

December 6, 2007 - Special Meeting

**BENICIA CITY COUNCIL**

**SPECIAL MEETING AGENDA**

Commission Room

December 6, 2007

5:00 – 9:00 p.m.

**I. CALL TO ORDER:**

**II. CONVENE OPEN SESSION:**

**A. ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

**C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC**

**III. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN**

**B. PUBLIC COMMENT**

**IV. INFORMATIONAL ITEMS:**

**[A. New Council Organization & Planning Meeting](#)**

The City Council and staff will discuss organization, processes and priorities in preparation for conducting City business in 2008. A brief overview of the Brown Act, Open Government Ordinance, Code of Conduct and other processes will be provided.

Recommendation: This is an informational meeting – no action will be taken.

**V. ADJOURNMENT:**

**Public Participation**

The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

**Disabled Access**

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**Meeting Procedures**

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

**Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.**

**The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.**

 [special meeting packet 120607.pdf](#)

# **New Council Organization and Planning Meeting**

**December 6, 2007**

## **Agenda**

**Purpose:** organizing and planning to maximize effectiveness

1. **Organizational Review:** system of government, roles and relationships
2. **Process Review:** Council Meeting procedures, setting the Council's agenda, establishing priorities
3. **Setting a Direction:** discuss individual and collective priorities and how they can be realized

### **Part 1 – Organizational Review**

1. Council-Manager Form of Government
2. Roles Review
3. Promoting Good Relationships
4. Role Conflicts – illustrations and best practices
5. Code of Conduct
6. ICMA Code of Ethics
7. Training Opportunities

### **Part 2 – Process Review**

1. Strategic Planning Process Outline – and Link to Budget
2. Policy Calendar Procedure and two step policy-initiation process
3. Rules of Procedure
4. Setting the Agenda for Council Meetings: best practices
5. Fifteen Minute Rule
8. Brown Act
9. Open Government Ordinance

### **Part 3 – Setting a Direction:**

1. Current Strategic Plan
2. Opportunity to Update the Strategic Plan
3. Expression of individual priorities
4. January 28, 2008 Special Council Meeting on Priorities

*12/02/07 Update*

## **ORGANIZATIONAL REVIEW**

## **Council-Manager Form of Government**

1. Most popular form of local government in U.S. for cities of 5,000 or more
2. Modeled on business corporate form:
  - Board of Directors
  - Appointed CEO
3. Council sets policy and overall direction of City
4. Council is the legislative body
5. Council appoints professional administrator to oversee delivery of services
6. City Manager directs executive staff
7. Direction of Staff by the Council through the City Manager
8. Direction of the City Manager by the Council, not individual Council Members

## **Role of Mayor**

- Elected by the voters, serves four-year term
- A member of the City Council with same prerogatives and responsibilities of Council Members, and:
  - Presides, chairs, Council Meetings
  - Appoints members of advisory committees and commissions, subject to consent of Council
  - Chief spokesperson for City
  - Chief representative of City in intergovernmental relations
  - Ceremonial head of City government
  - Shares Council Agenda planning with the City Manager
  - Power to exert influence:
    - promote the City's vision
    - build consensus
    - build teamwork among Council Members
    - Council's liaison to staff via City Manager

### **Role of Vice Mayor**

- The Vice Mayor (Mayor Pro Tem) presides at meetings of the City Council in the absence of the Mayor and has all the powers and duties of the Mayor in such absences.
- The Vice Mayor, subject to approval by the City Council, is the Council member receiving the most votes in the most current election.

## **Role of City Council**

- All power of a city is concentrated in the City Council (with a few exceptions, e.g., elections, treasury).
- In the Council-Manager form of government, the Council appoints and supervises the City Manager, who oversees the delivery of services.
- The City Council is the policy making arm of the City, approving all legislation, the city budget and capital improvement plans.
- The City Council appoints the City Attorney.
- The City Council approves the Mayor's appointments to advisory bodies.
- The City Council approves all purchases and contracts above a specific amount.
- During major emergencies, the City Council may consider approval of declarations of emergency with seven days of its declaration by the City's Director of Emergency Services (the City Manager), and may be asked to convene to adopt emergency policies and assist with public information.

## **Role of City Manager**

### **1. Per BMC Chapter 2.08, City Manager:**

- Administrative Head of City government
- Responsible for efficient administration of the affairs of the City
- Enforce the laws and ordinances of the City
- Gives direction to heads of City departments
- Appointing authority for all administrative positions of City
- Recommends consideration of measures and policies
- Keeps the Council advised of financial condition and needs of City
- Prepares and submits annual Budget
- Carries out the Council's policies and directions

### **2. Manager's Ethical Responsibilities:**

- Conduct so as to maintain public confidence
- Conduct personal affairs so as to give clear impression he/she cannot be improperly influenced
- Duty to submit policy proposals to City Council
- Duty to give credit for establishment of policies to City Council
- Duty to refrain from all political activities that undermine public confidence in professional administration
- Duty to refrain from participation in the election of members of the City Council
- Duty to refrain from participation in political activities supporting the candidacy of individuals running for city, county, special district, school, state or federal offices
- May assist the governing body in presenting issues involved in referenda such as bond issues, tax measures, etc.
- Duty to continually improve one's professional abilities and the competence of associates
- Duty to keep the community informed of local government affairs
- Duty to resist any encroachment on professional responsibilities
- Duty to openly and equally share information with the governing body
- Duty to handle all personnel matters on the basis of merit and equal opportunity
- Duty to seek no favor or gifts for carrying out responsibilities
- Duty to refrain from any investments that create a conflict with official duties
- Duty to disclose any personal relationship to governing body that gives appearance of conflict of interest with official duties

## **Promoting Good Relationships Between City Council and Staff**

1. Encourage staff to give the Council its best assessment on issues
  - \* don't create the perception that Council's view of staff depends on telling Council what it wants to hear.
2. Praise in public; criticize in private
4. Don't create a risk-averse staff
3. Protect staff from being drawn into intra-council conflicts:
4. Make sure all Council Members have the same information

**Role Conflicts**  
**Acknowledging and Addressing Them**  
**Illustrations**

- Direction to City Manager, or City Attorney, by anyone other than the collective City Council
- Direction to subordinates of the City Manager by anyone other than City Manager
- Asking for staff support exceeding 15 minutes
- Asking staff to develop a resolution or ordinance for a Council Meeting that a majority of Council has not requested
- Asking for help in getting City jobs
- Asking staff to make preferred recommendations
- Directing staff to take code enforcement actions, or not take enforcement actions
- Asking staff to meet with other public agencies to pursue an agenda that may not be the majority's
- Asking City Manager to delay or speed-up scheduling of Council Agenda based on a Member's agenda
- Dealing with inappropriate requests: staff members to respectfully decline, refer Council Member to City Manager

**Chapter 2.08**  
**CITY MANAGER \***

**Sections:**

- 2.08.010 Office created.
- 2.08.020 Eligibility.
- 2.08.030 Acting city manager.
- 2.08.040 Bond.
- 2.08.050 Compensation.
- 2.08.060 Residence requirement.
- 2.08.070 Powers and duties generally.
- 2.08.080 Attendance at commission meetings.
- 2.08.090 Council-manager relations.
- 2.08.100 Departmental cooperation.
- 2.08.110 Removal – Procedure.
- 2.08.120 Removal – Council discretion.
- 2.08.130 Removal – Limitation.
- 2.08.140 Additional regulations.

**2.08.010 Office created.**

The office of the city manager is created. The city council appoints the city manager and shall make the appointment wholly on the basis of his administrative and executive ability and qualifications. The city manager holds office at the pleasure of the city council. (Prior code § 2-201).

**2.08.020 Eligibility.**

A member of the city council is not eligible for appointment as city manager until one year elapses after the council member ceases to be a member of the council. (Prior code § 2-203).

**2.08.030 Acting city manager.**

The assistant city manager serves as manager pro tempore during the temporary absence or disability of the city manager. If there is no assistant city manager, the city manager shall designate a qualified city employee to exercise the powers and perform the duties of city manager during his temporary absence or disability by filing a written notice with the city clerk. If the city manager's absence or disability extends over a two-month period, the city council may appoint an acting city manager. (Prior code § 2-205).

**2.08.040 Bond.**

The city manager and acting city manager shall furnish a corporate surety bond approved by the city council in such sum as the city council determines. The bond shall be conditioned upon the faithful performance of the duties imposed upon the city manager and acting city manager. The premium for the bond is a proper charge against the city. (Prior code § 2-204).

**2.08.050 Compensation.**

- A. The city manager receives such compensation as the city council determines from time to time.
- B. The city manager shall be reimbursed for all actual and necessary expenses incurred by him in the performance of his official duties. (Ord. 00-2; prior code § 2-206).

**2.08.060 Residence requirement.**

Residence in the city at the time of appointment of the city manager is not a condition of the appointment; however, within 180 days after reporting for work the city manager shall become a resident of the city unless the city council approves his residence outside the city. (Prior code § 2-202).

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**2.08.070 Powers and duties generally.**

The city manager is the administrative head of the government of the city, subject to the direction and control of the city council. He is responsible for the efficient administration of all the affairs of the city which are under his control. In addition to his general powers as administrative head and not as a limitation on them, the city manager shall:

- A. Enforce the laws and ordinances of the city and see that the franchises, contracts, permits and privileges granted by the council are faithfully observed;
- B. Control, order and give directions to all heads of departments and to subordinate officers and employees of the city who are subject to removal by him;
- C. Appoint, remove, promote and demote each officer and employee of the city, excepting the city attorney and city auditor and excepting the chief of police when the city council has appointed the same person to the positions of chief of police and city manager, subject to personnel ordinances, rules and regulations;
- D. Conduct studies and effect such administrative reorganization of offices, positions and units under his direction as are in the interest of efficient, effective and economical conduct of the city's business;
- E. Recommend to the council for adoption such measures and ordinances as he considers necessary;
- F. Attend all meetings of the council unless he is excused by the mayor individually or the council, except when his removal is under consideration;
- G. Keep the council advised at all times as to the financial condition and needs of the city;
- H. Prepare and submit the proposed annual budget and the proposed annual salary plan to the council for its approval;
- I. See that no expenditures are submitted or recommended to the council except on approval of the city manager or his authorized representative. The city manager or his authorized representative is responsible for the purchase of all supplies for all the departments and divisions of the city;
- J. Make investigations into the affairs of the city and each department and division of it and each contract and its proper performance by the city. The city manager shall investigate all complaints of matters concerning the administration of the city government and of the service maintained by public utilities in the city;
- K. Exercise general supervision over all public buildings, public parks, and all other public property under the control and jurisdiction of the council;
- L. Perform such other duties and exercise such other powers as the city council delegates to him from time to time. (Ord. 99-2 N.S; prior code § 2-207).

