

CITY COUNCIL

Open Meeting Policies

The Newport Beach City Council is required to comply with the Ralph M. Brown Act (Brown Act). Unless an exception applies, the Brown Act requires public entities to deliberate and take action in open session. The City Council has adopted these rules to ensure compliance with the Brown Act and to promote full citizen participation in the discussions and decisions of their elected and appointed representatives.

- A. **Regular Meetings.** The City Council shall hold Regular Meetings as allowed by the City Charter and the Ralph M. Brown Act. The Regular Meeting shall begin at 4:00 p.m., or as otherwise scheduled due to the demand of business, and shall follow the order of business set forth in this policy.

The City Council may hold a regular meeting, special meeting, or adjourned regular or special meeting at any location authorized by the City Charter and the Brown Act. When the day for any regular meeting falls on a legal holiday, no meeting shall be held on such holiday, but a regular meeting shall be held at the same hours on the following business day.

- B. All regular, special, and adjourned meetings of the City Council shall be called, noticed, and conducted in compliance with the Brown Act.
- C. **Placing an Item(s) on a Future City Council Agenda.** A member of the City Council may place an item(s) on a future City Council agenda for consideration by submitting a title or topic sufficient to satisfy the requirements of the Brown Act on or before 5:00 p.m. on the Tuesday preceding the meeting at which the item is to be considered. Item(s) to be placed on a future City Council agenda shall be primarily focused on issues that directly impact the finances, property, authority, policies, or interest of the City of Newport Beach and/or finances, property, or rights of the residents of the City of Newport Beach. When requested, the City Attorney shall assist a City Council Member with the drafting of an agenda title or topic to ensure consistency with the Brown Act. These items will appear under the section of the agenda titled, "Matters Which Council Members Have Asked to be Placed on a Future Agenda" and any Council Member may ask clarifying questions regarding the item to ensure understanding of the matter. At the Council meeting, if three (3) members of the City Council wish to examine the issue, staff will prepare an appropriate report and return the item to the City Council for discussion and/or action. Additionally, the City Manager may place an item(s) on the agenda at the City Manager's discretion.
- D. It is the intent of the City Council that no item will be introduced on a City Council agenda after the hour of 11:00 p.m. Furthermore, it is the City Council's intent that if an item introduced and being discussed by 11:00 p.m. is not concluded by 12:00 a.m., the City Council should adjourn the meeting to another date. The intent and purpose of this policy is to encourage a reasonable hour in which the City Council business is discussed and to protect against fatigue in discussing and deciding important City issues.

Order of Business

To the extent the business needs of the City require City Council consideration of the items set forth below, the agenda for Regular Meetings of the City Council shall contain the following items in the following order:

Study Session (if any)

Current Business (if Study Session is scheduled)

- Clarification of Items on the Consent Calendar
- Presentations (will be considered with the remainder of the Regular Meeting agenda items if no Study Session is scheduled)
- Study Session Items

Public Comments on Agenda and Non-Agenda Items (if Study Session and/or Closed Session is scheduled)

Closed Session (if any) - Council Chambers Conference Room

Recess (if Study Session and/or Closed Session is scheduled)

Regular Meeting Agenda Items (at 4:00 p.m. or, if there is Study Session and/or Closed Session, when the meeting is reconvened)

Roll Call

Closed Session Report

Invocation

Pledge of Allegiance

Notice to the Public

Public Comments on Agenda Items (if Study Session and/or Closed Session is not scheduled)

City Council Announcements and Oral Reports from City Council on Committee Activities (non-discussion item)

Matters Which Council Members Have Asked to be Placed on a Future Agenda (non-discussion item – Council Members may ask clarifying questions)

Public Comments on Consent Calendar

Consent Calendar:

- A. Reading of Minutes and Ordinances
- B. Ordinances for Introduction
- C. Ordinances for Adoption
- D. Resolutions for Adoption
- E. Contracts and Agreements
- F. Miscellaneous (for example: Planning Commission Agendas, budget amendments, and permit applications)

Items Removed from the Consent Calendar

Public Comments on Non-Agenda Items

Public Hearings

Continued Business

Current Business

Motions for Reconsideration

Continued Closed Session, if necessary (report if applicable)

Adjournment

The Mayor shall have the discretion to change the order of business. Council Members may change the order of business by majority vote of the City Council.

