



CITY OF VACAVILLE
COUNCIL POLICIES AND PROCEDURES

ADOPTED NOVEMBER 10, 2020

Table of Contents

- I. INTRODUCTION AND OVERVIEW 5
 - A. Purpose and Intent of Policies and Procedures 5
 - B. Overview of Statutory Authorities and the City’s Guiding Documents 5
 - 1. California Constitution 6
 - 2. California Government Code 6
 - 3. Vacaville Municipal Code..... 6
 - 4. Land Use and Development Code 6
 - 5. General Plan and Housing Element 7
 - 6. Strategic Plan 7
 - 7. Operating Budget..... 7
 - 8. Capital Improvement Program 7
 - 9. Rosenberg’s Rules of Order 8
 - 10. Policies adopted through Council Approval..... 8
- II. ORIENTATION OF NEW CITY COUNCIL MEMBERS – 8
 - A. Newly Elected Members 8
 - 1. Installation of new City Council Members 8
 - 2. Pre-installation considerations..... 9
 - B. Meetings with City Manager, City Attorney, Department Directors..... 9
- III. CITY COUNCIL – ORGANIZATION AND GENERAL POWERS AND RESPONSIBILITIES..... 9
 - A. Organization 9
 - 1. Council-Manager Form of Government 9
 - 2. City Council Generally 9
 - 3. At-Large Governance 10
 - 4. Selection of the Vice Mayor 10
 - 5. Role of Mayor and Vice Mayor 11
 - 6. City Council Compensation 11
 - B. General Powers and Responsibilities 11
 - 1. Establish Policy..... 11
 - 2. Appointment of City Manager and City Attorney; Ratification of Fire Chief Appointment.... 12
 - 3. Role in Emergencies 12
 - 4. Other Roles and Capacities of City Councilmembers..... 12
 - 5. City Commissions, Advisory Bodies, and Committees..... 13
 - 6. Confidential Matters..... 14

7.	Handling of Litigation.....	15
8.	Council/Councilmembers' Role in Labor Negotiations.....	15
IV.	CONFLICTS OF INTEREST AND LIABILITY	17
A.	Conflicts of Interest	17
1.	Governing Laws.....	17
2.	City Attorney Conflict Advice.....	18
3.	Conflict of Interest Form (Form 700).....	18
4.	Ethics Training (AB 1234)	19
B.	Liability.....	19
1.	City Liability.....	19
2.	City Councilmember Liability.....	20
V.	City Council Meetings, Agenda Guidelines, Conduct	20
A.	City Council Meetings - Nuts and Bolts.....	20
1.	Schedule	20
2.	Absence of Mayor, Vice Mayor, Councilmembers.....	20
3.	Seating on Dais.....	21
4.	Length of Meetings	21
5.	Brown Act – Open Meeting Laws	21
6.	Types of Meetings.....	22
7.	Closed Sessions/Closed Session Items	23
8.	Role of Public/Public Attendance.....	24
B.	Agenda and Notice Guidelines.....	25
1.	General	25
2.	Preparation of Agenda.....	25
3.	Order of Business	25
4.	Adding Items after Posting of Agenda	25
5.	Public Notice and Outreach	26
6.	Placing Items on Future Agendas	26
C.	Conduct of Meetings	26
1.	Rosenberg's Rules	26
2.	Decorum at Council Meetings	27
3.	Minutes	27
4.	Quasi-Judicial Proceedings, Public Hearings, and Findings	28
5.	Ex Parte Contacts	28

VI.	COMMUNICATIONS FROM CITY COUNCIL	29
A.	Communications Representing the Council’s Position or Policy/Speaking for the City	29
1.	Ceremonial Representative	29
2.	Use of City Letterhead	30
3.	Proclamations/Certificates	30
VII.	INTERACTIONS WITH CITY STAFF	31
A.	Overview	31
B.	City Council Direct Reports – City Manager and City Attorney	31
1.	City Manager Relationship	31
2.	City Attorney Relationship	32
C.	City Council Communication with Staff	32
D.	Restrictions on Political Involvement by Staff	33
VIII.	SUPPORT PROVIDED TO CITY COUNCIL	34
A.	Staff Support	34
1.	Mail	34
B.	Technology	35
1.	Email/Cell phones	35
C.	Meeting Rooms	35
D.	Training Opportunities	35
1.	Mandatory Training – Ethics (AB 1234) and Sexual Harassment Prevention (AB 1661)	36
2.	League of California Cities Training Opportunities	36
3.	Other Training Opportunities	36
IX.	Glossary of Acronyms	37
X.	Appendices and Other Resources	37

I. INTRODUCTION AND OVERVIEW

A. Purpose and Intent of Policies and Procedures

Members of the Vacaville City Council serve as board members of a municipal corporation overseeing an annual budget of over \$230 million dollars. In that role, Councilmembers serve the critical function of establishing guiding policies for and shaping the future of the community. To assist in that endeavor the City Council has adopted this reference manual.

The manual is intended to accomplish three goals. First, the manual is an **informational guide** for anyone doing business or appearing before the City Council. Second, the manual **highlights certain laws, documents accepted practices, and clarifies expectations** of Councilmembers and the public. Third, the manual is a compilation of **policies, procedures, and practices** that have been formally adopted by separate resolution.

This manual is not intended to be overly restrictive, but rather to be instructive. It is not all-inclusive, nor is it intended to supersede any federal, state, or local laws or create any additional legal requirements or obligations. Where any conflicts arise between these policies and procedures and federal, state and local law, the applicable law will prevail. Policies and practices may change as dictated by changes in circumstances or the law. With that in mind, the City Council may review and revise this manual accordingly, and at a minimum will review the manual every two years.

B. Overview of Statutory Authorities and the City's Guiding Documents

The City of Vacaville is a general law city and has only those corporate powers expressly conferred on it by the California Constitution or the State Legislature, together with such powers as are “necessarily incident to those expressly granted or essential to the declared object and purpose of the municipal corporation”.¹

¹ California Constitution Article XI, §7. Vacaville is a general law city as opposed to a charter city which is governed primarily by a charter that is voted on and adopted by the people of the City.

1. California Constitution ²

The [California Constitution](#) provides the legal authority for the establishment of municipal corporations. (Article XI, §2.) Additionally, the California Constitution grants a number of powers to cities, such as the power to make and enforce within its boundaries all local, police, sanitary, and other ordinances and regulations not in conflict with general laws (the “police power”; Article XI, §7); the taxing power (Article XIII §24); the power of eminent domain (Article I, §19) (the power to take private property for a government use upon fair payment); and the power to establish and operate public works (Article XI, §9).

2. California Government Code

The [California Government Code](#) contains many requirements for the operation of city government and administration of the City’s public meetings and business. Many of these requirements are referenced in this manual and in the Vacaville Municipal Code (discussed below) so that there is a broad awareness of such requirements.