**2.08.080 Attendance at commission meetings.**

The city manager may, and upon request of the city council shall, attend meetings of the planning commission, and other commissions, boards and committees created by the council. At these meetings which the city manager attends, boards or committees shall hear the city manager upon matters which he wishes to address the members and he shall inform the members as to the status of matters being considered by the council. He shall cooperate to the fullest extent with the members of each commission, board and committee appointed by the council. (Prior code § 2-210).

**2.08.090 Council-manager relations.**

Each member of the city council shall deal with the administrative services of the city through the city manager, except for the purpose of inquiry. Neither the council nor a member of the council shall give orders or instructions to subordinates of the city manager. The city manager shall take his orders and instructions from the council only when the council is sitting in a duly convened meeting and no individual councilman shall give orders or instructions to the city manager. (Prior code § 2-208).

**2.08.100 Departmental cooperation.**

Each subordinate officer and the city clerk, city auditor, city treasurer and the city attorney shall assist the city manager in administering the affairs of the city efficiently, economically and harmoniously. (Prior code § 2-209).

**2.08.110 Removal – Procedure.**

The city manager may be removed only by a majority vote of the whole city council as then constituted, convened in a regular council meeting. In case of his removal by the council, the council shall furnish the city manager with a written notice stating the council's intention to remove him at least 30 days before the effective date of his removal. If the city manager so requests, the council may provide in writing reasons for the removal. The council may provide the city manager with these

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written reasons within seven days after the receipt of a request from the city manager. The city manager may make his request for the reasons in writing at least 15 days before the effective date of his removal. (Prior code § 2-211).

**2.08.120 Removal – Council discretion.**

In removing the city manager, the council has absolute discretion and its action is final and conclusive and does not depend upon any particular showing or degree of proof at the hearing. (Prior code § 2-212).

**2.08.130 Removal – Limitation.**

The city manager may not be removed from office, other than for misconduct in office, during the period of 90 days following:

- A. A general municipal election held in the city at which a member of the city council is elected; or
- B. The time when a new city councilman is appointed.

The purpose of this section is to allow each newly elected or appointed member of the council or a reorganized council to observe the actions and ability of the city manager in the performance of the powers and duties of his office. (Prior code § 2-213).

**2.08.140 Additional regulations.**

This chapter is not a limitation on the power or authority of the city council to enter into a supplemental agreement with the city manager delineating additional terms and conditions of employment not inconsistent with this chapter. (Prior code § 2-214).

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## **City of Benicia Code of Conduct for Members of City Council, Boards, Commissions and Committees**

### **Preamble**

The residents and businesses of Benicia are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of democratic government therefore requires that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and politics affecting the operations of government;
- Public officials be independent, impartial and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Benicia City Council has adopted a Code of Conduct for members<sup>1</sup> of the City Council and the City's commissions to assure public confidence in the integrity of local government and its effective and fair operation.

This Code of Conduct describes the manner in which Council Members should treat one another, city staff, constituents, and others they come into contact with in representing the City of Benicia.

The constant and consistent theme through the conduct guidelines is "respect." Council Members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. These guidelines help guide Council Members to do the right thing in even the most difficult situations.

It is also recognized that Council Members have the duty to conduct City affairs in a business-like manner, assuring timely consideration of matters before them and thoughtful expeditious decision-making. These guidelines incorporating best practices among city governments can help guide Council Members to contribute to this end.

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<sup>1</sup> For ease of reference in the Code of Conduct and unless the context indicates otherwise, the term "Council Member" or "member" or refers to any member of the Benicia City Council or any of the City's boards, commissions or committees established by the City Council.

## City of Benicia Code of Conduct

### 1. **Acts in the Public Interest**

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Benicia and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the City Council and the City's commissions<sup>2</sup>.

### 2. **Comply with the Law**

Members shall comply with the laws of the federal government, the State of California and the City of Benicia in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the City Municipal Code, laws pertaining to conflict of interest, elections campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances, resolutions and policies. Members shall not solicit political support from City Staff (financial contributions, display of signs, name on support list, etc.).

### 3. **Conduct of Members**

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council and commissions, the staff or the public.

### 4. **Respect for Process**

Members shall perform their duties in accordance with the processes and rules of order established by the City Council and commissions governing the deliberation of public policy issues, the involvement of the public, and the implementation of policy decisions of the City Council by City staff.

### 5. **Conduct at Public Meetings**

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of the meetings. Members shall commit to practice civility and decorum in discussions and debates. Members shall commit to honoring the role of the Chair in maintaining order, keeping discussion on track, and focusing discussion on agenda items at hand. Members shall avoid debate and argument with the public. Members shall not engage in personal attacks of any kind under any circumstance.

### 6. **Decisions Based on Merit**

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

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<sup>2</sup> For ease of reference in the Code of Conduct and unless the context indicates otherwise, the term "commissions" refers to any of the City's commissions, boards or committees established by the City Council.

- 7. Communication**  
Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or commission, which they may have received from sources outside of the public decision-making process.
- 8. Conflict of Interest**  
In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest.
- 9. Gifts and Favors**  
Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
- 10. Confidential Information**  
Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
- 11. Use of Public Resources**  
Members shall not use public resources that are not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
- 12. Representation of Private Interests**  
In keeping with their role as stewards of the public interest, members of the Council shall not appear on behalf of the private interests of third parties before the Council or any commissions or proceedings of the City, nor shall members of commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
- 13. Advocacy**  
Members shall represent the official policies or positions of the City Council or commissions to the best of their ability when designated as delegates. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Benicia, nor will they allow the inference that they do.
- 14. Policy Role of Members**  
Members shall respect and adhere to the council-manager structure of city government as provided by state law and City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, commissions, and City Staff.

Members therefore shall not interfere with the administrative functions of the City or the professional duties of City Staff; nor shall they impair the ability of staff to implement Council policy decisions.

Members should refrain from:

- Disrupting staff from the conduct of their jobs
- Involvement in administrative functions
- Attending staff meetings unless requested by staff

**15. Independence of Boards and Commissions**

Because of the value of the independent advice of commission to the public decision-making process, members of Council shall refrain from using their position to influence the deliberations or outcomes of commission proceedings.

**16. Positive Work Place Environment**

Members shall support the maintenance of a positive and constructive work place environment for City employees and for residents and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

**17. Implementation & Enforcement**

As an expression of the standards of conduct for members expected by the City, this Code of Conduct is intended to be self-enforcing. It, therefore, becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientation for candidates for City Council, applicants to commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming that they read and understand the City of Benicia Code of Conduct.

This Code shall be reviewed annually by the City Council and City commissions at the annual organization and procedures meeting of each body. At such meeting, Council Members and Commissioners shall sign a statement affirming they have read and understand the Code of Conduct.

The Benicia Code of Conduct expresses standards of ethical conduct expected for members of the City Council and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Conduct are brought to their attention.

*I affirm that I have read and understand the City of Benicia Code of Conduct.*

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Signature

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Date

**IV-A-16**

08/28/2007

# ICMA Code Of Ethics With Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in July 2004.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

#### *Guideline*

#### **Advice to Officials of Other Local Governments.**

When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

#### *Guidelines*

**Public Confidence.** Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

**Impression of Influence.** Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

**Appointment Commitment.** Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a *bona fide* offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

**Credentials.** An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

**Professional Respect.** Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

**Reporting Ethics Violations.** When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

**Confidentiality.** Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

**Seeking Employment.** Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

#### *Guideline*

**Length of Service.** A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments

concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

*Guideline*

**Conflicting Roles.** Members who serve multiple roles—working as both city attorney and city manager for the same community, for example—should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.
7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

*Guidelines*

**Elections of the Governing Body.** Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not engage in active participation in the election campaign on behalf of or in opposition to candidates for the governing body.

**Elections of Elected Executives.** Members should not engage in the election campaign of any candidate for mayor or elected county executive.

**Running for Office.** Members shall not run for elected office or become involved in political activities related to running for elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

**Elections.** Members share with their fellow citizens the right and responsibility to vote and to voice their opinion on public issues. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically,

they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

**Elections in the Council-Manager Plan.** Members may assist in preparing and presenting materials that explain the council-manager form of government to the public prior to an election on the use of the plan. If assistance is required by another community, members may respond. All activities regarding ballot issues should be conducted within local regulations and in a professional manner.

**Presentation of Issues.** Members may assist the governing body in presenting issues involved in referenda such as bond issues, annexations, and similar matters.

8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

*Guidelines*

**Self-Assessment.** Each member should assess his or her professional skills and abilities on a periodic basis.

**Professional Development.** Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

*Guideline*

**Information Sharing.** The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

*Guideline*

**Equal Opportunity.** All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

*Guidelines*

**Gifts.** Members should not directly or indirectly solicit any gift or accept or receive any gift--whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form--under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In *de minimus* situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

**Investments in Conflict with Official Duties.** Member should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government

administrator or prior to any official action by the governing body that may affect such investments.

**Personal Relationships.** Member should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

**Confidential Information.** Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

**Private Employment.** Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

**Representation.** Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

**Endorsements.** Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.



# The Berkeley Daily Planet



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## Don't Direct Staff Without Permission, City Manager Reminds Council

*By Judith Scherr*

Council rules are clear: councilmembers and mayor may not direct city staff to perform any task—at least not without the city manager's intervention.

And so a city manager's memo last week sparked questions about which councilmembers might be overstepping their boundaries.

The memo stated: "a few staff members have been involved in work assignments for council members ... Direct requests from individual members can cause uncertainty in priority setting and can cumulatively impact the goals that the council as a whole has set for the city."

"I assume the memo's mostly directed at the mayor," Councilmember Dona Spring told the Daily Planet on Friday. "His office involves city staff in so much of Tom's [Mayor Tom Bates'] off-agenda work."

Spring said she was referring to the mayor's solar initiative, for which he engaged the work of staff from a number of departments as well as outside bond counsel, all on the city's dime.

The manager's memo might also refer to the mayor's task forces, such as the health, budget and green business task forces for which the mayor uses city staff, Spring said, noting that Bates' task forces often parallel city commissions.

Mayor Bates did not return a call seeking comment Monday afternoon.

"There's an ad hoc government going on," Spring said, noting that when she requests staff attend her community meetings, it takes weeks to get a response from the manager's office.

Councilmember Kriss Worthington said it's not just Bates who makes liberal use of staff people. "Historically, the mayor gets away with this all the time," he told the Planet on Friday. "City managers have historically been quite deferential to mayors."

City Manager Phil Kamlarz, however, told the Planet that his memo does not target any particular

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councilmember. "It's the same memo I send out every couple of years," he said. "It's hard for new staff people to say 'no.'"

As long as the mayor or a councilmember goes through his office, they can request staff work, Kamiarz said.

The City Charter says: "Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manger, either publicly or privately."

As for giving preference to the mayor or particular councilmembers, Kamiarz said: "I have staff work with all councilmembers. It's all about managing the workload. It's hard enough having one boss—but impossible with nine."