Rules of Order for City Council Proceedings

- A. Rules of Order. Except as provided in this Policy, the City Charter, other rules, or practices followed by the City Council, or applicable provisions of State law, the procedures of the Council shall be guided by the latest revised edition of Robert's Rules of Order.
 - 1. Failure to Observe Rules of Order. Rules adopted to expedite the transaction of the business of the Council in an orderly fashion are deemed to be procedural only and the failure to strictly observe such rules shall not affect the jurisdiction of the Council or invalidate any action taken at a meeting that is otherwise held in conformity with law.
- B. Public Input. Members of the general public have the right to address the City Council on any item on the agenda, as well as any item under the subject jurisdiction of the body.

1. Agendized Matters and Consent Calendar. Speakers on agenda items, including, but not limited to, Consent Calendar items, shall limit their comments to three (3) minutes and shall step down from the lectern immediately after their time has elapsed unless the presiding officer has granted the speaker's request for additional time. The presiding officer may grant the speaker additional time if the speaker is addressing the Council on a complicated or complex matter or if the speaker represents a group of individuals whose individual testimony would exceed the total time allotted to the speaker. Speakers shall limit their comments to matters relevant to the item on the agenda.
2. Non-agendized Matters. The agenda shall contain a public comment section during which any member of the public may address the Council on any non-agenda item generally considered to be a municipal affair and within the subject matter jurisdiction of the Council. To ensure that all members of the public have an opportunity to address the Council during public comments, each speaker shall be limited to three (3) minutes and shall immediately step down from the lectern upon expiration of the allotted time unless the presiding officer has granted the speaker's request for additional time. Staff and/or members of the City Council may briefly respond to each speaker who testifies during public comments. Responses shall be limited to the specific issue(s) raised by the speaker and shall generally be limited to information helpful to the public's understanding of the issue(s) raised by the speaker. The City Council shall not take action relative to any public comment unless an action would be authorized by Section 54954.2(b) of the Government Code, or any successor statute.
3. Consent Calendar. A Consent Calendar item may be pulled by the Mayor or a member of the City Council. If a Consent Calendar item is pulled, members of the public may speak on each pulled item for up to three (3) minutes, unless the presiding officer has granted the speaker's request for additional time.

Officers

- A. Presiding Officer. The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, or at the Mayor's request, the Mayor Pro Tem shall preside. In the absence of the Mayor and Mayor Pro Tem, the City Clerk shall call the City Council to order, whereupon a temporary Presiding Officer shall be elected by the City Council Members present to serve until the arrival of the Mayor or Mayor Pro Tem.
 1. Powers and Duties of Presiding Officer.
 - a. Participation. The Presiding Officer may move, debate and vote from the Chair.
 - b. Question to be Stated. The Presiding Officer shall state (or announce) the motion prior to opening any subject to debate. The Presiding Officer or such member of the City staff as he or she may designate shall verbally restate each question immediately prior to calling for the vote.

- c. Signing of Documents. The Presiding Officer shall sign all ordinances, resolutions, contracts, and other documents necessitating his or her signature which were adopted in his or her presence, unless he or she is unavailable, in which case the signature of an alternate Presiding Officer may be used.
- d. Sworn Testimony. The Presiding Officer may require any person addressing the City Council to be sworn as a witness and to testify under oath, and the Presiding Officer shall so require if directed to do so by a majority vote of the Council.

B. Parliamentarian. The City Clerk shall be designated as Parliamentarian for the City Council proceedings to advise the Presiding Officer. Within the limitations imposed by Robert's Rules of Order, the Presiding Officer has the authority to determine proper parliamentary procedure.

Conduct of City Council Business

A. Rules of Debate.

- 1. Getting the Floor. Every Council Member desiring to speak shall first address the Presiding Officer, gain recognition by the Presiding Officer, and shall confine himself or herself to the question under debate, avoiding personalities and indecorous language.
- 2. Opening Debate. The following three steps are necessary prior to opening debate on any subject except as noted.
 - a. Motions. Before any subject is open to debate, a motion must be made. The motion is a proposal in that it sets forth something the person making the motion favors.
 - b. Motions - Second Required. A motion by any member of the Council, including the Presiding Officer, may not be open to debate without a second. Such action does not mean that the seconder endorses the motion, but only that he/ she wishes to have the motion considered.
 - c. Stating of Motion. The motion must be stated (or announced) by the Presiding Officer prior to opening the subject to debate.

Exceptions:

- i. Oral Presentations. Oral presentations may be made by staff, or someone designated by staff, prior to a motion being made and debated upon.

