information. Individual Council Members as well as the Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The Town Manager or appropriate staff will inform council when a critical or unusual event occurs about which the public would be concerned. To assist the Town Manager in his ability to monitor the flow of information, requests for information are best tracked if submitted in writing, either in memorandum form or through email. And to ensure proper responsiveness, Council Members are asked to include or "cc" both the department head and the Town Manager on all correspondence with staff.

There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for release until complete and after review by city management. In addition, there are legal restrictions on

the Town's ability to release certain personnel information even to members of the Town Council. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to members of the Council.

Town Council Members have a responsibility in this information flow as well. It is critical that they make use of staff reports and advisory or standing committee minutes. Council Members should come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from staff. If a Council Member has questions on an agenda item, that member should preferably contact staff prior to the meeting in order to allow staff time to research a response for the meeting.

Staff roles: The Council recognizes the primary functions of staff as serving the community, executing Council policy and actions and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole or from the appropriate management supervisors. Staff is directed to report to the Town Manager any attempts by individual members of the Council 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 made by individual Council Members for information or assistance; provided that, in the judgment of the Town Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full Town Council. If a request by an individual Council Member is determined by the Town Manager to take one hour or more of staff time to complete or require the hiring of a consultant, that request may be included on the formal Council agenda for full Council discussion.

Restrictions on Political Involvement by Staff

Local governments are non-partisan entities. Professional staff, as reflected within the principles of the Council-Manager form of government, formulates recommendations in compliance with Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fund-raisers, or other means.

By working for the Town, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and to general employees.

General employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No Town resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities in a uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the Town Council in these matters is requested. A Council Member asking staff to sign petitions or similar items can similarly create an awkward situation.

For management staff, the Town Manager strongly discourages any involvement in a local campaign even while on personal time. Such involvement could erode the tenet that staff is to provide an equal level of service to all members of the Town Council. The Town Manager specifically prohibits any political involvement in local campaigns by department heads.

5. COMMUNICATION AND REPRESENTATION.

“Speaking for the Town”.

Similar to written correspondence, when members are requested to speak to groups or are asked the Council’s position on an issue, the response should reflect the position of the Council as a whole taken in open session. A member may clarify their vote on a matter by stating “While I voted against ‘X’, the Town Council voted in support of it.” When representing the Town at meetings or other venues, it is important that those in attendance gain an understanding of the Town Council’s position rather than that of an individual member.

Representation on Regional Committees and JPA’s.

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

Proclamations.

All requests for Proclamations, Certificates of Recognition/Appreciation should be submitted to the Mayor and Town Manager for consideration. The subject or recipient should be Ross-related. It is within the Mayor’s discretion whether to prepare such a document and/or place it on the agenda.