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## Ethics

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### **The Ethics of Council-Staff Teamwork**

*By the Institute for Local Self Government*

**Question:** I am a newly elected city councilmember, and I ran on a platform of "taking care of the basics" in our city. Being action-oriented, I requested a meeting with our public works director immediately after I took office to discuss some concerns that my neighborhood has had about the condition of our streets. I think this is a situation that needs addressing now.

During the meeting, I noticed she was very uncomfortable. Furthermore, I got frustrated because she refused to commit herself to any plan of action to address my concerns. I lost my temper when she suggested that my concerns should be discussed with her boss, the city manager. The public works director has worked for the city for more than 10 years and should be able to respond to my concerns competently. Frankly, this is the kind of nonresponsiveness that I ran against in my campaign. What gives?

**Answer:** First, congratulations on your election and your willingness to spend time engaged in public service to your community. Public service is complex and holds some traps for the unwary, as you discovered in your meeting with the public works director. There are probably several things triggering her discomfort.

### **How Decisions on Street Repairs/Improvements Are Made**

As a city councilmember, you are now part of a multimember governing body that collectively makes policy decisions for the city. The se policy directives are typically communicated to the city manager, who then provides appropriate direction to staff to follow up.

For example, regarding the street issue, the city may already have a capital improvement program. This program probably has a schedule or agreed-upon standards and/or an engineering evaluation of the condition of city streets. These objective criteria guide staff on how to prioritize repairs for those streets most in need. These criteria likely have already been approved by the council as a whole and are subject to a budget also adopted by the council.

The public works director's discomfort may have resulted from a concern that you were suggesting that the city deviate from its already adopted policies and budgetary priorities. It may be that you don't agree with the city's present approach or priorities, but these concerns need to be addressed to and by the council collectively. You can imagine the chaos that would result if each councilmember could individually direct the activities of city departments.

This is not to say that staff members do not appreciate hearing from councilmembers about conditions of which the city should be aware. The key is to communicate this information in a way that does not direct or appear to direct staff to act.

## **The Manager's Role**

This distinction between providing information to staff and providing direction is key in local governments with a council-manager form of government. In such places, the council provides direction to the manager, who then relays that direction to staff. The general role of the manager is to promote partnerships among council, staff, and the public in developing public policy and building a sense of community.

The reason that your public works director suggested that you talk with the city manager is that, by law, this is the way the council-manager form of government has been set up. Because the manager recruits, hires, and supervises the city's staff and carries out the council's policies, it is appropriate for the manager to direct staff.<sup>1</sup> In fact, most staff members are trained to do exactly what the public works director did-suggest that you contact the city manager. This enables the manager to hold staff accountable on the council's behalf for implementing the council's policies and directives. The entire council, in turn, holds the manager accountable for staff's overall performance.

This "chain of command" feature of the council-manager form of government is typically embodied in the city's charter or ordinances. Elected officials who have disregarded this feature have found themselves in legal hot water. For example, a mayor in the San Francisco Bay Area was convicted in 2002 of violating this aspect of a city charter by asking that city employees do favors for him that advanced his personal investment objectives.

The issue also came up in litigation involving a southern California city and a land use matter. Homeowners argued that the city's actions with respect to a nonconforming use were legally flawed because a councilmember had passed along a constituent's concerns about the structure to the city's planning director.<sup>2</sup> Ultimately, the city prevailed, on the argument that the councilmember's communication was an inquiry and not a directive. But it was an arduous process. The court also implied that the result might have been different had the councilmember's communication been a directive to staff.

This is not to say that lawsuits or criminal prosecutions will follow all communications with staff. These two cases, however, do underscore that the particular division of labor envisioned by the council-manager form of government is one that has the force of law and needs to be respected for the city to operate smoothly. The bottom line is that, if your city has a council-manager form of government, it appears that your conversation broke the law.

## **Conflict-of-Interest Issues**

Another possible reason for the public works director's discomfort may relate to the fact that the street improvements were in your neighborhood. Under the state's conflict-of-interest rules, you need to be especially careful about becoming involved in city issues that affect your neighborhood if you own or have a long-term lease on property in the vicinity.

The conflict-of-interest rules preclude you from being involved in governmental actions that affect your economic interests. Under these rules, you have an economic interest in real property in which you, your spouse, your dependent children, or anyone acting on your behalf has invested \$2,000 or more, and also in certain leasehold interests. The analysis can be complex and involve determinations of whether your property will receive improved street services (as

opposed to merely repaired streets). A conversation with your agency counsel can help you understand the law's application to your specific circumstances.

Remember, too, that the law only sets minimum standards for ethical behavior in public service, and public perception plays an important role in public service ethics. Whether or not you legally need to disqualify yourself from becoming involved in these discussions, think how it will look to the community in general if one of your first priorities as an elected official appears to be one that involves some kind of personal benefit in terms of improved streets in your neighborhood.

This can be an ethical dilemma in and of itself if one of your campaign pledges involved a promise to get the streets fixed for your neighbors. On one hand, you told people you would take steps to address a problem (promise keeping is an ethical value); on the other, you now have a responsibility to act in the community's best interests as a whole.

One approach to balancing these conflicting ethical values is to learn how decisions concerning street repairs and improvements are made in your city. It may also be that other areas of the city have the same needs as your neighborhood. Talking with the city manager about whether this issue can be put on the agenda for discussion by the council, or whether the city can sponsor a community workshop to hear residents' concerns, are two options to move forward on your goal of following up on campaign commitments. This also gives your fellow councilmembers an opportunity to participate in the conversation.

## **Treatment of Staff**

Staff can be a valuable source of expertise and background on these issues, which is why it is unfortunate that you lost your temper with the public works director. Experienced and loyal staff are a precious resource for any organization, and the public sector is no exception. As you can tell from the above analysis, the public works director was trying to do her job and keep you from stepping over legal boundaries by referring you to the city manager.

As a general matter, keep in mind that asking staff for special favors—even those that do not benefit you personally—puts staff in an awkward situation. Staff generally are dedicated to their jobs and want to work with elected officials to improve their communities. Forcing them to choose between doing something an elected official wants them to do and established city practices, protocols, and policy erodes that trust. Add the fact that staff may worry that their livelihoods are on the line no matter which approach they take, and the damage to the relationship goes even deeper.

Why should you care? There are two sets of reasons. In terms of ethics, respect is another key ethical value. There are ways of communicating the depth of one's concern and frustration without giving in to the anger that may accompany that frustration. Sure, you have the power as an elected official to scold staff about something, but ethics is not about what we can do; it's about what we ought to do. This is why most cities have protocols or other requirements that any criticisms of staff members be made only in private to the city manager.

### **Communicating with Staff: What's OK and What's Not?**

In localities with a council-manager form of government, the typical ordinance provides that elected-official inquiries and information exchanges with staff are OK, but "directives" are not. Typically, this means that an elected official can share information with staff members and seek facts from them but cannot tell them to do anything. The lines can become blurry, however,

when an elected official is inquiring about a problematic situation, because there usually is a strong and natural correlation between an elected official's being aware of a problem and wanting that problem addressed.

As an ethical matter, it's best not to try to walk too closely to the line, for example, making it clear in the tone and phrasing of your "inquiry" that you would appreciate/expect some form of action, while carefully avoiding anything that literally would be a "directive" or a request for action. Basically, such an approach violates the spirit of the rule against councilmembers' issuing directives to staff. Violating the spirit of any rule is rarely, if ever, ethical. If what you want is action on a problem, talk with the manager.

The second set of reasons to care about staff's loyalty is more pragmatic. Your success as an elected official depends on the assistance of capable staff who know your community. Savvy leaders cultivate their relationships with those in a position to help them achieve their goals. You want to motivate staff to apply their expertise, energy, and creativity to the problem you want to solve. As management guru Ken Blanchard counsels, "The key to successful leadership today is influence, not authority." As a steward of the city's resources, you have a responsibility to concern yourself with the long-term implications of city practices in general.

On the staff relationship issue, veteran recruiter John Shannon (now with CPS Executive Search) says he has observed the difficulties that public agencies have in attracting top-notch individuals if the word gets out that their working environments are abusive, unstable, or unfair. (And be assured that, with e-mail, word travels fast if members of a profession feel that one of their own has been mistreated.)

In fact, when organizations have had this problem for awhile, they become subject to a sort of downward spiral of mediocrity that becomes difficult to overcome. This is not the direction in which you want to take your city.

Finally, encouraging talented individuals to make a career in public service is an even more long-term and global issue. The question of where the next generation of local government professionals will come from is significant enough that the city managers' organization has a committee dedicated to grappling with it.

### **The Manager's Ethical Obligations**

This month's column discusses the ethics of elected officials' dealing with staff. What about the city or county manager's ethical obligations to serve elected officials? Managers who are members of the International City/County Management Association (ICMA) subscribe to a lengthy Code of Ethics that includes a number of tenets on this topic:

- Tenet 5. Submit policy proposals to elected officials, provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals, and uphold and implement local government policies adopted by elected officials.
- Tenet 6. Recognize that elected representatives of the people are entitled to credit for the establishment of local government policies; responsibility for policy execution rests with the [ICMA] members.
- Tenet 7. Refrain from all political activities that undermine public confidence in professional administrators. Refrain from participation in the election of members of the

employing legislative body.

ICMA promotes ethical conduct through its Code of Ethics, publications on ethics issues, and training programs for local government professionals. For more information on ICMA's ethics program, issues and advice, or enforcement of the ICMA Code of Ethics, visit the "Ethics Program" section of [www.icma.org](http://www.icma.org).

## What to Do?

Cartoonist Lynn Johnston described an apology as the "superglue of life" because it can repair almost anything. Do what the public works director suggested: talk with the city manager about what happened, and explore options. Then, ask to meet with the public works director to apologize for losing your temper.

Experienced staff appreciate that elected officials may not be accustomed to being part of a collective decision-making body. They also understand that you are just becoming acquainted with how city councilmembers can advance both their policy goals and constituents' concerns. Being a person who acknowledges this point can get you off on the right foot with the city's staff in your new position.

<sup>1</sup>See, for example, Section 5 of the typical ordinance establishing a council-manager form of government offered on the International City/County Management Association's Web site: [www.icma.org](http://www.icma.org) (providing that "Except for the purpose of inquiry, the council and its members shall deal with the administration solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.")

<sup>2</sup>Levy v. City of Santa Monica, 114 Cal. App. 4th 1252, 8 Cal. Rptr. 3d 507 (2d Dist., 2004).

Adapted with permission from the December 2004 issue of Western City magazine, published by the California League of Cities, Sacramento, California. For information about Western City, call 916/658-8223, or visit the Web site at [www.westerncity.com](http://www.westerncity.com). A fully footnoted version of this article is available online at [www.westerncity.com/articles](http://www.westerncity.com/articles).