3. Vacaville Municipal Code

The [Vacaville Municipal Code](#) (“VMC”) contains local laws and regulations adopted by ordinances. The VMC contains a variety of laws that apply locally including, but not limited to, administrative standards (including rules governing the conduct of City Council meetings), imposition and collection of certain taxes, health and safety regulations (e.g. animals and nuisance regulations), and solid waste, water, and sewer regulations.

4. Land Use and Development Code

The [Land Use and Development Code](#) (LUDC) is a separate title of the VMC. The LUDC governs both technical development in the City (what things look like, how they are constructed, infrastructure and set back requirements, etc.) and the types of uses or activities that are allowed in different areas of the City (residential uses and densities, industrial and commercial uses, open space, public facilities, types of home occupations, etc.).

² The term “Articles” in this manual refers to the Articles found in the California Constitution.

5. General Plan and Housing Element

The [General Plan](#) is a state mandated planning document that addresses adopted future land use development plans and policies. It includes seven required elements³ and two additional elements⁴ and is updated on a periodic basis. The Housing Element is part of the General Plan but is prepared as a separate document and is required to be updated on a different time schedule. State law provides for the adoption of an annual report of the General Plan implementation by the City Council. Once adopted, the annual report must be filed with the State. The General Plan is often referred to as the City’s “constitution for development.” In general, development within the City must be consistent with the General Plan. Many of the land use decisions the City Council makes require an evaluation of the decision’s consistency with the General Plan.

6. Strategic Plan

The Strategic Plan (Appendix Item X.1) is a City Council adopted planning tool that sets forth the Council’s priorities for the City. It is used as a unifying guide to provide direction for City Council decisions, funding priorities, and use of staff time and City resources. The Strategic Plan is intended as a guiding tool for approximately 3 – 5 years, and may be revisited and revised by the City Council on an as-needed basis.

7. Operating Budget

The City’s [budget](#) is an important policy document. It serves as an annual financial plan, identifying the spending priorities for the organization. The budget is used to balance available resources with community needs as determined by the City Council. It also serves as a tool for communicating the City’s financial strategies and for ensuring accountability. The City’s operating budget is prepared and adopted annually based on a fiscal year beginning on July 1 and ending on June 30 of the following year.

8. Capital Improvement Program

The Capital Improvement Program (CIP) is a multi-year planning tool used to identify, prioritize and implement the City’s infrastructure needs such as city

³ Government Code §65302 - The seven mandated elements include land use, transportation (circulation) conservation, open space, safety, noise, and housing.

⁴ Additional elements include a parks and recreation element and a public facilities and services element.

buildings, streets, sewer, water, storm drainage, parks and trails. CIP projects not only include new facilities but maintenance and repairs to existing facilities. The CIP identifies the overall project budget, project scope, timing and funding sources. The CIP budget is adopted annually with the City's Operating Budget and may be augmented for individual projects throughout the year. Funding sources include General Fund, Measure M, Development Impact Fees, Utility Repair and Replacement, Gas Tax and other grants and programs.

9. Rosenberg's Rules of Order

The City Council has adopted [Rosenberg's Rules of Order](#) as its parliamentary procedure rules governing its public meetings and items that are not specifically addressed in the VMC.⁵

10. Policies adopted through Council Approval

From time-to-time the City Council adopts formal policies to govern particular situations. The policies do not have the force of law, but provide formal guidance as to how various matters should be addressed. Formally adopted City Council policies are incorporated in Appendix X.3 of this manual. Appendix X.3 will be updated as City Council policies are adopted, changed, repealed, or otherwise expire without the need for a formal revision to this manual.

II. ORIENTATION OF NEW CITY COUNCIL MEMBERS –

A. Newly Elected Members

1. Installation of new City Council Members

Once a general municipal election occurs, the Solano County Registrar of Voters Office has thirty (30) days to certify the results of the election. The standing Council will adopt the Canvass of the Election at the next Council meeting date immediately following the Registrar of Voter's certification. The outgoing officers will leave their seats. The newly elected officers will be installed and given the Oath of Office.

⁵ VMC §2.04.270

2. Pre-installation considerations

Before being sworn into office and taking their seats, newly elected officers are subject to the provisions of the Brown Act and shall be treated for purposes of enforcement as if they had already assumed office.⁶

B. Meetings with City Manager, City Attorney, Department Directors

It is important that the members of the City Council gain an understanding of the full range of services and programs provided by the organization as well as regulations pertaining to municipal officers. As new members join the City Council, the City Manager, City Clerk and City Attorney will provide an orientation and guiding documents sufficient to familiarize new officers with the structure and organization of the City and its operative budget and financial characteristics; the Brown Act, Public Records Act and Political Reform Act; and tasks and procedures Councilmembers should know and complete to perform their duties.

The City Manager will also facilitate introductory meetings with Department Directors to provide tours and overviews of the programs and activities undertaken by their departments.

III. CITY COUNCIL – ORGANIZATION AND GENERAL POWERS AND RESPONSIBILITIES

A. Organization

1. Council-Manager Form of Government

The City of Vacaville has adopted a Council/Manager form of government.⁷ In this form of government, the City Council serves as the legislative and policy-making body of the City and the City Manager serves as the chief administrative officer of the City, responsible for implementing the City Council's policies and overseeing the day-to-day operations of the City organization.⁸

2. City Council Generally

The City Council is comprised of six Councilmembers and a Mayor. On September 25, 2018, the City Council adopted an ordinance to transition from a 5 member

⁶ California Government Code §54952.1

⁷ See VMC Chapter 2.08 and California Government Code §§34851 - 34859

⁸ See Section VII.B.2 for additional information about the City Manager's role.

City Council with the Mayor and all Councilmembers elected at-large, to a 7 member City Council with the Mayor elected at large and the Councilmembers elected by districts commencing with the November 2020 election. A Vice-Mayor is selected by the City Council from one of its members.⁹

A majority of the Council must be present to transact business¹⁰ and decision making authority is centralized in the City Council collectively and not in individual members of the Council. No member has any extraordinary powers beyond those of other members and all votes carry equal weight. Council actions are taken and policy is established by a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority binds the Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the Council is implemented. Actions of staff to pursue the policy direction established by a majority of the Council does not reflect any bias against Councilmembers who held a minority opinion on an issue.

3. At-Large Governance

Although councilmembers are elected by districts, the City Council as a body desires to ensure that policy-making decisions and allocation of City resources continue to be addressed on a City-wide basis throughout municipal boundaries and not on a by district basis. One of the ways in which the Council achieves this objective is through the adoption of a Strategic Plan setting forth City-wide priorities and goals. The Council is committed to reviewing the Strategic Plan on a bi-annual basis.