- ii. Questions to Staff. At any time during the proceedings, every Council Member desiring to question the City staff shall, after recognition by the Presiding Officer, address the questions to the City Manager, the City Clerk or the City Attorney, who shall be entitled either to answer the inquiry himself or herself or to designate a member of his/ her staff for that purpose.
- iii. Public Hearings. For matters that are the subject of a public hearing, the procedures for opening debate are suspended until after the public hearing is closed.

3. Addressing the Council

- a. Manner of Addressing Council. Each person desiring to address the Council shall step up to the microphone, may state his/her name and address for the record, state the subject he/she wishes to discuss, may state whom he/she is representing if he/she represents an organization or other persons and, unless further time is granted by the Mayor, and shall limit his/her remarks to three (3) minutes. All remarks shall be addressed to the Council as a whole and not to any member thereof or to the audience. No question shall be asked a Council Member or a member of the City staff without the permission of the Presiding Officer.

Exception:

The City Council may preside over administrative hearings or designate a hearing officer to take evidence and submit proposed findings and recommendations. In the event the City Council conducts any hearing that is quasi-judicial or administrative in nature, the following procedure shall be followed:

- i. The presiding officer may ask the City Manager to summarize the nature of the hearing and the issues to be resolved by the City Council.
- ii. The presiding officer shall invite the person or entity that filed the application for permit, license, or other entitlement (applicant) to make a presentation. The applicant shall have a reasonable amount of time to present evidence or testimony relevant to any issue before the City Council. The City Council, City Manager or City Attorney may ask questions of the applicant or any witness presented by the applicant.
- iii. In the event the matter is pending before the City Council by virtue of an appeal, the presiding officer shall invite the appellant to make a presentation. The appellant shall have a reasonable amount of time to present evidence or testimony relevant to any issue before the City Council. The City Council, City Manager or City Attorney may ask questions of the appellant or any witness presented by the appellant.

- iv. Upon conclusion of the presentations by the applicant and the appellant, if any, the presiding officer shall invite testimony from members of the audience.
 - v. Prior to closing the hearing, the presiding officer shall give the applicant the opportunity to comment on the evidence with the right to comment limited to no more than five (5) minutes.
 - vi. The presiding officer shall have the discretion to require the applicant, the appellant, and their respective witnesses, to present testimony under oath.
 - vii. The presiding officer shall have the right to exclude testimony or evidence which is not relevant to any issue before the City Council.
- b. Spokesman for Group of Persons. To expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the City Council on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesman be chosen by the group to address the City Council and, in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the City Council, subject to the right of all members of the public to speak on any item on the agenda pursuant to the Brown Act.
4. After Motion. After a motion has been made or a public hearing has been closed, no member of the public shall address the City Council from the audience on the matter under consideration without first securing permission to do so by a majority vote of the City Council.
 5. Interruptions. A Council Member, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer, unless a point of order or personal privilege is raised by another Council Member, or unless the speaker chooses to yield to a question by another Council Member. If a Council Member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined and, if determined to be in order, he or she may proceed. Members of the City staff after recognition by the Presiding Officer shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.
 6. Points of Order. The Presiding Officer shall determine all points of order subject to the right of any Council Member to appeal to the Council. If an appeal is taken, the question shall be "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine such question of order.
 7. Point of Personal Privilege. The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which the integrity, character or motives are questioned or where the welfare of the Council is concerned. A Council Member raising a point of personal privilege may interrupt another Council Member who has the floor only if the Presiding Officer recognizes the privilege.

8. Limitation of Debate. No Council Member shall be allowed to speak more than once upon any particular subject until every other Council Member desiring to do so shall have spoken.
9. Protest Against Council Action. Any Council Member shall have the right to have the reasons for his or her dissent from, or his or her protest against, any action of the Council entered in the minutes. Such dissent or protest to be entered into the minutes may be made in the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons...."
10. Remarks of Council Member and Synopsis of Debate. A Council Member may request through the Presiding Officer the privilege of having an abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

B. Rules of Decorum.

1. Council Members. While the City Council is in session, the members must preserve order and decorum. Each Council Member shall conduct himself or herself with decorum and shall neither, by conversation or otherwise, delay nor interrupt the proceedings or the peace of the City Council, nor disturb any member while speaking or refuse to obey the orders of the Presiding Officer.
 - a. Each Council Member has the duty to:
 - i. Respect and adhere to the American ideals of government, rule of law, principles of public administration and high ethical conduct in the performance of public duties.
 - ii. Represent and work for the common good of the City and not for any private interest.
 - iii. Refuse to accept gifts of favors or promises of future benefits which might compromise or tend to impair independent judgment or action.
 - iv. Provide fair and equal treatment for all persons and matters coming before the City Council.
 - v. Learn and study the background and purpose of important items of business before voting.
 - vi. Faithfully perform all duties of office.
 - vii. Refrain from disclosing any information received during any closed session of the City Council held pursuant to state law.