This column is one of a series of bimonthly columns made available to local officials in Western City magazine by the Institute for Local Self Government (ILSG). The "Tough Questions and Tight Spots: Everyday Ethics for Local Officials" column is part of ILSG's Public Confidence Project. It is a joint effort of the members of the institute's advisory panel on ethics.

ILSG is the nonprofit research arm of the League of California Cities. For more information about the institute's ethics resources available to local officials, visit the Web site at [www.ilsq.org](http://www.ilsq.org).



# 2008 NEW MAYORS AND COUNCIL MEMBERS ACADEMY

*Wednesday, January 16 – Friday, January 18, 2008  
Hyatt Regency, Sacramento*

**Who should attend?**

- Newly elected or experienced Mayors or Council Members
- City Managers
- City Clerk in a non-manager city

**Hotel and Registration Deadline:  
Friday, December 21, 2007**

*-Register online at [www.cacities.org/events](http://www.cacities.org/events)*

***This conference meets  
the requirements for  
Leadership level  
of the Academy***

Those newly elected to the  
council will find this  
conference essential for  
success in office

# Wednesday January 16, 2008

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**Registration Open**  
7:30 a.m. - Noon

**City Books Open**  
8:30 a.m. - 5:00 p.m.

**The Value of Basics Boot Camp**  
10:15 - 11:45 a.m.

After a few council meetings, you will discover that sitting on the “target” side of the dais means among other things you must be prepared. Prepare by discussing 10 basic rules for new council members.

*Speakers:*

Gus Morrison, Former Mayor, City of Fremont  
Les White, Former City Manager, City of San Jose

## **General Luncheon**

**Your League and How To Use It**  
Noon - 1:45 p.m.

As a city official, you are the League. Its success, along with yours, depends on your involvement and leadership. Introduce the services of the League of California Cities, how you can access them and, learn how you can become involved for mutual benefit.

*Speakers:*

Jim Madaffer, President, League of California Cities and Council Member, City of San Diego  
Chris McKenzie, Executive Director, League of California Cities, Sacramento

**Your Legal Powers and Obligations**  
2:15 - 3:30 p.m.

You were elected to make things happen in your city. Determine the sources of your powers as a city official, the limitations on those powers, and a basic understanding of the legal authorities and restrictions under which cities and city officials operate, including the Brown Act.

*Speakers:*

Patrick Whitnell, General Council, League of California Cities, Sacramento  
Jayne Williams, Managing Principal, Meyers Nave, Oakland

**Effective Advocacy and Key City Issues**  
4:00 - 5:00 p.m.

Obtain practical skills to develop persuasive arguments and testimony that serve your city’s interests.

*Speaker:*

Daniel Carrigg, Legislative Director, League of California Cities, Sacramento

**Legislative Reception**  
5:30 - 7:00 p.m.

Join other newly elected Mayors and Council Members, along with State Legislators for a reception at the Sutter Club, located at 1220 Ninth Street, Sacramento.

**PLEASE NOTE:** *Session times, titles, and topics are subject to change*

# Thursday January 17, 2008

## Registration Open

7:30 a.m. - Noon

## CityBooks Open

8:30 a.m. - 5:00 p.m.

## Regional Division Forums - Building Your Local Network

7:30 - 8:30 a.m.

Enjoy a light continental breakfast while you network and get acquainted with others from your regional division. Identify the key issues in your region.

### *Speakers:*

Mike Madrid, Public Affairs Director, League of California Cities, Sacramento  
Amy O'Gorman, Director of Regional Public Affairs, League of California Cities, Sacramento

## Policy Role in Land Use Planning

8:45 - 10:45 a.m.

Fostering a solid working relationship with your city's planning commission and planning staff involves the setting and implementation of the policies articulated in the city's general plan and its zoning code. Recognize the tools and processes in land use planning such as the California Environmental Quality Act (CEQA).

### *Speakers:*

Bill Higgins, Legislative Representative, League of California Cities, Sacramento

## Relationship Between City Council and City Manager/Staff

11:00 a.m. - 12:15 p.m.

As an elected official, there are various competing and legitimate values driving you and your colleagues. Your success on the council requires an effective relationship with your city manager, city attorney and staff. Discover how to enhance these relationships by work together while respecting those diverse roles.

### *Speaker:*

Jeff Kolin, City Manager, City of Santa Rosa

## Networking Luncheon

12:30 - 1:45 p.m.

Enjoy networking with other newly elected officials!

## How to Build and Maintain the Public's Trust: Practical Ethics and the Law

2:00 - 4:00 p.m.

This lively session is designed to satisfy the mandatory ethics training requirements imposed by AB 1234 and reflects the Institute for Local Government's extensive research into public service ethics issues. Planned with the Institute for Local Government.

### *Speaker:*

JoAnne Spears, Executive Director, Institute for Local Government, Sacramento



## El Circo - How to Conduct an Effective and Respectful Council Meeting

5:30 - 8:30 p.m.

During a full dinner, enjoy a skit depicting the wrong and right way to conduct your city council meetings; followed by Q&A.

### *Facilitator:*

Michael Jenkins, City Attorney, Cities of Diamond Bar, Hermosa Beach, Rolling Hills and West Hollywood, Jenkins & Hogin, LLP, Malibu

PLEASE NOTE: *Session times, titles, and topics are subject to change*

# Friday January 18, 2008

## Networking Breakfast

7:30 - 8:15 a.m.

Enjoy a full buffet breakfast as you join in lively group discussions.

## Dealing and Succeeding with the Media

8:30 - 9:30 a.m.

When the media calls for an interview do you panic or prepare? Receive practical tips on overcoming panic and how to turn that nervousness into productive energy that will benefit your constituents the, media and you. These lessons apply with all media and will help you be perceived and understood as a true leader.

*Speaker:*

William Schreiber, Executive Vice President and Managing Director, Porter Novelli

## Your Financial Responsibilities - Introduction to Finance

9:45 - 11:00 a.m.

Uncover your key responsibilities as elected officials in exercising fiduciary responsibilities. Topics such as the local government financial cycle and elected official financial oversight duties will be addressed. The importance of structurally balanced budgets, tips on setting city council goals and the need for financial policies will be stressed. Find out how to avoid micromanagement and complacency management plus identify the four stages of fiscal meltdown.

*Speaker:*

Len Wood, President, Len Wood & Associates



## Audit Training

11:15 a.m. - Noon

There is a new requirement for city auditors that will be in affect for the June 30, 2008, audit! Details include:

- Why the new requirements are in place
- The city council's new responsibilities and how to meet them
- The consequences of not meeting the new requirements

*Speaker:*

Michael Moreland, Managing Partner, Moreland & Associates, Inc., Newport Beach

## Adjourn

Noon

PLEASE NOTE: *Session times, titles, and topics are subject to change*

## GENERAL INFORMATION

### **Registration/Events**

The full registration fee includes program materials, reception on Wednesday, lunch on Wednesday and Thursday, dinner on Thursday and breakfast on Thursday and Friday.

Registrations **completed online at [www.cacities.org/events](http://www.cacities.org/events)** before **Friday, December 21, 2007**, will also receive a \$20 discount coupon to be used at the **CityBooks** bookstore. CityBooks can help increase your leadership skills and professional knowledge in vital areas. Don't miss this great way to expand and share your learning with colleagues at city hall!

#### **One day registration is not available**

City Officials and City Staff	\$ 510.00
All Others	\$ 625.00

**NOTE:** All cancellations must be submitted in writing and are subject to a \$50 processing fee. No refunds will be given for cancellation requests received after **Wednesday, January 2, 2008**. Substitutions can be made on site.

### **Guest/Spouses**

The guest badge is required to allow attendance at all sessions and meal functions.

Guest/Spouse	\$120.00
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**Note:** It is inadvisable to use city funds to pay for spouse registration. See 75 Ops. Cal. Atty. Gen. 20 (1992). Consult with your city attorney for more information.

### **Directions**

**From I-5**, exit on J Street. Take J Street to 15<sup>th</sup> Street and turn right. From 15<sup>th</sup>, turn right onto L Street; turn right to hotel entrance on right side of L Street between 13<sup>th</sup> and 12<sup>th</sup> Streets.

**From Capitol City Freeway, East**, take the 15<sup>th</sup> Street off-ramp, continue straight to 16<sup>th</sup> Street and turn left. Proceed to L Street and turn left; the hotel is on the right between 13<sup>th</sup> and 12<sup>th</sup> Streets.

**From the South on Highway 99**, take Capitol City Freeway, West; exit at 16<sup>th</sup> Street and turn right. At L Street, turn left. The hotel entrance will be on the right side between 13<sup>th</sup> and 12<sup>th</sup> Streets.

### **Airlines**

We invite you to visit [www.cacities.org/travel](http://www.cacities.org/travel) for the new Enhanced Local Government Airfare Program.

### **Hotel Information and Reservations**

#### **STEP 1: Register for the Conference**

All attendees must register for the conference directly with the League of California Cities, online at [www.cacities.org/events](http://www.cacities.org/events) prior to reserving the hotel room. Once your event registration is complete, you will be led to the housing registration page.

If you need to send a check or money order, please print a registration form from our website at [www.cacities.org/events](http://www.cacities.org/events).

#### **STEP 2: Secure Your Hotel**

**CREDIT CARD**: The online conference registration link, will take you directly to the online housing reservation. For immediate hotel reservations and confirmation, please book your required rooming needs online after registering for the conference.

**OPTION B** (check or money order): After the League of California Cities receives and processes your registration for the conference, you will be sent an e-mail with an online link (URL) for hotel reservations.

#### **STEP 3: Hotel Changes or Hotel Cancellations**

Hotel reservation changes, date modifications, early check-outs, or cancellations must be communicated directly with the Hyatt Regency Sacramento by each individual within 72 hours of arrival date.