4. Selection of the Vice Mayor

In December of each year¹¹ the Mayor will receive nominations for a Vice-Mayor from among the members of the Council and the City Council shall vote on the nomination. The Council will vote as nominations are made and receive a second, and the Mayor will continue to receive nominations until a there is an affirmative vote of the majority of the Councilmembers present. Unless the position is vacated earlier, the term of the appointment shall be for one year commencing at the time of appointment and terminating immediately upon a subsequent

⁹ Government Code §§34905, 36801

¹⁰ Government Code §36810

¹¹ In years following a general municipal election, the Vice Mayor appointment shall occur at the meeting where (and after) the newly elected councilmembers are sworn in.

appointment pursuant to this procedure. No appointed Councilmember shall be eligible to serve as Vice Mayor. Only Councilmembers that have served on the City Council for at least one year shall be eligible to serve as Vice Mayor.

5. Role of Mayor and Vice Mayor

The Mayor has all of the same powers and duties as a Councilmember, in addition to powers and duties provided for by State law, the Vacaville Municipal Code¹², and these practices and procedures. The Mayor is responsible for signing official city documents and contracts, and making appointments to boards, commissions, and committees, subject to City Council approval. The Mayor serves as the presiding officer and chair of all meetings of the City Council and is responsible for preserving decorum and deciding questions of order.

The Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or disability. The Vice Mayor remains as one member of the City Council and has no rights or authority different from any other member of the City Council, except when performing the duties of the Mayor.

6. City Council Compensation

Councilmember compensation is governed by State law and Chapter 2.20 of the Vacaville Municipal Code. The amount is memorialized in the Municipal Code.¹³

B. General Powers and Responsibilities

1. Establish Policy

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

The Council is the legislative body of the City. The Council approves the budget and determines the public services to be provided and the taxes, fees and

¹² Government Code §§ 40601 – 40605, VMC Chapter 2.04, respectively

¹³ Currently Councilmembers receive a salary of \$829.00 per month

assessments to pay for these public services. It focuses on the community's goals, major projects and such long-term considerations as community growth, general plan and land use, development standards, capital improvements, financing and strategic planning.

2. Appointment of City Manager and City Attorney; Ratification of Fire Chief Appointment

The City Council appoints two positions within the City organization: the City Manager¹⁴ and the City Attorney.¹⁵ Both positions serve at the will of the City Council. Both the City Manager and City Attorney are employees of the City and each has an employment agreement which specifies some terms of employment including an annual evaluation by the City Council. The City Attorney is responsible for all personnel appointments in the City Attorney's Office. Excepting the City Attorney's Office, The City Manager is responsible for all personnel appointments within the City. The City Manager's appointment of the Fire Chief is subject to Ratification of the City Council.¹⁶

3. Role in Emergencies

Emergency situations consist of such events as natural disasters, security threats, work stoppages and other crippling activities that pose immediate and significant peril to public health or safety. The City Council has appointed the City Manager as the Director of Emergency Services and empowered the City Manager to take various actions in emergency situations.¹⁷ Additionally, the City Council has adopted an Emergency Operations Plan ("EOP") to manage emergency situations. Pursuant to the EOP and State law, the City Council has some extraordinary powers during an emergency situation. The City Council can issue emergency proclamations or ratify proclamations issued by the Director of Emergency Services. Further, certain meeting restrictions, expenditure controls and public bidding may be eased in disaster situations.

4. Other Roles and Capacities of City Councilmembers

The City Council also serves as the governing body of several other legally independent agencies such as the:

¹⁴ Vacaville Municipal Code §2.08.020

¹⁵ California Government Code §36505

¹⁶ Vacaville Municipal Code §2.40.010

¹⁷ Vacaville Municipal Code §2.52.050

- a. Vacaville Public Finance Authority
- b. Vacaville Housing Authority
- c. Successor Agency to the Redevelopment Agency
- d. Ground Water Sustainability Authority
- e. Lagoon Valley Hazard Abatement District

Detailed information regarding these and future independent agencies is included in **Appendix X.4**, which will be updated by staff as new agencies are established and existing agencies are dissolved.

Generally, meetings of these various agencies are consolidated with scheduled City Council meetings. In that case, when the City Council takes action in its role as another agency, such will be specified on the agenda, in the agenda packet information and in the staff presentation. No additional compensation is provided for serving in these capacities.¹⁸

5. City Commissions, Advisory Bodies, and Committees

Commissions, committees and advisory bodies provide a great deal of assistance to the Council in formulating public policy and transforming policy decisions into action. From time to time special purpose committees and task forces are created by the City Council to address issues of interest.

a. Appointment of commissioners, advisory body and committee members

The Mayor may, subject to approval of the Council, appoint such committees of councilmembers, private citizens, or both as deemed desirable and necessary to assist and advise the Council in its work.¹⁹

Applicants for commissions must meet any requirements for the commission as established by the Vacaville Municipal Code at the time of application and for the duration of the term.²⁰ Advisory and committee qualifications may be determined by the Council at the creation of the body or by Council amendment thereafter. Appointed members must meet all qualifying criteria throughout the term of the appointment. Prior to the meeting where appointments are

¹⁸ California Government Code §54952.3

¹⁹ VMC §2.40.200

²⁰ Currently VMC §2.28.020 and §2.34.010

anticipated, the agenda packet should include general background information on each of the Mayor's recommended appointees.

b. City Council communication with Commissions, advisory bodies, and committees and their members

Commissions, committees, and advisory bodies ("commissions") created by the City Council serve the specific role or function as determined by the City Council when the subordinate body was created. Generally, any decisions or recommendations from the commissions are communicated to the City Council when the item on which the commission is advising comes to the Council for consideration.

Because the commissions receive direction from the City Council as a body, no individual Councilmember should direct individual commissioners or a commission as a whole without permission of a majority of the City Council.

Any number of Councilmembers, including a majority of Councilmembers, may attend open and noticed meetings of City commissions, committees and advisory bodies, provided that the Councilmembers do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the City Council.²¹ Additionally, depending upon the nature of the item being considered, to ensure fairness and due process and to prevent potential recusal at a later hearing before the City Council, Councilmembers should be cautious about giving public testimony or otherwise trying to influence the outcome of proceedings of a subordinate body, particularly in quasi-judicial matters.

6. Confidential Matters

From time-to-time the City Council will receive confidential information or will meet in closed session as authorized by State law²²; in such cases Councilmembers shall respect the confidentiality of the information.

Councilmembers shall not disclose confidential information to anyone, including the media, without proper legal authorization or use such information to advance their personal interests or the interests of other parties.

²¹ Government code §54952.2(c)(4)

²² Government Code §§ 54954.2, 54957.7

7. Handling of Litigation

Due to the nature of services the City provides and the work the City engages in, occasionally the City becomes involved in litigation. The City may either initiate litigation or be named as a defendant in a lawsuit. The City Council approves litigation initiated by the City. The City Attorney's Office either directly handles or oversees outside counsel in all litigation the City is involved in. The City Attorney keeps the City Council apprised of litigated matters and will periodically seek input, direction and/or approval of items related to litigated matters.