- viii. Decline any employment incompatible with public duty.
 - ix. Refrain from abusive conduct, personal charges or verbal attacks upon the character, motives, ethics or morals of other members of the City Council, City commission, committee or board, City staff, or the public, or other personal comments not germane to the issues before the City Council. Members are to be tolerant of all views expressed at public meetings.
 - x. Listen courteously and attentively to all public discussions at City Council meetings and avoid interrupting other speakers, including other members except as permitted by established Rules of Order.
 - xi. Maintain the highest standards of public conduct by refusing to condone breaches of public trust or improper attempts to influence legislation.
2. Decorum of Speakers. Speakers shall not engage in willful conduct which interrupts the meeting or interferes with the orderly conduct of the meeting. Any speaker engaging in such conduct shall be called to order by the presiding officer and, if the conduct continues, the presiding officer may order the speaker barred from speaking and/ or attending the meeting. No person shall be declared out of order, prevented from speaking or barred from attendance at any meeting because of any disagreement with the speaker's position or view on any matter, because of the speaker's identity or because of any disagreement with the content of relevant testimony.
 3. Members of the Audience. No member of the audience shall willfully interrupt the orderly conduct at the meeting. The presiding officer shall direct the removal of any individual whose willful interruption renders infeasible the orderly conduct of the meeting. In the event the removal of the individual or individuals willfully interrupting the meeting does not restore order, the presiding officer may order the meeting room cleared and continue in session. Media representatives shall be allowed to remain at the meeting except those representatives of whose willful conduct interrupted the meeting.
 4. Persons Authorized to Approach the City Council Dais. No person except members of the City Council and the City staff shall enter the area between the public speakers' podiums and the City Council Dais without the consent of the Presiding Officer.

5. Enforcement of Decorum. The Chief of Police, or such member or members of the Police Department as he or she may designate, shall be Sergeant-at-Arms of the City Council and shall carry out all orders given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meetings. Any Council Member may move to require the Presiding Officer to enforce the rules upon affirmative vote of a majority of the City Council.

Ex Parte Communications

Members of the City Council, and City employees, agents and representatives shall not engage in any Ex Parte communication with any member of a Board, Commission or Committee regarding any quasi-judicial matter pending, or reasonably expected to come, before that member's Board, Commission, or Committee.

For purposes of this policy, the term Ex Parte communication shall mean any oral or written communication directed to a member which is intended, or is reasonably calculated, to influence the member's decision on any quasi-judicial matter but does not include communications between members during deliberations preliminary to decision or communications where all interested parties or their representatives are present. The term quasi-judicial matter shall mean the appeal of any discipline imposed on any City employee, the appeal of any grievance filed by a City employee or employee association, or a proceeding to revoke any license, permit or approval granted by the City Council, any Board, Commission, or Committee, or any City employee and which is pending, or is reasonably expected to come, before any City Board, Commission, or Committee.

The provisions of this policy do not apply to Ex Parte communications between City employees and any member of a Board, Commission or Committee regarding a quasi-judicial matter which has been submitted to, or can reasonably be expected to be heard by, the Board, Commission, or Committee when the Ex Parte communication is initiated by the member and requests only background information available to members of the general public.