PLEASE NOTE: Session times, titles, and topics are subject to change

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**Upcoming Programs**

2008   2009   2010   2011

<u>2007</u>	<u>Program</u>	<u>Estimated Registration Fee</u>	
November 28 & 29	<b>Legislative Briefings</b> 28th in Pasadena and 29th in San Jose <u>Agenda</u>	Pasadena is SOLD OUT! Registration is closed for San Jose	
December 5 - 7	<b>Financial Management Seminar &amp; Mini Expo</b> Monterey <u>Announcement</u>	Pre-registration is closed. Please register onsite.	Original
December 5 - 7	<b>Fire Chiefs Leadership Seminar</b> Monterey <u>Announcement</u> <u>Program</u>	Pre-registration is closed. Please register onsite.	Original
December 5 - 7	<b>City Clerks New Law &amp; Election Seminar</b> Monterey <u>Announcement</u>	Pre-registration is closed. Please register onsite.	Original
<u>2008</u> <u>Top of Page</u>	<u>Program</u>	<u>Estimated Registration Fee</u>	
January 16 - 18	 <b>New Mayors &amp; Council Members Academy</b> Hyatt Regency, Sacramento <u>Announcement</u> <u>Registration Form</u>	<a href="#">Click here to register online</a>	PI conf res
February 6 - 8	<b>City Managers Department Meeting</b> Hilton Torrey Pines, La Jolla <u>Announcement</u>	<a href="#">Click here to register online</a>	PI conf res
February 14 & 28	<b>City Attorney's Continuing Education</b> 14th - Hilton Garden Inn, Emeryville 28th - Alta Vista Community Center, Redondo Beach <u>Announcement</u> <u>Registration Form</u>	<a href="#">Register here for Feb 14th</a> <a href="#">Register here for Feb 28th</a>	
March 5 - 7	<b>Public Works Officers Institute &amp; Mini Expo</b> Hilton Torrey Pines, La Jolla <u>Announcement</u> <u>Registration Form</u>	<a href="#">Click here to register online</a>	PI conf res

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March 26 - 28	<b>Planners Institute &amp; Mini Expo</b> Sacramento Convention Center, Sacramento	\$495.00
April 16-17	<b>Legislative Action Days</b> Sacramento	NA
April 24-25	<b>Personnel &amp; Employee Relations Seminar</b> Catamaran Resort Hotel, San Diego	\$275.00
May 7 - 9	<b>City Attorneys Spring Conference</b> Hilton Torrey Pines, La Jolla	
June 4 - 6	 <b>Mayors &amp; Council Members - Executive Forum</b> Resort at Squaw Creek, Squaw Valley	\$460.00
June 6 - 7	 <b>Mayors &amp; Council Members - Advanced Leadership Workshops</b> Resort at Squaw Creek, Squaw Valley	\$295.00
September 24 - 27	 <b>Annual Conference &amp; Exposition</b>  Long Beach <u>Call for Session Proposals</u> <u>Current Exhibitors</u>	\$495.00
November	<b>Legislative Briefings</b> TBD	\$140.00
December 3 - 5	<b>Financial Management Seminar &amp; Mini Expo</b> Disneyland Hotel, Anaheim	\$440.00
December 3 - 5	<b>Fire Chiefs Leadership Seminar</b> Disneyland Hotel, Anaheim	\$440.00
December 3 - 5	<b>City Clerks New Law &amp; Election Seminar</b> The Californian, Anaheim	\$425.00
<b>2009</b> <u>Top of Page</u>	<u>Program</u>	<u>Estimated Registration Fee</u>
September 16 - 19	 <b>Annual Conference &amp; Exposition</b>  San Jose Convention Center, San Jose	TBD
<b>2010</b> <u>Top of Page</u>	<u>Program</u>	<u>Estimated Registration Fee</u>
September 15 - 18	 <b>Annual Conference &amp; Exposition</b>  San Diego Convention Center, San Diego	TBD
<b>2011</b>		<u>Estimated</u>

<u>Top of Page</u>	<u>Program</u>	<u>Registration Fee</u>
September 20 - 24	 <b>Annual Conference &amp; Exposition</b>  Moscone West Convention Center, San Francisco	TBD
<p><b>Legend:</b>  Mayors &amp; Council Members Academy Credit                      Mandatory Continuing Legal Education</p> <p>  For a full schedule of Institute for Local Government (ILG) AB 1234 compliance training opportunities please visit their website at <a href="http://www.ca-ilg.org">www.ca-ilg.org</a> </p>		

last updated : 11/19/2007



# 2008 NEW MAYORS AND COUNCIL MEMBERS ACADEMY

*Wednesday, January 16 – Friday, January 18, 2008  
Hyatt Regency, Sacramento*

**Who should attend?**

- Newly elected or experienced Mayors or Council Members
- City Managers
- City Clerk in a non-manager city

**Hotel and Registration Deadline:  
Friday, December 21, 2007**

*-Register online at [www.cacities.org/events](http://www.cacities.org/events)*

***This conference meets  
the requirements for  
Leadership level  
of the Academy***

**Those newly elected to the  
council will find this  
conference essential for  
success in office**

# Wednesday

## January 16, 2008

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**Registration Open**  
7:30 a.m. - Noon

**CityBooks Open**  
8:30 a.m. - 5:00 p.m.

**The Value of Basics Boot Camp**  
10:15 - 11:45 a.m.

After a few council meetings, you will discover that sitting on the “target” side of the dais means among other things you must be prepared. Prepare by discussing 10 basic rules for new council members.

*Speakers:*

Gus Morrison, Former Mayor, City of Fremont  
Les White, Former City Manager, City of San Jose

### **General Luncheon**

**Your League and How To Use It**  
Noon - 1:45 p.m.

As a city official, you are the League. Its success, along with yours, depends on your involvement and leadership. Introduce the services of the League of California Cities, how you can access them and, learn how you can become involved for mutual benefit.

*Speakers:*

Jim Madaffer, President, League of California Cities and Council Member, City of San Diego  
Chris McKenzie, Executive Director, League of California Cities, Sacramento

**Your Legal Powers and Obligations**  
2:15 - 3:30 p.m.

You were elected to make things happen in your city. Determine the sources of your powers as a city official, the limitations on those powers, and a basic understanding of the legal authorities and restrictions under which cities and city officials operate, including the Brown Act.

*Speakers:*

Patrick Whitnell, General Council, League of California Cities, Sacramento  
Jayne Williams, Managing Principal, Meyers Nave, Oakland

**Effective Advocacy and Key City Issues**  
4:00 - 5:00 p.m.

Obtain practical skills to develop persuasive arguments and testimony that serve your city’s interests.

*Speaker:*

Daniel Carrigg, Legislative Director, League of California Cities, Sacramento

**Legislative Reception**  
5:30 - 7:00 p.m.

Join other newly elected Mayors and Council Members, along with State Legislators for a reception at the Sutter Club, located at 1220 Ninth Street, Sacramento.

PLEASE NOTE: *Session times, titles, and topics are subject to change*

# Thursday January 17, 2008

## Registration Open

7:30 a.m. - Noon

## CityBooks Open

8:30 a.m. - 5:00 p.m.

## Regional Division Forums - Building Your Local Network

7:30 - 8:30 a.m.

Enjoy a light continental breakfast while you network and get acquainted with others from your regional division. Identify the key issues in your region.

### Speakers:

Mike Madrid, Public Affairs Director, League of California Cities, Sacramento  
Amy O'Gorman, Director of Regional Public Affairs, League of California Cities, Sacramento

## Policy Role in Land Use Planning

8:45 - 10:45 a.m.

Fostering a solid working relationship with your city's planning commission and planning staff involves the setting and implementation of the policies articulated in the city's general plan and its zoning code. Recognize the tools and processes in land use planning such as the California Environmental Quality Act (CEQA).

### Speakers:

Bill Higgins, Legislative Representative, League of California Cities, Sacramento

## Relationship Between City Council and City Manager/Staff

11:00 a.m. - 12:15 p.m.

As an elected official, there are various competing and legitimate values driving you and your colleagues. Your success on the council requires an effective relationship with your city manager, city attorney and staff. Discover how to enhance these relationships by work together while respecting those diverse roles.

### Speaker:

Jeff Kolin, City Manager, City of Santa Rosa

## Networking Luncheon

12:30 - 1:45 p.m.

Enjoy networking with other newly elected officials!

## How to Build and Maintain the Public's Trust: Practical Ethics and the Law

2:00 - 4:00 p.m.

This lively session is designed to satisfy the mandatory ethics training requirements imposed by AB 1234 and reflects the Institute for Local Government's extensive research into public service ethics issues.

Planned with the Institute for Local Government.

### Speaker:

JoAnne Spears, Executive Director, Institute for Local Government, Sacramento



## El Circo - How to Conduct an Effective and Respectful Council Meeting

5:30 - 8:30 p.m.

During a full dinner, enjoy a skit depicting the wrong and right way to conduct your city council meetings; followed by Q&A.

### Facilitator:

Michael Jenkins, City Attorney, Cities of Diamond Bar, Hermosa Beach, Rolling Hills and West Hollywood, Jenkins & Hogin, LLP, Malibu

PLEASE NOTE: *Session times, titles, and topics are subject to change*

# Friday

## January 18, 2008

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### Networking Breakfast

7:30 - 8:15 a.m.

Enjoy a full buffet breakfast as you join in lively group discussions.

### Dealing and Succeeding with the Media

8:30 - 9:30 a.m.

When the media calls for an interview do you panic or prepare? Receive practical tips on overcoming panic and how to turn that nervousness into productive energy that will benefit your constituents, the media and you. These lessons apply with all media and will help you be perceived and understood as a true leader.

*Speaker:*

William Schreiber, Executive Vice President and Managing Director, Porter Novelli

### Your Financial Responsibilities - Introduction to Finance

9:45 - 11:00 a.m.

Uncover your key responsibilities as elected officials in exercising fiduciary responsibilities. Topics such as the local government financial cycle and elected official financial oversight duties will be addressed. The importance of structurally balanced budgets, tips on setting city council goals and the need for financial policies will be stressed. Find out how to avoid micromanagement and complacency management plus identify the four stages of fiscal meltdown.

*Speaker:*

Len Wood, President, Len Wood & Associates



### Audit Training

11:15 a.m. - Noon

There is a new requirement for city auditors that will be in affect for the June 30, 2008, audit! Details include:

- Why the new requirements are in place
- The city council's new responsibilities and how to meet them
- The consequences of not meeting the new requirements

*Speaker:*

Michael Moreland, Managing Partner, Moreland & Associates, Inc., Newport Beach

### Adjourn

Noon

PLEASE NOTE: *Session times, titles, and topics are subject to change*

## GENERAL INFORMATION

### **Registration/Events**

The full registration fee includes program materials, reception on Wednesday, lunch on Wednesday and Thursday, dinner on Thursday and breakfast on Thursday and Friday.

Registrations **completed online** at [www.cacities.org/events](http://www.cacities.org/events) before **Friday, December 21, 2007**, will also receive a \$20 discount coupon to be used at the **CityBooks** bookstore. CityBooks can help increase your leadership skills and professional knowledge in vital areas. Don't miss this great way to expand and share your learning with colleagues at city hall!

#### **One day registration is not available**

City Officials and City Staff	\$ 510.00
All Others	\$ 625.00

**NOTE:** All cancellations must be submitted **in writing** and are subject to a \$50 processing fee. No refunds will be given for cancellation requests received after **Wednesday, January 2, 2008**. Substitutions can be made on site.

### **Guest/Spouses**

The guest badge is required to allow attendance at all sessions and meal functions.

Guest/Spouse	\$120.00
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**Note:** It is inadvisable to use city funds to pay for spouse registration. *See 75 Ops. Cal. Atty. Gen. 20 (1992).* Consult with your city attorney for more information.