Councilmembers shall keep all written materials and verbal information provided to them concerning litigation in complete confidence to ensure that the City's position is not compromised. No disclosure or mention of information in these matters shall be made to anyone other than Councilmembers, the City Attorney and staff of the City Attorney's Office, the City Manager or the City Clerk.

8. Council/Councilmembers' Role in Labor Negotiations

Labor relations and negotiations in the City are governed by the Council/Manager form of government²³ the Meyers-Milias-Brown Act ("MMBA") Gov't Code section 3500 et. seq., the City's Employer-Employee Relations Resolution (Resolution No. 2008-92), and the various ground rules adopted during the bargaining process. An overriding requirement of labor negotiations set forth in the MMBA is that the parties meet and confer in good faith.

While City Council's role is to determine the City's broad negotiating objectives the actual negotiations are conducted on the City's behalf by the City's principal Employee Relations Officer. The City Council by Resolution 2008-92 designated the City Manager or his/her designee as the Employee Relations Officer and the City's principal representative in all matters of employer-employee relations.

The Employee Relations Officer, also referred to as the Chief Negotiator, has the authority to meet and confer in good faith on all matters of employer-employee relations. The Chief Negotiator may designate a team of people comprised of internal staff and/or outside consultants to assist with negotiations.

Both the City and the bargaining units have an obligation under applicable laws to negotiate in good faith. The purpose of this section is to establish guidelines, in

²³ (section III.A.1 above)

the interest of fairness and integrity in the bargaining process, for City Councilmembers during labor negotiations. This section does not seek to direct or control the actions of labor; rather, it seeks to impose a level of self-discipline by the City Council on its own members. Adherence to the guidelines will avoid actions that could circumvent designated bargaining teams, and help to ensure that labor negotiations are conducted in good faith.

Guidelines:

- All labor negotiations shall be conducted by designated representatives at the bargaining table. No Councilmember will individually negotiate with any bargaining unit member. Any inquiries received by a Councilmember from a bargaining unit's representative regarding bargaining proposals shall be referred to the City's authorized designated bargaining team.
- The Council shall provide direction/authority to the designated bargaining team in closed session through a majority agreement. The City's designated bargaining team, and not the City Council, will communicate the City's proposals and position at the bargaining table.
- The City's designated bargaining team shall provide updates on the status of negotiations in closed session as needed. Councilmembers shall direct any questions related to labor negotiations for follow up to the City Manager.
- Consistent with Government Code Section 54963 (the Brown Act), closed session discussions regarding labor relations are to be held in the strictest confidence and Councilmembers shall not disclose any closed session discussion regarding negotiations.
- If bargaining unit members ask Councilmembers any questions, provide any feedback or make general comments about the status of negotiations, they shall be referred to their bargaining representative in all instances. By talking with union representatives during negotiations about the substance of the negotiations a Councilmember runs the risk of intentionally or inadvertently disclosing confidential information, breaching the established ground rules, opening the City up to a claim of

breach of the good faith meet and confer obligation, and/or undermining the City's negotiations.

- In the event a bargaining unit member speaks with a Councilmember, the Councilmember shall disclose to the City Manager and to the entire City Council material facts regarding issues related to ongoing negotiations.
- Councilmembers should avoid statements in open session regarding the City's bargaining position that might imply a fixed position contrary to the duty to collectively bargain (e.g., *"There is no way we can provide City employees a raise."*) which can result in direct dealing and unfair labor practice charges for bad faith bargaining in violation of labor relations laws. Instead, a council member may wish to discuss general challenges the City faces in open session that may impact its position in collective bargaining yet do not commit to a position (e.g., *"the City has a number of fiscal challenges it cannot overlook where its ongoing costs outpace revenues and this will have to be taken into consideration as part of our ongoing labor negotiations process."*).

IV. CONFLICTS OF INTEREST AND LIABILITY

A. Conflicts of Interest

State laws are in place that attempt to eliminate any action by a Councilmember which may reflect or result in a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest.

Any time a Councilmember believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney's Office or private legal counsel for advice. Laws which regulate conflicts can be very complicated. Violations may result in significant penalties to the involved Councilmember including fines, disqualification from office and holding future offices, and criminal prosecution.

1. Governing Laws

Several laws govern conflicts of interest for public officials in California, such as the **Political Reform Act**²⁴, **Government Code §1090**²⁵, and judicially created

²⁴ Government Code §81000, et seq.

²⁵ Government Code §1090 et seq.

common law conflicts of interest. In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the legislative body (i.e., the City Council). Government Code §1090 prohibits a public official from being financially interested in government contracts. The judicial doctrine of common law conflicts of interest applies to both financial and non-financial conflicts of interest and has developed to ensure that decisions of public officials are made for the benefit of the public, not for the benefit of a private interest. Elected officials have a duty to exercise their position and powers with “disinterested skill, zeal, and diligence primarily for the benefit of the public.”²⁶

The [Fair Political Practices Commission \(FPPC\)](#) has extensive regulations and opinions on conflicts of interest that are useful in determining whether a particular financial interest or decision could give rise to disqualification based on a potential conflict of interest. The FPPC also provides informational materials to assist public officials in determining what types of situations may give rise to prohibited conflicts of interest.

2. City Attorney Conflict Advice

It is important to note that while the City Attorney can render advice on the interpretation of the state laws and regulations on conflict matters, such advice is solely an interpretation of the law and does not protect the individual Councilmember from violations of conflict of interest laws. The only authority that can provide binding interpretations on such matters, and legal protection for Councilmembers, is the FPPC through a formal written advice letter. Such advice letters take time to prepare and may not readily respond to urgent matters. The FPPC also issues informal advice through email and over the phone. While such informal advice does not provide legal protection, it can provide helpful and timely guidance in evaluating conflict situations.

3. Conflict of Interest Form (Form 700)

Pursuant to the Political Reform Act²⁷ and the City’s adopted Conflict of Interest Code,²⁸ Councilmembers, Commissioners and designated staff must complete annual disclosure statements (Statement of Economic Interests) identifying sources of income, ownership of property, and receipt of loans and gifts. This is

²⁶ *Noble v. City of Palo Alto* (1926) 89 Cal.App.47, 51

²⁷ Government Code §87200 et seq. and California Code of Regulations – Article 2, of Title 2

²⁸ Government Code §87300 et seq.

commonly known as the “Form 700” and generally must be submitted to the FPPC each year by April 1st. Councilmembers often serve on the governing board of other agencies as a result of their position on the Council (e.g. Solano Transportation Authority or Air Quality Management District). These agencies may also require submittal of disclosure forms.