City Council Voting Procedures

- A. Voting Procedure. Any vote of the City Council, including a roll call vote, may be registered by the members by answering "Yes" for an affirmative vote, "Abstain" for an abstention, or "No" for a negative vote upon the member's name being called by the City Clerk, or by the Presiding Officer. Following the vote, the City Clerk shall audibly announce the results of the vote by name indicating whether the question carried or was defeated. The same shall be recorded in the minutes as the vote. The Presiding Officer in his or her discretion may publicly explain the effect of a vote for the audience, or he or she may direct a member of the City Staff to do so, before proceeding to the next item of business.
- B. Disqualification for Conflict of Interest. Any Council Member who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state the nature of such disqualification in an open meeting. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Council Member affected, be decided by the other Council Members. A Council Member who is disqualified by reason of a conflict of interest in any matter shall not remain in his or her seat during the debate and vote on such matter, but shall request and be given the permission of the Presiding Officer to step down from the Council table. If the

conflict involves a matter on the Consent Calendar the Council Member must announce the nature of the conflict, refrain from participating on the item, but may remain present at the City Council Dais. A Council Member stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

- C. Failure to Vote. Every Council Member should vote unless disqualified by reason of a conflict of interest. The vote of Council Member who abstains absent a disqualifying conflict of interest shall be counted with the majority vote of the quorum on the question vote upon.
- D. Tie Vote. Tie votes shall be lost motions and may be reconsidered by any Council Member.
- E. Changing Vote. A Council Member may change his or her vote only if the Council Member makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item of business is taken up.
- F. Reconsideration. A motion to reconsider the vote on any action taken by the City Council at either this meeting or the previous meeting may be made only by one of the Council Members who voted with the prevailing side.

Closed Session Agenda

The closed session agenda shall be prepared by the City Attorney. The closed session agenda shall strictly conform to the format specified in the Brown Act. The City Attorney shall prepare a written report, or give an oral report, of any action taken in closed session that is required to be reported in open session by the Brown Act.

Selection of Mayor and Mayor Pro Tem

Section 404 of the City Charter provides for the selection of the Mayor and the Mayor Pro Tem by the City Council. This section provides that a Mayor and a Mayor Pro Tem shall be selected at least as often as Council elections are held and that the Mayor and Mayor Pro Tem shall serve at the pleasure of the City Council.

Effective with the selection of the Mayor and the Mayor Pro Tem during November of 1984, it is the policy of the City Council that the Mayor and the Mayor Pro Tem election shall occur every year thereafter. The election shall take place pursuant to Section 404 of the City Charter.

Seating Arrangement for City Council

Following each Council election, members of the City Council shall be seated at the City Council table with senior Council Members having first choice of seats. The Mayor, however, shall be seated in the center of the City Council table and the Mayor Pro Tempore shall always be seated immediately next to and to the right of the Mayor. In the event of equal seniority among members of the City Council, selection of City Council seats shall be made by the Council Member who received the highest margin of victory percentage in the most recent election.

City Council Correspondence

The City Clerk is authorized to open and examine all mail or other written communications addressed to the City Council and to immediately give a copy to the City Manager. The City Manager shall give immediate attention to administrative business referred to in the communication that does not require City Council action and may be promptly concluded or shall prepare a staff report for the next available City Council meeting. Except as otherwise permitted by law, all mail or written communications from the public, residents, or applicants shall be submitted to the City Council by 5:00 p.m. on the Monday immediately prior to the meeting at which the City Council will consider the item that is the subject of the mail or written communications to allow time for the City Council to adequately consider the mail or written communications.

Ordinances, Resolutions and Contracts

- A. Ordinances, Resolutions and Contracts. All ordinances, resolutions and contracts shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, or requested by the Mayor, or City Manager, or prepared by the City Attorney on his or her own initiative. The Planning Commission may initiate zoning and planning ordinances.
- B. Prior Review by Administration Staff. All ordinances, resolutions and contract documents shall, before presentation to the City Council be reviewed by the City Manager or his/ her designee.
- C. Reading of Ordinances. If a motion to waive reading of all ordinances has been adopted at the beginning of the Council meeting, the City Clerk will read the ordinances by title only. If any Council Member so requests, the ordinance shall be read in full.

Preparation and Reading of Minutes

The City Clerk shall have the exclusive responsibility for preparation of the minutes, and any directions for changes in the minutes shall be made only by majority action of the City Council.

Unless the reading of the minutes of a City Council meeting is ordered by a majority vote of the City Council, such minutes may be approved without reading if the City Clerk previously furnished each City Council Member and the public binder and website with a copy.