### **Directions**

**From I-5**, exit on J Street. Take J Street to 15<sup>th</sup> Street and turn right. From 15<sup>th</sup>, turn right onto L Street; turn right to hotel entrance on right side of L Street between 13<sup>th</sup> and 12<sup>th</sup> Streets.

**From Capitol City Freeway, East**, take the 15<sup>th</sup> Street off-ramp, continue straight to 16<sup>th</sup> Street and turn left. Proceed to L Street and turn left; the hotel is on the right between 13<sup>th</sup> and 12<sup>th</sup> Streets.

**From the South on Highway 99**, take Capitol City Freeway, West; exit at 16<sup>th</sup> Street and turn right. At L Street, turn left. The hotel entrance will be on the right side between 13<sup>th</sup> and 12<sup>th</sup> Streets.

### **Airlines**

We invite you to visit [www.cacities.org/travel](http://www.cacities.org/travel) for the new Enhanced Local Government Airfare Program.

### **Hotel Information and Reservations**

#### **STEP 1: Register for the Conference**

All attendees must register for the conference directly with the League of California Cities, online at [www.cacities.org/events](http://www.cacities.org/events) prior to reserving the hotel room. Once your event registration is complete, you will be led to the housing registration page.

If you need to send a check or money order, please print a registration form from our website at [www.cacities.org/events](http://www.cacities.org/events).

#### **STEP 2: Secure Your Hotel**

**CREDIT CARD:** The online conference registration link, will take you directly to the online housing reservation. For immediate hotel reservations and confirmation, please book your required rooming needs online after registering for the conference.

**OPTION B (check or money order):** After the League of California Cities receives and processes your registration for the conference, you will be sent an e-mail with an online link (URL) for hotel reservations.

#### **STEP 3: Hotel Changes or Hotel Cancellations**

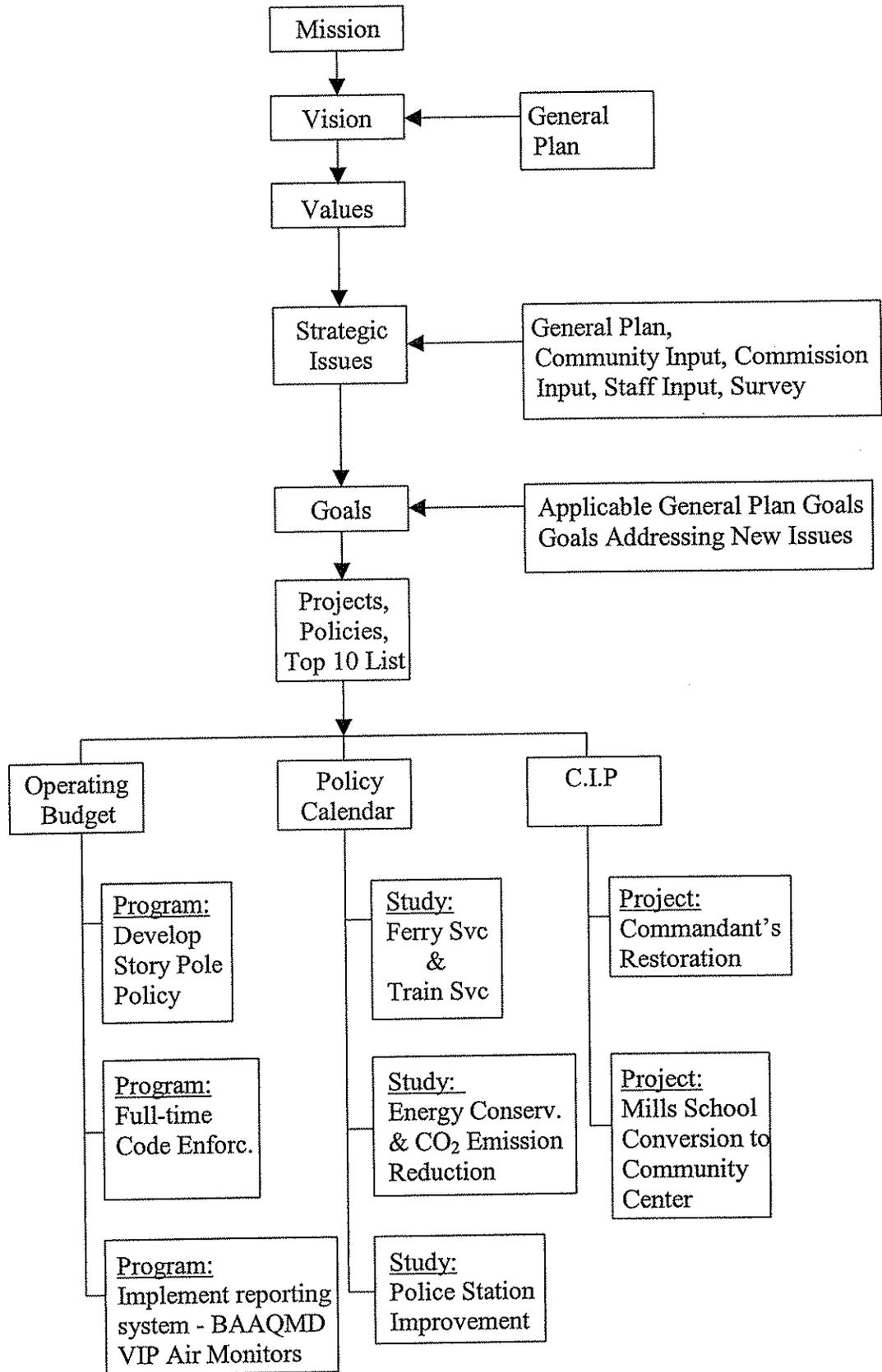
Hotel reservation changes, date modifications, early check-outs, or cancellations must be communicated directly with the Hyatt Regency Sacramento by each individual within 72 hours of arrival date.

PLEASE NOTE: *Session times, titles, and topics are subject to change*

## **PROCESS REVIEW**

# Benicia Strategic Planning Process

## December, 2007



2007-08 Policy Calendar

Revised 11-21-07

	Pts	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
<b>Complete</b>										
<b>Scheduled Topics:</b>										
✓ <b>Strategic Plan Meetings:</b> Update completed with adoption of two-year budget on June 19, 2007.	NA									
✓ <b>Budget Workshops:</b> Final budgets adopted on June 19, 2007	NA									
✓ <b>Council Code of Conduct</b> - adopted on 7/17.	6									
✓ <b>Full-time Code Enforcement Officer Position</b> - approved with budget adoption on 06-19-07	44									
✓ <b>Fair Campaign Practices</b> - Records and spending limits ordinance adopted on 7/17	44									
✓ <b>Formula Business Regs/Big Box Retail</b> - Formula Based Business and Big Box ordinance adopted on 6/5.	44									
✓ <b>General Plan Implementation - Downtown</b> - Adopted plan on 09/04 and Ordinance on 09/18.	42									
<b>Retail Alcohol Sales - Additional Controls:</b> Consider ordinance	11					RM-02/05				
<b>General Plan Implementation - Arsenal</b> - EIR and Plan consideration adoption in Jan-Feb 2008.	12				RM-01/15					
✓ <b>Air Quality/Energy Efficiency</b> - Council approved policy and direction on 10-10-07.	40									
✓ <b>Library Basement</b> - Approved hiring architect on 7/17; obtained Council input on design at study session 11/20	12									
<b>Audit &amp; Finance Revenue Options Committee</b> - Completed with direction to staff; meet w/ L&L assesses in Fall 2007	6									
<b>Tree Ordinance</b> - PR&C Comm. recommendation reviewed on 10/16; set study session for detailed review	8									
<b>Police Facility</b> - staff evaluating short-term and long-term projects. Lobby/entry remodel underway.	15									
<b>Ferry Service/ITS</b> - Waiting on info from State takeover	14									
<b>2007 Additional Policy Issues:</b>										
✓ <b>Billboard Sign Regulations Revisions</b> - New regulations prohibiting new billboards approved on 11-06-07.			RM-11/06							
<b>Annual Council Reorganization &amp; Training Meeting</b> (5:00 - 9:00 pm)				SS-12/06						
<b>Adult Entertainment Ordinance Revisions</b> (Moratorium) - FY 2008-09										

SS = Study Session, RMSS = Study Session prior to Regular Council Meeting

## Value of a Policy Calendar

1. Allocates scarce “time” resources to most important matters
  - Policy issues taken up in accordance with Council priorities
2. Permits thoughtful discussion prior to taking action on important policies
  - Staff analysis of proposed policy
  - Deliberative discussion among Council Members and Staff
3. Avoids adoption of policies that are not fully understood and perhaps unwise because of:
  - Lack of analysis
  - Lack of deliberation
  - Lack of resources
4. Avoids knee-jerk reaction to policy issues
  - Action is not scheduled on policies that have not been prioritized
  - Action is not scheduled on policies that a majority of Council has not agreed to schedule

**AGENDA ITEM**  
**SPECIAL CITY COUNCIL MEETING: OCTOBER 3, 2006**  
**ACTION ITEMS**

**DATE** : September 28, 2006  
**TO** : City Council  
**FROM** : City Manager  
**SUBJECT** : **SCHEDULING POLICY PROPOSALS FOR COUNCIL CONSIDERATION**

**RECOMMENDATION:**

Provide direction to staff on scheduling various policy proposals for consideration by Council at study sessions or regular Council meetings.

**EXECUTIVE SUMMARY:**

At the August 30, 2006 Study Session, the City Council gave direction to staff to bring forward policy proposals known to staff for consideration at study sessions or regular Council meetings. This staff report and attachments document the process for selecting and acting on policy proposals.

**BACKGROUND:**

The City Council agreed, at a recent study session, to develop a Policy Calendar in order to allow for better scheduling of time and resources, as well as more thoughtful discussion regarding important policy issues.

Attached is an Administrative Instruction that staff has developed pursuant to Council direction documenting the process for scheduling policy proposals.

Also attached is a decision-making worksheet for identifying individual Council Member's preferences for scheduling policy proposals. Staff will ask Council to complete the worksheet at the Council meeting. Staff will then tabulate the results for use in scheduling.

Normally, Staff would propose one-page briefing sheets on each policy proposal to aid in decision-making. Due to time constraints, we have been unable to do so for this meeting.

**Attachments:**

- Administrative Instruction-Policy Issues Calendar Process
- Policy Proposals Scheduling Worksheet

**ADMINISTRATIVE INSTRUCTION  
POLICY ISSUES CALENDAR PROCESS**

## **Policy Issues Calendar Process**

### **Administrative Instruction**

**09/27/06**

**Purpose:** to document a process for scheduling policy proposals for consideration by the City Council.

**Summary:** this Administrative Instruction establishes the process by which policy proposals will be scheduled for Council consideration. Policy Proposals are generally ideas for new legislation (ordinance, resolution, policy declaration) that establish a new direction in some aspect of City business.