4. Ethics Training (AB 1234) ²⁹

Because the City of Vacaville compensates councilmembers and provides reimbursement for actual and necessary expenses incurred in the performance of official duties, all local officials (regardless of whether they are compensated or not) must receive at least 2 hours of ethics training every two years. The training covers general ethics principles and ethics laws related to the official’s public service. Although Councilmembers and other local officials may seek out training on their own, the City will also periodically provide notification of opportunities to complete the training.

B. Liability

1. City Liability

The City provides a number of high profile services, such as public safety, streets, water and sewer, and parks and recreation, which carry some degree of risk and liability. The City is a self-insured public agency. To maintain financial solvency and mitigate exposure related to general losses, the City is also a member of the California Joint Powers Risk Management Association (“CJPRMA”), which is a risk management pool.³⁰ CJPRMA’s pooled assets and the excess insurance policies maintained by CJPRMA provides cyber, drone, pollution, property, boiler and machinery, and auto physical damage coverage as well as excess general liability coverage for losses that exceed \$750,000.³¹ As a matter of sound risk management and financial practices, the City should always approach its responsibilities in a manner that recognizes the potential of risk and liability for all involved.

²⁹ Government Code §53234 et seq.

³⁰ CJPRMA is made up of participating public entities that annually contribute to a pooled fund which is used to cover losses sustained by any member of the risk pool.

³¹ The City is responsible for the first \$750,000 of damages and attorneys’ fees for each covered incident.

2. City Councilmember Liability

It is important to be aware that violations of certain laws and regulations by individual members of the City Council may result in that member being personally liable for damages which would not be covered by the City or the City's risk pool. Examples may include discrimination, harassment, conflicts of interest, or fraud.

V. City Council Meetings, Agenda Guidelines, Conduct

The City Council has adopted [Vacaville Municipal Code Chapter 2.04](#) which establishes the fundamental procedures and rules for the conduct of public meetings in the City. This section of the Manual highlights some of those rules and provides further guidance to facilitate effective, efficient, and productive meetings.

A. City Council Meetings - Nuts and Bolts

1. Schedule

Regular meetings of the Vacaville City Council are held in the Vacaville City Council Chamber at 650 Merchant Street located off the back parking lot of Walnut Ave. In January of each year, the Council adopts an annual schedule of meetings. All regular meetings are held on the 2nd and 4th Tuesdays of the month at 6:00 p.m. Should a Council meeting date fall on the date of a scheduled General Municipal Election, the Council meeting will be cancelled unless determined otherwise by a majority vote of the Council.

2. Absence of Mayor, Vice Mayor, Councilmembers

When a Councilmember will be absent, notification shall be provided to the City Manager who will inform the Mayor and City Clerk of the absence. Extended unexcused absences will be handled in compliance with [Government Code §36513](#).

In the event that the Mayor must be absent, the Vice Mayor will conduct the meeting. When both the Mayor and Vice Mayor will be absent, the Mayor may designate another Councilmember as temporary chairman. If the Mayor has not designated a temporary chairman at the time of the meeting, the City Clerk will

convene the meeting and choose a present Councilmember to conduct the meeting until the arrival of the Mayor or Vice Mayor.³²

3. Seating on Dais

Seating on the dais is at the discretion of the Mayor.³³ Generally seating is assigned at the same meeting of reorganization, however this does not preclude the Mayor from setting the order of seating at another time.

4. Length of Meetings

The Council makes every effort to conclude its meetings before 11:00 p.m. Should a meeting reach the hour of 10:30 p.m., the Council will assess the remaining items of business on the agenda. Should the Council find that discussion, deliberation, and action on the remaining items cannot be concluded by 11:00 p.m., the Council shall consider adjourning to a special meeting or deferring the items until the next regularly scheduled meeting.

5. Brown Act – Open Meeting Laws

The City Council must comply with the [Ralph M. Brown Act \(“Brown Act”\)](#).³⁴ The Brown Act is a state law which provides that all meetings of a legislative body, whether meetings of the City Council or its appointed commissions and committees, shall be open and public, subject to certain notice requirements, and, with the exception of closed sessions, all persons shall be permitted to attend and address the legislative body.

A “meeting” takes place whenever a quorum is present and subject matter related to the City’s business is heard, discussed, or deliberated upon. Typical meetings include regular meetings, special meetings, emergency meetings, and study sessions or workshops.

“Serial meetings” are prohibited by The Brown Act. A serial meeting occurs through the use of a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the City Council’s jurisdiction. This includes in-person communication and any other mode of communication such as telephone, email, and social

³² VMC §2.04.060

³³ VMC §2.04.070

³⁴ California Government Code §54950 *et seq.*

media.³⁵ A serial meeting can occur when one Councilmember communicates directly with a quorum of the Council, or when one Councilmember communicates with another, who then communicates with another, and so on, such that ultimately a quorum of the Council has communicated with each other.³⁶

Certain gatherings are not prohibited by the Brown Act as long as the Councilmembers present do not discuss among themselves, issues within the City Council’s jurisdiction. These gatherings include social gatherings, noticed meetings of other public bodies, other publicized meetings of general interest to the public, and public conferences.

It is important and expected that all City Councilmembers become familiar with the requirements of the Brown Act. Violations of the Brown Act can be severe including misdemeanor penalties and the potential of civil actions. The City Attorney, City Manager and City Clerk are available to assist Councilmembers with any Brown Act related questions.

6. Types of Meetings

a. Regular Meetings

The regular meeting schedule of the City Council is set by resolution.³⁷ The regular meeting notice/agenda shall be posted at least 72 hours prior to the scheduled meeting. Agenda packets are normally distributed to the Councilmembers and available to the public the Friday prior to the Council meeting.

b. Special Meetings

Special meetings may be called by the Mayor or by a majority of the members of the legislative body with at least 24 hours notice. Only business listed on the special meeting notice can be considered at a special meeting.

³⁵ Add Reference to new legislation regarding Social Media

³⁶ Note: [Amendments to the Brown Act effective in 2021 will address some restrictions on social media communications and will be addressed in a future Council-adopted social media policy.](#) ~~Amendments to the Brown Act effective in 2021 will ease some restrictions on social media communications. See section _____.~~

³⁷ Vacaville Municipal Code Chapter 2.04 – see section V.A.1, above.

c. Emergency Meetings

Emergency Meetings may be called in emergency situations as defined in the Government Code and determined by the legislative body.³⁸ Emergency situations generally arise from a natural disaster, security threat, or an activity or situation that severely impairs the public health and safety. Limited notice provisions related to notice to media outlets apply to emergency meetings.

d. Study Sessions

Study Sessions are an opportunity for extensive discussion of issues. Councilmembers may hear reports from staff, consultants, or others, ask questions, and invite public input. Study sessions can take place as part of a regular meeting or at a special meeting.

e. Community or Town Hall Meetings

On occasion City staff may organize community meetings (also referred to as “town hall meetings”) to provide or solicit information on a particular item of interest to the public. Community meetings may be convened to address a matter impacting a specific area of town, such as a development project, or may address a City-wide topic, such as district elections. Community meetings are not official noticed meetings of the City Council and Councilmembers should be careful that a quorum of Councilmembers do not attend at the same time to avoid any Brown Act violations.