Recording of Open Meetings

- A. All regular meetings of the City Council shall be recorded.
- B. Any person attending an open and public meeting of the City Council shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera unless the City Council determines, based upon evidence in findings made by the Mayor, that continued recording would create noise, illumination, or view obstruction problems that are disrupting or would disrupt the proceedings. The Mayor may impose conditions on any recordation, which in the absence of the conditions, would disrupt the proceedings.
- C. Any audio tape or video record of any open and public meeting made by or at the direction of the City of Newport Beach shall be subject to inspection pursuant to the California Public Records Act (Sections 6250 et seq. of the Government Code). If a City Council meeting has simultaneously recorded audio and video, the audio recording may be destroyed after the City Council meeting minutes for that meeting have been approved by the City Council and the video recording has been uploaded to the document imaging system. Any person may inspect a video or audio recording without charge on a recorder made available by the City of Newport Beach.

City Council Member Requests for Research or Information

The City of Newport Beach is a City Council-City Manager form of government. The City Council appoints a City Manager to implement policy, to ensure laws are enforced, to direct the daily operations of City government, and to prepare and monitor the municipal budget. Because Council Policy is implemented on a daily basis through City staff, it is critical that the relationship between the City Council and City staff be well understood by all parties so that policies and programs may be implemented successfully.

The purpose of this policy is to further guide the implementation of Charter Section 406 (Interference in Administrative Service) so that the long tradition of positive relationships between members of the City Council and City staff is maintained.

- A. General Interactions with City Staff:
 - 1. The City Manager, City Attorney, and City Clerk are appointed directly by the City Council to provide executive, administrative, and legal services. In many cases, the City Manager encourages direct contact with department directors within this Policy's guidelines, thus enabling the Council Member to get appropriate information quickly and easily.
 - 2. If a Council Member's request is expected to take more than thirty (30) minutes (or in the case of a request from the Mayor, two (2) hours) to research, gather information, report on or otherwise respond to any inquiry, the City Manager, City Attorney, or City Clerk shall ask that the Council Member or Mayor place the request on the agenda for formal Council action before staff spends time or resources on the request.

B. Requests for Information or Research:

1. For new issues, actions, or research proposed by a Council Member that require approval by the City Council, Council Members will follow the procedure provided in this policy to place an item on the City Council agenda.
2. For issues or actions that have been previously approved by the City Council, or which do not require City Council approval, Council Members will, depending on the nature of the request, route the request for information or research through the City Manager, City Attorney, or City Clerk. It shall be the responsibility of the City Manager, City Attorney, or City Clerk to promptly respond as to their recommended disposition of the request. Upon authorization by the City Manager, City Attorney, or City Clerk, the Council Member may communicate directly with other city staff members (such as department directors) or City consultants.
3. Council Members' contact with City staff or City consultants, other than City Council appointees, is limited to asking questions and obtaining information and not giving direction or assignments.

Expressions of Official City Position or Policy

Council Members are authorized to convey information to the public: as provided for by Council Policy; by law; that is factual in nature, (e.g., about City programs, projects, and other City business); as well as official positions and policies of the City that have been approved by the City Council as a body. If a member of the City Council desires that a particular official City position or policy be established or expressed on a given issue, not previously approved by the City Council, the Council Member shall submit their recommendations on said position or policy to the entire City Council as provided in this policy, for evaluation and disposition as the City Council sees fit.

Except as provided in this Policy, any City Council Member who wishes to communicate a statement or opinion regarding any matter which the City Council has not taken an official position on shall ensure that said statement or opinion cannot be construed by the public as being an official position or policy of the City. When communicating such opinion or statement, a City Council Member shall not use City equipment, City email addresses, or City stationery. Additionally, such communications shall make it clear that the Council Member is expressing their own personal opinion. The City Council finds this policy furthers an important public purpose by ensuring the public does not confuse personal opinions expressed by City Council Members with official expressions of City policy.

Use of City Stationary and Email

Members of the City Council are authorized to use City stationery and email when corresponding on matters relating to official City business. Correspondence shall identify the author of the correspondence and email. Use of City stationary or email for private personal matters or statements of personal opinion is not permitted.

The style and content of City stationary utilized by individual City departments shall be approved by the City Manager to minimize the number of styles and promote use of a City-wide standard.

Private Digital Communications

Digital communication(s) by a Council Member on a Digital Communication Platform, as that term is defined in Council Policy D-5, that is owned or controlled by a Council Member or a third-party (*i.e.*, someone other than the City) and which discusses matters within the subject matter jurisdiction of the City Council, shall be deemed to be made in their personal capacity. Digital communications by a Council Member through a Digital Communication Platform owned or controlled by the Council Member or a third-party that discusses City matters shall make it clear that the Council Member is not speaking on behalf of the City (*i.e.*, “views expressed are my own”). All social media platforms owned or controlled by the Council Member that discusses City matters shall contain a notice that they are the personal page of the Council Member.