Priority Policy proposals that are complex or controversial will be calendared for Study Sessions over a 12-month period prior to scheduling for Council action. Policy proposals that are not complex, nor controversial, will be calendared for regular meetings based on Council interest, priorities and sound agenda management practices.

#### **Background:**

On September 6, 2006, the Council, in Study Session, gave staff direction to pursue a process by which policy-related requests could be periodically reviewed and scheduled for consideration based on Council priorities and interest and time available for study. This was in recognition that the Council's time is limited and should be reserved and scheduled for those important policy matters of greatest interest to a majority of the Council. Heretofore, policy proposals have been often scheduled outside of a deliberate work program and without relationship to overarching priorities of the Council.

#### **Process:**

1. Making Policy Proposals: requests for consideration of policy matters are submitted in writing as agenda requests to the City Manager's office at any time. Policy items come from any of the following sources:
  - (1) Council Member requests
  - (2) Staff requests
  - (3) Referrals from Two Step Policy Process

The requestor indicates scheduling preference:

- (1) for placement on the list of policy proposals to be considered once per quarter for possible study by the Council, or
- (2) for placement on a regular agenda under the Council Comments section.  
If placed on the Council Comments section, the Two Step Policy Consideration procedure applies.

2. Two Step Policy Consideration Procedure: in this procedure, policy requests are placed on a Regular Agenda to determine degree of interest for pursuing study or action. If there is majority interest of the Council, the policy proposal is either directed to the Policy Calendar Process for scheduling a study session or is directed to the Regular Agenda process for placing it on a future regular agenda.
  
3. Policy Issues Study Session Calendar: in this procedure, policy requests are placed on a list of policy issues to be considered at the Quarterly Policy Issues Study Session Meeting. At this quarterly meeting, proposals are selected by majority vote of the Council for placement on the Policy Calendar.
  
4. Considerations relating to making choices among Policy proposals for Council consideration and scheduling:
  - (1) Time required for understanding by Council Members
  - (2) Time required for sufficient deliberation
  - (3) Time required for analysis and preparation of staff reports
  - (4) Time required for public understanding
  - (5) Council interest in subject
  - (6) Public interest in subject
  - (7) Conservation of staff time
  - (8) Relationship to Council Priorities

**Attachments:** Policy Proposal Scheduling Worksheet

**POLICY PROPOSALS SCHEDULING  
WORKSHEET**



**RESOLUTION NO. 06-145**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING  
THE RULES OF PROCEDURE FOR THE CONDUCT OF CITY COUNCIL MEETINGS**

**WHEREAS**, the City Council of the City of Benicia desires to have all citizens fully participate in the proceedings of the City Council; and

**WHEREAS**, the City Council must consider many public matters which vitally affect the interest of the citizens of Benicia and it is both necessary and desirable that these meetings be regulated in order to permit the Council to give consideration and public discussion to the more important public issues; and

**WHEREAS**, it is the purpose of this resolution to provide for the orderly and expeditious conduct of Council meetings in a manner which will give adequate consideration and public discussion to all matters affecting the City; and

**WHEREAS**, Government Code Sections 36813 and 54954.3 give the City Council discretion to adopt reasonable regulations concerning the proceedings and order of business of City Council meetings.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENICIA** as follows:

Section 1. The City Council of the City of Benicia approves and adopts the Rules of Procedure attached hereto as Exhibit "A" and by this reference incorporated herein.

Section 2. This resolution shall supersede any and all Rules of Procedure previously adopted by the City Council.

\*\*\*\*\*

On motion of Council Member **Whitney**, seconded by Council Member **Hughes**, the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 19<sup>th</sup> day of September, 2006, and adopted by the following vote:

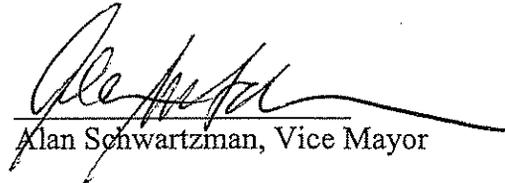
Ayes: **Council Members Hughes, Whitney and Vice Mayor Schwartzman**

Noes: **Council Member Patterson**

Absent: **Mayor Messina**

Attest:

  
Lisa Wolfe, City Clerk

  
Alan Schwartzman, Vice Mayor

## EXHIBIT A

### CITY COUNCIL OF THE CITY OF BENICIA RULES OF PROCEDURE

#### I. AGENDA

##### A. SECTIONS

The agenda shall consist of the following sections in order:

1. CALL TO ORDER  
Announcement of Closed Session (If Any)
2. CLOSED SESSION (If Any)
3. CONVENE OPEN SESSION  
Roll Call  
Pledge of Allegiance
4. ANNOUNCEMENTS, APPOINTMENTS, PRESENTATIONS

This section includes announcements by the Mayor, appointments to City boards and commissions, and scheduled presentations. Presentations are limited to a maximum of ten minutes to allow the Council to have adequate time to address the agendized items of business.

##### 5. ADOPTION OF AGENDA

The Council, by majority vote, shall adopt the agenda as final. Following such adoption, agenda items may not be added, removed or their order changed unless by the unanimous consent of the Council Members present at the time the agenda was adopted as final. All matters shall be considered by the Council in the order listed on the agenda adopted as final, to the extent of time available. Only matters on the agenda as adopted final or modified under this section may be considered. Agenda items not considered or completed at a meeting for lack of time become agenda items at the following meeting in accordance with Section 5.

##### 6. OPPORTUNITY FOR PUBLIC COMMENT:

- (a) Written: All written communications suitable for the agenda, received since the preparation of the subject agenda, addressed to or intended for the City Council and not otherwise included in the agenda in a preceding section, shall be listed in this section in the order received.

(b) Public Comment: This section of the agenda is for members of the public to make comments to the City Council about agendized and non-agendized matters of general interest to the citizens of Benicia, provided, however, that:

(1) any item raised by a member of the public which is not agendized, but may require Council action, shall be automatically referred to the City Staff for investigation and disposition, unless the item requires action to be taken by the Council at the meeting during which it was raised and constitutes an emergency or the need to take such action arose after the posting of the agenda within the meaning of Government Code §54954.2(b). In either event the Council is entitled to discuss the matter before making the determination required under said Government Code provision, and if either finding is made, may take action thereon.

(2) in order to allow the Council to have adequate time to address the agendized items of business, public comment under Opportunity for Public Comment will be limited to three (3) minutes per speaker on non-agendized and agendized items.

(3) the Presiding Officer may allow up to 10 minutes for a speaker to speak on multiple agenda items under Opportunity for Public Comment.

(4) all public comments are also subject to the provisions of Section II below.

## 7. CONSENT CALENDAR

Items listed under the Consent Calendar are considered routine and will be enacted, approved or adopted by one (1) motion unless a request for removal for discussion or explanation is received from a Council Member, staff, or a member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

## 8. PUBLIC HEARINGS

This section of the agenda is for the City Council to conduct Public Hearings and to hear properly noticed appeals.

9. ACTION ITEMS

Items listed in this section are those which are likely to require discussion prior to Council action. Routine agenda items that are under \$50,000 and are already included in the budget may still be listed under the Consent Calendar.

10. INFORMATIONAL ITEMS

Items in this section may include status report on a variety of topics. For example, City Manager Reports are to be placed under this heading. Items listed in this section are typically for information only and may not require action.

11. COMMENTS FROM COUNCIL MEMBERS

This section contains reports from Council Members. It also provides an opportunity on the agenda for Council Members to make requests for future agenda items.

12. ADJOURNMENT

B. PREPARATION

1. The Mayor and the City Manager shall prepare an agenda for each meeting of the Council. Items to be included on the agenda must be submitted to the City Manager in writing by noon on the 7th working day preceding the regular meeting. Any Council Member may request that a new item be placed on the agenda. Items shall be placed on the agenda in their appropriate section with the item title specified by the requesting Council Member.

To place a review of a matter decided in the last year on a future agenda requires three affirmative votes.

2. Council Members may request the full City Council review a matter that has been decided in the last year by following the procedures set forth in 1.B.1 above. A brief write-up of the matter and date of last action must be included on the Request for Policy Consideration Form (Appendix A). The request for a review will be placed on the agenda in Section 11 as appropriate.
3. The City Manager will inform the Council and public of the tentative, upcoming issues on the next Council agenda on the afternoon of the 5th working day preceding the regular meeting.

4. The City Manager shall prepare and provide each Council Member and the City Attorney, an agenda packet not later than the Wednesday preceding each regular meeting. The City Manager shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to every person who has requested the same in writing during the preceding year, has provided stamped self-addressed envelopes and has paid the applicable fee. The agenda packet will be available for those persons so requesting at the time the agenda is posted or upon distribution to all, or a majority of, the Council Members upon payment of the applicable fee.
5. Staff support for requests from individual council members shall be limited to 15 minutes of staff time. Research, report writing, compilation of materials, etc. in excess of 15 minutes shall not be undertaken unless approved by a majority of the City Council.

## II. PUBLIC PARTICIPATION

### A. RECOGNITION

No person may address the Council without the permission of the Presiding Officer, or a majority of the quorum, or as otherwise required by law. Except as required by law, the Presiding Officer is obligated to recognize members of the Council and staff prior to opening up items for public discussion.

### B. ADDRESSING THE COUNCIL

Those persons desiring to speak on an agendized matter, on a Public Hearing agenda item, or under Opportunity for Public Comment are requested to, but not required to, complete a Speaker's Card and present it to the City Clerk at the beginning of the meeting or upon their arrival in the Council Chambers. The Presiding Officer shall recognize speakers on an agendized matter when that item is before the City Council for consideration. The Presiding Officer shall recognize speakers on Public Hearing items at the Public Hearing. The Presiding Officer shall recognize speakers on matters under the Opportunity Public Comment portion of the agenda. Persons addressing the Council shall do so only at the speakers' rostrum and should begin by stating their name and address for the records. All remarks shall be addressed to the Council as a body and not to any member thereof, or to staff, or to the public. No person other than a member of the Council, the City Manager, or the City Attorney and the person having the floor, shall be permitted to enter into any discussion without the permission of the Presiding Officer.

C. LIMITS

Each speaker shall speak only once on an agenda item and limit his/her remarks to five (5) minutes when speaking at the time of the agenda item and three (3) minutes when speaking on non-agenda or agenda items under Opportunity for Public Comment, except as otherwise specifically provided for in these Rules or the Open Government Ordinance, or except as time is extended by the Presiding Officer with the consent of a majority of the Council. Each speaker shall avoid repetition of the remarks of prior speakers and speak only to the specific agenda item under consideration.

In accordance with the Open Government Ordinance, the Presiding Officer may request spokespersons be designated to represent similar views. The time limits and order for speaking shall be in accordance with the provisions for Spokespersons in III. C. below.