7. Closed Sessions/Closed Session Items

Closed sessions are deliberations of the City Council which are conducted in private and are closed to the public and press. Closed sessions are permitted for specified purposes that are expressly authorized by law.³⁹

Closed sessions are generally held at the end of the open meeting. Certain actions taken in closed session must be disclosed (reported) in open session during the same meeting. If the closed session item(s) will not result in any reportable actions (e.g. conference with labor negotiator), the Mayor may so inform the public prior to convening into closed session.

³⁸ California Government Code §54956.5

³⁹ See e.g. California Government Code §54956.8, 54956.9, 54957.6

By their nature, closed session items are confidential. Councilmembers, City staff, or anyone else present shall not disclose to any person or the media the content or substance of any discussion which takes place in a closed session unless authorized by the Council. All written materials distributed at a closed session shall be returned to staff at the end of the closed session.

8. Role of Public/Public Attendance

Except as specifically provided by law for closed sessions, all meetings of the City Council shall be open to the public and the public shall be allowed to speak on all items on the agenda prior to or at the time that item is being considered by the Council.

As a general policy, each speaker will be limited to three (3) minutes, and comments shall be addressed to the Council as a body and not to staff or any specific Councilmember.⁴⁰ Except in the case of a spokesperson, speakers may not delegate their time to another speaker.

When any group of persons wishes to address the Council on the same subject matter, the Mayor may allow or request that a spokesperson be chosen by the group to address the Council, and provide the spokesperson more than the allotted three minutes. In case additional matters are to be presented by any other member of the group, the Mayor may limit the number of such persons addressing the Council.⁴¹

In certain circumstances – such as quasi-judicial hearings, consideration of development projects, and appeals of land use decisions - the subject party, project applicant, or appellant’s time may be extended by the Mayor. All such presentations shall have a specific, reasonable time limit, but generally should not exceed 20 minutes.

At regular meetings the public will be given the opportunity under “Business from the Floor” to address the City Council on any item that is not on the agenda but is within the Council’s subject matter jurisdiction. While the City Council cannot engage in substantive discussions about items raised under Business from the Floor, there will be an opportunity at the end of the item after public comment is closed, for Councilmembers to request that certain items be added to a future

⁴⁰ Vacaville Municipal Code §2.04.130

⁴¹ Id.

agenda (see section V.B.6), and for Councilmembers or the City Manager to provide brief factual responses or contact and resource information about specific items addressed by the public.

B. Agenda and Notice Guidelines

1. General

The purpose of an agenda is to provide notice of items under consideration and to provide a framework within which meetings are conducted to accomplish the City's business.

2. Preparation of Agenda

The City Manager sets the agenda for Council meetings and the City Manager's Office prepares the agenda in accordance with the requirements of the Brown Act for the type of meeting being conducted.

3. Order of Business

The agenda lists meeting activities in the order they are expected to occur.⁴² At the beginning of the meeting with the majority vote of the council members present, agenda items may be considered out of order.⁴³

4. Adding Items after Posting of Agenda⁴⁴

Non-agendized items may be added to the agenda only in three situations:

- a. If the Council makes findings that (1) there is a need to take immediate action (2) the need to consider the item arose after the posting of the agenda. These findings must be approved by a 2/3rd vote.
- b. Emergency items may be added upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in [Gov. Code Section 54956.5](#).

⁴² Order of Business set by Resolution No. 1987-M-1

⁴³ VMC §2.04.050

⁴⁴ Government Code §54954.2(b)

- c. When an item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

5. Public Notice and Outreach

All agendas will be posted in accordance with the Brown Act requirements for the type of meeting being conducted. Public Hearing notices will be published in accordance with any statutory requirements for such hearings. Further, the Council has adopted a Public Involvement Strategy for Land Use Planning⁴⁵ to receive public input early in land use planning and development review processes. Social media, the City's website and various other means of public outreach will be considered on a case by case basis.

6. Placing Items on Future Agendas

Councilmembers can request under Reports of City Council that an item be placed on a future agenda for discussion. If a majority of the Council supports the request, the item may be placed on a future agenda.

Citizens can use Business from the Floor as a means for bringing up issues that they wish the City Council to consider at a future meeting. If a majority of the City Council is interested in pursuing the issue, staff will be directed to place it on a future agenda.

C. Conduct of Meetings

1. Rosenberg's Rules

Vacaville Municipal Code Chapter 2.04 governs the conduct of City Council meetings. In the event that certain matters of procedure are not covered in Chapter 2.04, [Rosenberg's Rules of Order](#): Simple Parliamentary Procedures for the 21st Century (Item I.9 above), shall apply.⁴⁶

⁴⁵ Public Involvement Strategy for Land Use Planning is available in Appendix X.3

⁴⁶ Vacaville Municipal Code §2.04.270

2. Decorum at Council Meetings⁴⁷

The Mayor is responsible for maintaining the order and decorum of meetings.

a. Expectations of Councilmembers: When the Council is in session, the Councilmembers must preserve order and decorum. Councilmembers shall not delay or interrupt the proceedings or other Councilmembers while speaking, or refuse to obey the orders of the Council or Mayor.

Councilmembers shall be respectful to each other and the public in language and tone.

b. Expectations of the Public: Any person attending a City Council meeting shall be expected to maintain appropriate decorum and shall not delay, interrupt, impede or disrupt the orderly conduct of a Council meeting.

Each speaker shall refrain from making defamatory, profane or personal remarks, using abusive or threatening language, and becoming loud, threatening or repetitious, or engaging in any other disorderly conduct that willfully disrupts, disturbs or interrupts the orderly conduct of the meeting.

Any attendee or speaker who delays, interrupts, impedes or disrupts the orderly conduct of a Council meeting and refuses to come to order at the direction of the Mayor, shall be terminated from speaking and may be removed from the Council Chambers by the sergeant-at-arms, and barred from further attendance before the Council during that meeting.

The Chief of Police or his/her designee shall serve as the sergeant-at-arms.

3. Minutes

Minutes provide a record of when and where a meeting took place, the type of meeting conducted, who was present, what was decided and by who, and follow

⁴⁷ Vacaville Municipal Code §2.04.160 and §2.04.170

up action. Action minutes will be kept of all regular, special and emergency Council meetings that are open to the public. Action minutes will include motions and votes. For quasi-judicial items, names of speakers will be noted. Discussion and comments will not normally be included in the minutes unless the Council is providing specific direction related to an item. Minutes are available to the general public once listed on an agenda and are posted online following Council approval. All video recordings are posted online. Minutes are not kept for study sessions, workshops or informational events.