History

Adopted A-1 – 2-09-1959 ("Seconds to Motions")
 Adopted A-3 – 2-09-1959 ("Seating of Councilmen")
 Adopted A-6 – 11-13-1967 ("Recording of Meetings")
 Amended A-1 and A-3 – 11-12-1968
 Reaffirmed A-1, A-3, and A-6 – 3-9-1970
 Reaffirmed A-1, A-3, and A-6 – 2-14-1972
 Adopted G-3 – 5-8-1972 ("City Council Instructions to Staff")
 Adopted A-10 – 8-21-1972 ("Procedural Rules for Council Meetings", and incorporating A-1 and A-3)
 Amended A-10 – 11-24-1975
 Amended A-6 – 6-13-1977
 Amended A-6 – 10-25-1977
 Amended A-10 – 11-28-1977
 Amended A-10 – 7-24-1978
 Amended A-10 – 9-11-1978
 Amended A-10 – 11-27-1978
 Adopted A-13 – 2-12-1979 ("Use of City Stationery by Councilmen")
 Amended A-10 – 10-23-1979
 Amended A-10 – 11-12-1979
 Amended A-10 – 7-28-1980
 Amended A-6 & A-10 – 2-9-1981
 Deleted A-3 – 2-9-1981
 Amended A-1 – 10-25-1982
 Amended A-10 – 6-25-1984
 Amended A-10 – 10-22-1984
 Adopted A-1 – 11-20-1984 ("Election of Mayor and Mayor Pro Tem")
 Amended A-10 – 6-24-1985
 Amended A-10 – 3-24-1986
 Amended A-10 – 1-12-1987
 Amended A-10 – 5-26-1987
 Amended A-10 – 11-28-1988
 Amended A-10 – 11-27-1989
 Amended A-13 – 1-8-1990
 Amended A-10 – 8-13-1990
 Amended A-10 – 10-22-1990
 Amended A-10 – 6-28-1993
 Adopted A-11 – 1-24-1994 ("Recording of Council Meetings")
 Amended A-6 – 1-24-1994 (renamed to "Open Meetings")
 Amended A-1 – 1-24-1994
 Amended A-13 – 1-24-1994 (changed to A-8)
 Amended A-6 and A-10 – 3-28-1994
 Amended A-6 – 6-27-1994
 Amended A-6 – 12-12-1994

Amended A-11 – 2-27-1995
 Amended A-10 – 10-09-1995
 Corrected A-1 & A-8 – 2-26-1996
 Amended A-10 – 2-26-1996
 Amended A-6 – 2-26-1996
 Adopted A-13 – 5-28-1996 ("Decorum and Order for City Commissions, Committees and Boards")
 Amended A-6 – 12-9-1996
 Amended A-1 – 2-24-1997
 Adopted A-15 – 11-10-1997 ("Ex Parte Communication")
 Amended A-6 – 5-26-1998
 Adopted A-16 – 6-22-1998 ("Conflict of Interest Procedures")
 Amended A-6 – 3-14-2000
 Amended A-6 – 2-27-2001
 Amended A-6 – 3-27-2001
 Amended A-6 and A-10 – 8-28-2001
 Amended A-6 – 1-27-2004
 Amended A-6 – 3-09-2004
 Amended A-6 – 3-28-2006
 Amended A-6 – 2-26-2008
 Amended A-6 – 10-27-2009
 Amended A-6 – 12-6-2010
 Amended A-6 & A-10 – 2-22-2011
 Amended A-6 – 11-27-2012
 Amended A-6 and A-10 – 1-8-2013
 Amended A-6 – 5-14-2013
 Adopted A-3 – 5-14-2013 ("Request for Research or Information")
 Amended A-11 – 5-13-2014
 Amended A-6 – 6-9-2015
 Adopted A-20 – 7-14-2015 ("Expression of Official City Position")
 Amended A-11 – 4-12-2016
 Amended A-13 – 1-24-2017
 Amended A-1 – 8-8-2017 (incorporating A-3, A-6, A-8, A-10, A-11, A-13, A-15, A-16, and A-20, and renaming to "City Council")
 Amended A-1 – 1-22-2019
 Amended A-1 – 7-14-2020
 Amended A-1 – 4-27-2021
 Amended A-1 – 2-14-2023
 Amended A-1 – 5-14-2024