D. QUESTIONS

Following each speaker's remarks, each Council Member shall be given the opportunity to comment further and to address questions to the speaker. The speaker may not be permitted or required to answer such questions if a majority of Council Members present other than the questioner object.

III. HEARING PROCEDURES

A. A Public Hearing should not exceed one hour in length.

B. The procedures for Public Hearings are as follows:

1. Presentation by Staff.
2. Presentation by Proponents.
3. Presentation by Opponents.
4. Rebuttal by the Proponents.
5. The Presiding Officer shall recognize supplemental speakers as required by law or deemed appropriate to gather information relevant to the matter before the City Council. Supplemental speakers shall limit their remarks to presenting new information not already covered by other speakers, and must limit their presentation to five (5) minutes.
6. Following the public portion of the hearing, the Presiding Officer shall declare the public portion of the hearing closed and the matter is then before the City Council for the Council portion of the hearing. Each Council Member shall be given an opportunity to speak to the subject. When the Council discussion has been concluded, the Council shall make its decision.

- C. Spokespersons for the Proponent and Opponent shall each have fifteen (15) minutes to present their case. The spokesperson for the Proponent shall have five (5) minutes to present any rebuttal.

#### IV. CREATION OF COMMITTEES, BOARDS AND COMMISSIONS

##### A. CITIZEN COMMITTEES, BOARDS AND COMMISSIONS

The Council may create committees, boards, and commissions to assist in the conduct of the operation of the City Government with such duties as the Council may specify, not inconsistent with the City Code. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the City Code.

##### B. MEMBERSHIP AND SELECTIONS

1. Membership and selection of members shall be as provided by the Council if not specified by the City Code. The names of the proposed appointees shall be posted five (5) working days prior to the appointment being made.
2. For appointments to a board or commission where state law provides for appointment by the Council as a whole, any Council member may nominate a person for appointment. The Council shall then vote on the nominee at the following Council meeting.

##### C. REMOVAL OF MEMBERS OF COMMITTEES, BOARDS & COMMISSIONS

The Council may remove any member of any committee, board or commission which it has created by an affirmative vote of at least four (4) members of the Council, if removal is not specified in the City Code.

#### V. RULES OF ORDER

##### A. QUORUM

Three Council Members shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn meetings of the Board. If a quorum is not present within one hour after the time noticed for commencement of the meeting and thereafter any Council Member who was present at the end of such hour leaves and does not return, no meeting shall be held on that date notwithstanding the later presence of three (3) or more Council Members.

B. RIGHT TO THE FLOOR

A Council Member shall not have the right to the floor without being recognized by the Presiding Officer, except upon a point of order.

C. ORDINANCES, RESOLUTIONS, AND MOTIONS --- PRECEDENTS

When any ordinance, resolution, or motion is properly brought before the Council and seconded by another Council Member, no other action shall be considered except a point of order, or a motion to adjourn, to table, to table to a time certain, to close debate, to refer or to amend. Such items shall have precedence in the order stated in the preceding sentence. Points of order shall be ruled upon by the Presiding Officer, provided that such ruling may be overridden by a majority of the Council. All of such motions, except motions to amend, shall be put to a vote without debate and decided by a majority. Any of the foregoing motions shall be in order at anytime the speaker is duly recognized, except when repeated without intervening business or discussion, or if made when the motion to close debate has been adopted or while a vote is being taken.

1. MOTION TO TABLE

If a motion to table without time certain passes, consideration of the matter may be resumed only upon the motion of a member voting with the majority on the motion to table.

2. MOTION TO CLOSE DEBATE

When a motion to close debate is duly made and seconded, there shall be no further debate. If the question carries, the Presiding Officer shall put pending amendments to a vote, without debate, in the inverse order of their introduction before putting the main question. If the question is decided negatively, the main question and its amendments remain before the Council.

3. RECONSIDERATION

Providing that no intervening rights shall be prejudiced, any Council Member who voted with the majority on a question may move the reconsideration of that question at the same meeting in which the original decision was made or at the next following meeting. After a motion for reconsideration has been acted upon, no other similar motion shall be made without unanimous consent.

#### 4. VOTING

Unless otherwise required by applicable law, three affirmative votes are required to enact an ordinance, to adopt a resolution, or to adopt a motion granting a franchise or authorizing the payment or expenditure of money or incurring of a debt. The majority of a quorum is required to adopt other motions, unless otherwise required by applicable law. A "majority" refers to a majority of the quorum present. All ordinances, resolutions and appointments shall be adopted by a roll call vote. All other matters may be referred to a voice vote unless a roll call is requested by any Council Member. On all matters for which a voice vote is authorized, the Presiding Officer may ask for, "objections to the question". If no objection is expressed, the Presiding Officer shall, "so order" and the minutes shall record a unanimous vote in favor. If any Council Member objects to the procedure, a roll call vote shall be called in the normal manner.

#### D. ADJOURNMENT

It is the desire of the City Council to adjourn their meetings by 11 p.m. Therefore, no new business will be taken up by the Council after 11 p.m. unless the City Council adopts a motion to continue. The remaining items will be placed on the next regularly scheduled Council meeting in the appropriate section of the agenda, unless the City Council calls for a special meeting to consider one or more of the continued items.

#### E. DIVISION OF THE QUESTION

If a matter properly put before the Council contains two or more separable propositions, the Presiding Officer shall, with the consent of one other Council Member, divide the question into its separable parts for consideration in order.

APPENDIX A

REQUEST FOR POLICY CONSIDERATION

Requested by: \_\_\_\_\_

Council Meeting Date: \_\_\_\_\_

Problem/Issue/Idea Name: \_\_\_\_\_

Description of Problem/Issue/Idea \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COUNCIL DIRECTION

No Further Action

Refer to: Staff \_\_\_\_\_  
Commission \_\_\_\_\_  
Board \_\_\_\_\_  
Committee \_\_\_\_\_

Date Due: \_\_\_\_\_

## **Guidelines for Setting Agendas for Council Meetings**

1. Mayor and City Manager collaborate on the Agenda
2. Council Members can request placement of a new item on the agenda:
  - Items will be placed under Council Comments section
  - If action desired, follow-two step policy-making process
3. Recommended guidelines for formulating agendas:
  - i. follow Rules of Procedure
  - ii. follow Two-Step Policy-making process
  - iii. follow Policy Calendar Process
  - iv. spread agenda items over several meetings rather than take all that are ready and overburden a single meeting
  - v. Schedule difficult or discussion-intensive matters early in meeting
  - vi. conclude at a reasonable hour, not later than 11:00 PM.
  - vii. Limit presentations:
    - to matters that fit the adopted Strategic Plan, the adopted Policy Calendar and to items that in the opinion of the Mayor and City Manager are desired by a majority of the City Council.
    - if a Council Member disagrees with decision of Mayor and City Manager, Council Member may place the matter under Council Comments for discussion and disposition.
  - viii. Consent Calendar: use it aggressively for meeting efficiency
  - ix. Council Member Committee Reports: make oral reports by exception

## **Principles for Effective Council Meetings**

1. An agenda process that represents the wishes of the Mayor and City Council.
2. All Council Members get the same quantity, quality and frequency of information from staff.
3. Don't surprise staff with issues, questions and concerns. Let staff know in advance so they can be prepared.
4. Conduct important business when public can readily attend, e.g., not after 10:00 p.m.
5. Maintain a professional decorum.
6. Don't focus on personalities, focus on issues.

\*Principles gleaned from survey of Council Procedures in five nearby cities and a search of related documents. Survey taken in early 2005. Cities surveyed: Walnut Creek, Sunnyvale, Fairfield, Vacaville and Benicia.

## **SETTING A DIRECTION**

**FY 2007-08 & 2008-09**  
**Mission, Vision, Guiding Principles**

**Our Mission:** To serve our community with care, commitment and pride.

**Our Vision:** To build a great community together by preserving and strengthening

- Our small town character
- Our history
- A safe and healthy environment
- A vibrant economy

**Our Guiding Principles:**

- Integrity: doing the right thing, not the easy thing
- Excellence: giving our best always, continuously improving
- Service: being accessible, caring and responsive
- Inclusiveness: seeking involvement of all stakeholders

**FY 2007-08 and 08-09  
Strategic Goals**

1.00 – Maintain a Strong Economy

2.00 – Strengthen Downtown

3.00 – Take Care of Infrastructure

4.00 – Protect Community Health and Safety

5.00 – Enhance Community Appearance

6.00 – Expand Youth Activities and Services

7.00 – Build Community Collaboration

8.00 – Build Organization Quality and Capacity

9.00 – Promote Arts, Culture and Continuous Learning

**FY 2007-08 and 2008-09  
Strategies for Addressing Goals**

**1.00 – Maintain a Strong Economy**

- 1.10 – Pursue a comprehensive tourism plan citywide
- 1.20 – Assist small businesses
- 1.30 – Facilitate and encourage sustainable development

**2.00 – Strengthen Downtown**

- 2.10 – Pursue a comprehensive tourism plan downtown
- 2.20 – Encourage mixed use development
- 2.30 – Protect historic resources

**3.00 – Take Care of Infrastructure**

- 3.10 – Provide a balanced street system (automobiles, pedestrians, bicycles, and transit)
- 3.20 – Improve and maintain public buildings

**4.00 – Protect Community Health and Safety**

- 4.10 – Maintain air quality and promote energy conservation
- 4.20 – Prepare for emergencies
- 4.30 – Protect against flood hazards

**5.00 – Enhance Community Appearance**

- 5.10 – Promote quality design in new construction and remodeling
- 5.20 – Eliminate blight from neighborhoods

**6.00 – Expand Youth Activities and Services**

- 6.10 – Provide healthy and enriching year-round programs for middle and high school students
- 6.20 – Establish alcohol and drug use prevention programs for youth

**7.00 – Build Community Collaboration**

- 7.10 – Establish a neighborhood-serving community center
- 7.20 – Enhance civility in community conversations
- 7.30 – Promote a healthy community

**8.00 – Build Organization Quality and Capacity**

- 8.10 – Upgrade communication and information technology for staff and public information
- 8.20 – Measure and track service performance
- 8.30 – Maintain the City’s strong fiscal health

**9.00 – Promote Arts, Culture and Continuous Learning**

- 9.10 – Support the Library and its services
- 9.20 – Support arts programs and facilities

**FY 2007-08 & 2008-09  
Top 13 Council Priorities**

Complete Downtown Master Plan

Complete historic Arsenal Plan

Prepare and implement Comprehensive Tourism Plan

Complete restoration of historic Commandant's Residence

Convert Mills School to a Community Center

Complete X-Park construction

Complete Library basement remodeling

Pursue Police building improvements

Finalize funding and complete plans for State Park Road Bridge

Procure Fire Rescue Boat

Investigate feasibility of Ferry Service to Downtown

Appropriately assess and mitigate Benicia Business Park proposal

Reduce energy consumption and CO<sub>2</sub> emissions