4. Quasi-Judicial Proceedings, Public Hearings, and Findings

When the City Council conducts a quasi-judicial or “administrative” hearing it is serving a different role than its policy-making role. In a quasi-judicial hearing the City Council acts like a judge and jury and must make determinations (findings) based on the information and records (evidence) presented. The City Council must sit as a fair and impartial decision maker, and the procedure employed must be fair and allow those with an interest in the matter notice and a meaningful opportunity to be heard.

Types of quasi-judicial proceedings that may be heard by the Council primarily arise in the land use context such as issuance or denial of conditional use permits and variances.

5. Ex Parte Contacts

Ex parte communications are communications outside of a public meeting with any person concerning a quasi-judicial proceeding that will or is anticipated to be heard by the City Council. Ex parte communications can include such things as conversations, site inspections, and email exchanges. Ex parte communications are problematic because Councilmembers must base their decisions in quasi-judicial matters on the information available in the record of that proceeding, such as the application, the staff report and presentation, and written and oral comments at the public hearing. Decisions that are made based on information that was not within the record and which all Councilmembers did not receive and an applicant or appellant did not have a chance to respond to could be subject to legal challenge.

To minimize the risk that ex parte contacts present, a City Councilmember should discourage such contacts, and when they do occur should disclose any such

communications to the Council by stating during the hearing and consideration of the item, who the Councilmember communicated with and the nature and substance of the communication.

VI. COMMUNICATIONS FROM CITY COUNCIL

One of the Council's fundamental roles is communication. The Council communicates with the public to share the City's policies, vision and goals and to determine community opinions, needs, and desires. Council must also communicate with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. The Council acts as a body and it is important that individual Councilmembers follow general guidelines when communicating on behalf of the Council. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

The following addresses communication of the City Council and observes the City Council's procedures for formal and informal business-related communications and representation. Communication from City Council includes personal appearances, written communications, letters, email and social media postings.

A. Communications Representing the Council's Position or Policy/Speaking for the City

Once the City Council has taken a position on an issue, any related official communication by an individual Councilmember should first reflect this position and then the individual may clarify their personal position. When an item upon which the Council has yet to take a position or an issue for which the Council has no position arises, members should clearly indicate that they are not speaking for the City Council as a whole, but for themselves as one member of the Council.

1. Ceremonial Representative

The Mayor is the official representative of the City for ceremonial purposes. Examples of ceremonial events are ribbon cuttings, milestone recognition events, dignitary events and other such events that would expect a representative of the City be in attendance. In the absence of the Mayor, the Vice Mayor will be asked to be the ceremonial representative. If the Vice Mayor is unavailable, another Councilmember of the Mayor's choosing /in order of seniority/longevity will be

asked to assume these responsibilities. This does not preclude other members from attending ceremonial events.

2. Use of City Letterhead

As the Ceremonial representative, the Mayor will typically be responsible for representing the City through letters of welcome, letters to dignitaries, and letters transmitting the City's position on policy matters to outside agencies on behalf of the City Council.

The Mayor and Councilmembers may prepare letters on City letterhead such as letters of thanks or congratulations, or to respond to inquiries or complaints related to City issues. Such letters should be written in such a manner as to make it clear that it is not being written on behalf of the entire Council.

City letterhead, should not be utilized for personal or campaign purposes, or conveying a position that is not the collective position of the Council.

All correspondence sent on City letterhead should be copied to the entire City Council. Because correspondence is a public record, a copy of the letter shall also be provided to the City Clerk.

3. Proclamations/Certificates

Proclamations are issued by the Mayor on behalf of the City Council as a ceremonial commemoration of an individual, event or subject in accordance with the Council's adopted Proclamation Policy. Proclamations are not statements of policy, but are a manner in which the City can make special recognition of an individual, event, or issue. Only proclamations related to City-sponsored events or programs or in recognition of outstanding community service as determined by the Mayor will be read and presented at Council meetings.

Certificates of Recognition are provided upon certain momentous events such as achieving Eagle Scout status, participating in a significant service or program to the City, and other notable achievements of importance.

Certificates of Remembrance are provided when a Council meeting is adjourned in memory of a notable community member.

If a Councilmember receives a request for recognition, the request should be forwarded to the City Clerk's Office for processing.

VII. INTERACTIONS WITH CITY STAFF

A. Overview

As a Council-Manager form of government (Section III.A.1 above), the policy of Vacaville’s City Council is implemented through a dedicated and professional staff. The Council-Manager form of government allows the City Council to direct their time and energies to legislation and policy development, while the City Manager focuses on the organizational, personnel, financial, and other administrative matters that occur on a daily basis. It is critical that the relationship between the Council, City Manager and staff be well understood and respected by all parties to promote an effective working relationship and successful implementation of the Council’s policies and programs.

B. City Council Direct Reports – City Manager and City Attorney

1. City Manager Relationship

The City Council appoints the City Manager to act as the chief administrative officer of the city.⁴⁸ The City Manager’s specific duties are spelled out in the Vacaville Municipal Code, the City Manager position description, and in an employment contract. The employment relationship honors the fact that the City Manager is the chief executive officer of the City. City Councilmembers may always communicate with the City Manager about City business. Additionally, issues concerning the performance of a Department or any employee must be directed to the City Manager. Direction to City employees, other than the City Manager or City Attorney, is the prerogative of the City Manager, and the Council should avoid situations that can result in staff being directed, intentionally or unintentionally, by one or more members of the City Council.⁴⁹

Regular communication between the Council and City Manager is important in maintaining an effective working relationship. It is important that the City Manager keep the Council informed. The City manager respects and is sensitive to the political responsibility of the Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the Council. The City Manager encourages regular one on one meetings with Councilmembers to provide information on various City issues.

⁴⁸ Vacaville Municipal Code §§2.08.020, 2.08.040

⁴⁹ Vacaville Municipal Code §2.08.050

2. City Attorney Relationship

The City Council appoints the City Attorney to serve as the legal advisor for the Council, City Manager, and City staff. The City Attorney's specific duties are spelled out in the City Attorney position description and in an employment contract. The general legal responsibilities of the City Attorney are to 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interests, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings; 3) prepare ordinances, resolutions, contracts, and other legal documents; and to keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. City Councilmembers may always communicate with the City Attorney about legal issues impacting the City. It is important to note that the City Attorney does not represent individual members of the Council, the City Manager, City staff or individual residents of the City, but rather represents the City Council as a whole. Any material legal opinions prepared in response to Councilmember inquiries will be shared with the entire Council.

C. City Council Communication with Staff

It is the intent of staff to ensure Councilmembers have access to information from the City and to insure that such information is communicated completely and with candor to those making the request. To carry out this responsibility, however, Councilmembers must avoid intrusion into those areas which are the responsibility of staff.

In accordance with the Council-Manager form of government, and consistent with the Vacaville Municipal Code, the City Council and its members are to work through the City Manager when dealing with administrative duties. Individual Councilmembers may not intervene in staff decision-making, development of staff recommendations, scheduling of work, and executing department priorities. Any desire to direct such work should be addressed with the City Manager with the prior knowledge and majority approval of the City Council. This is necessary to protect staff from undue influence and pressure from individual Councilmembers and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal.

City Councilmembers may seek general information and assistance directly from department heads who will work with staff to provide access to any information requested. Councilmembers shall notify or “cc” the City Manager on such requests for information from department heads. Keep in mind there are limited restrictions when information cannot be provided. Draft documents (e.g. staff reports in progress, administrative draft EIRs) are not available for release until complete and after review by City management. In addition, there are legal restrictions on the City’s ability to release certain personnel information even to members of the City Council. Certain aspects of police department affairs (e.g. access to restricted or confidential information related to crimes) may not be available to members of the Council.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual Councilmembers for information or assistance, provided that, in the judgement of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council.

D. Restrictions on Political Involvement by Staff

Local governments are non-partisan entities and it is important that the work conducted by staff is for the good of the community and is not influenced by political factors. However, by working for the City, staff members do not surrender rights to be involved in local elections or the political process. The Constitution and State laws provide substantial guarantees to ensure City officers and employees are able to exercise their right to participate in the political process. There are also equally important limitations intended to ensure that political participation is free of coercion or fear of retribution and that public funds are not used for political purposes.

Employees have no restrictions while off the job, except that no employee may participate in campaigns or other political activities while in City uniform.⁵⁰ Employees may vote, make financial contributions, make endorsements and fundraise, among other things. On the other hand, no participation in campaigns or other activities may take place while on the job or on City property or in City

⁵⁰ [California Government Code §3206](#).

facilities that are not open to the public for political purposes, and no City resources may be used by staff in support of any campaign.⁵¹ Officers and employees of the City are prohibited by law from soliciting political contributions from an officer or employee of the City, except as part of a larger solicitation made to a significant segment of the public.⁵² Officers and employees are also prohibited by law from promising gifts, money, a promotion, or any other form of compensation to anyone in return for a contribution or vote.^{53 54 55} The support of the City Council in these matters is requested. Additionally, a Councilmember asking staff to sign petitions or similar items can create an awkward situation.

VIII. SUPPORT PROVIDED TO CITY COUNCIL

A. Staff Support

The City Manager's Office staff assists in the day-to-day communications of the community to the Council through receipt of messages, distribution of mail, coordination of business related events and conferences, and creation of ceremonial recognition. All other Council requests for staff services shall be made by request to the City Manager.

1. Mail

Members of the City Council receive a large volume of mail and other materials. The City Manager's staff will disseminate mail to individual Council mailboxes located in the City Manager's Office area. Staff does not open mail addressed to individual Councilmembers. General correspondence addressed to the Council as a whole will be opened and disseminated to all members of the Council.

Councilmembers are encouraged to check mailboxes often. City staff will inform Councilmembers of any mail deliveries that may have indication of time sensitivity.

⁵¹ [California Government Code §54964](#)

⁵² [California Government Code §3205](#)

⁵³ [California Government Code §3204](#)

⁵⁴ [California Government Code §3205.5](#)

⁵⁵ [Elections Code §18520](#)

B. Technology

1. Email/Cell phones

To enhance Councilmembers' service to the community and to appropriately separate City business from personal activities, a City issued email account and cell phone will be provided to each member of the City Council. It is important to note that all communications (email, text and telephone records) which relate to the conduct of government or the performance of any governmental function, with a few exceptions specified in the Public Records Act, are public records. City information systems and storage media are the property of the City and deleted documents, messages and data may be retrieved in electronic discovery.

Councilmembers' personal use of the internet, use of personal accounts or electronic files should be avoided on City issued equipment and email. Members of the Council should be aware that these could be reviewed as part of a public records request.

Email hacking attempts and lost, stolen or damaged devices provided by the City should be reported to the City Manager as soon as practicable.

C. Meeting Rooms

Members of the Council may utilize meeting space located in City Hall by scheduling through the City Manager's Office. All other use of City facilities should be requested through the City Manager and will be considered on a case by case basis.

D. Training Opportunities

Councilmembers are expected to: make decisions on a breadth of community issues, guide city policy, engage in strategic planning, oversee a multi-million dollar budget, and act within the confines of numerous laws. Training can be a valuable tool to becoming and remaining an effective Councilmember.

Understanding the value and necessity of training, the City's annual budget includes funding for Councilmember training. Some mandatory and optional training opportunities are described below. City Manager staff is available to assist with making City Council training and, where appropriate, related travel arrangements.

1. Mandatory Training – Ethics (AB 1234) and Sexual Harassment Prevention (AB 1661)

State law mandates that every two years any member of the City Council and City commissions shall receive at least two hours of ethics training in general ethics principles and ethics laws relevant to his/her public service⁵⁶ and two hours of sexual harassment prevention training⁵⁷.

New Councilmembers must receive this training within their first year of service for ethics and six months for sexual harassment prevention.

The City provides opportunities for Councilmembers to complete these trainings and will notify Councilmembers when training is available. Additionally, Councilmembers may receive this training from outside sources, such as through the League of California Cities. In either case, each Councilmember must and file a certificate of completion with the City Clerk.

2. League of California Cities Training Opportunities

The League of California Cities offers a number of training opportunities throughout the year including:

- New Mayors & Councilmembers Academy - Winter
- Mayors & Councilmembers Executive Forum - Spring/Summer
- Mayors Councilmembers Advanced Leadership Workshops - Spring/Summer
- League of California Cities Annual Conference - Fall

City staff will provide Councilmembers with information about pertinent League training opportunities as information is received. Councilmembers are also encouraged to keep apprised of training opportunities through the League's website.

3. Other Training Opportunities

Other training opportunities through other organizations may arise throughout the year. Staff will make every effort to advise the City Council of applicable trainings that staff becomes aware of.

⁵⁶ [Government Code §§53234 et seq.](#)

⁵⁷ [Government Code §12950.1](#)

IX. Glossary of Acronyms

X. Appendices and Other Resources

1. Strategic Plan
2. Capital Improvement Program
3. City Council Adopted Policies
4. Agencies on which a Council Member sits on the Board
5. City Commission List
6. City membership in Joint Power Authorities (JPA)
7. Current tax measures
8. Bargaining Units
9. Non-profits with Agreements with City
10. Outside Resources:
 - a. [League of California Cities \(LOCC\)](#)
 - b. [Institute for Local Government \(ILG\)](#)
 - c. [International City Managers' Association \(ICMA\)](#)