

CITY OF MEDINA

CITY COUNCIL GUIDELINES



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MEDINA CITY COUNCIL RULES AND GUIDELINES

TABLE OF CONTENTS

INTRODUCTION	4
ORGANIZATIONAL CHART	6
Chapter 1 GENERAL OVERVIEW	7
Basic City Documents	7
A. Medina Municipal Code	7
B. Revised Code of Washington	7
C. Annual Budget	7
D. Comprehensive Plan	8
E. Comprehensive Emergency Management Plan	8
Chapter 2 MEDINA CITY GOVERNMENT	8
2.01 Council–Manager Form of Government	8
2.02 City Council	9
2.03 Role of Mayor	9
A. Presiding Officer	9
B. Ceremonial Representative	10
2.04 Advisory Bodies	10
A. Appointments Made by the Mayor and Confirmed by Council	10
B. Qualifications and Terms of Service	10
C. Appointment Process	11
D. Council Members’ Role and Relationship with Advisory Bodies	12
Chapter 3 TRAVEL POLICY	13
3.01 Travel Involving an Overnight Stay	13
3.02 Reimbursement of Travel Expenses	13
Chapter 4 CONFLICTS OF INTEREST	15
Chapter 5 INTERACTION WITH CITY STAFF/OFFICIALS	16
5.01 Overview	16
5.02 City Manager	16
5.03 City Staff	16

5.04	City Attorney	17
Chapter 6 CITY COUNCIL MEETINGS - GENERAL		17
6.01	Meeting Schedule	17
6.02	Special Meetings	17
6.03	Study Sessions	17
6.04	Executive Session	18
6.05	Agenda	18
6.06	Meeting Rules for Council Members	18
6.07	Meeting Rules for Members of the Public	19
	A. Written Communications	19
	B. Oral Communications	19
6.08	Council Rules for Interacting with Staff	19
Chapter 7 COUNCIL MEETINGS - PROCEDURE		20
7.01	Parliamentary Procedure	20
7.02	Meeting Decorum and Order	20
7.03	Order of Discussion	20
7.04	Discussion Limit	21
7.05	Basic Steps for Conducting Business	21
7.06	Voting	21
Chapter 8 COMMUNICATIONS		21
8.01	Generally	21
8.02	Written Communications	21
8.03	Informal Messages	21
8.04	Electronic Communications	22

INTRODUCTION

These **City Council Guidelines** are intended to centralize information on common issues related to local government, and your role as a member of the Medina City Council. All Council members are expected to follow these guidelines and be bound by them unless excused by a vote of the City Council.

There are many other resources available to Council members in addition to the information set forth in these Guidelines. Two principal sources of information are:

A. Municipal Research & Services Center of Washington and Association of Washington Cities

The Municipal Research and Services Center (MRSC) is a private, non-profit organization based in Seattle, Washington. MRSC's mission is to promote excellence in Washington local government through professional consultation, research and information services. All of the information and research services described below are available free of charge to elected officials and staff of Washington city and county governments MRSC serves Washington local governments by providing: (1) Dependable advice from a multidisciplinary team of professional consultants; (2) A comprehensive Web site; (3) Access to thousands of sample documents; (4) Timely and informative print and electronic publications; and (5) Access to the largest local government library collection in the Northwest.

MRSC produces a number of useful guides and handbooks for Council members, including the following:

- **Councilmember's Handbook.** *Report No. 48 Revised, December 2009.* A brief overview of the structure of municipal government in Washington State and the role of the Councilmember in that structure. The primary focus is on the Council meeting.
- **Local Government Policy-Making Process.** *Report No. 45, February 1999.* The purposes of this publication are to describe the local government policy-making process, outline effective roles for local officials, and to provide practical tips to make the local policy-making process for satisfying and productive.
- **Knowing the Territory - Basic Legal Guidelines for Washington City, County, and Special District Officials.** *Report No. 47 Revised,*

November 2009. Describes the nature, powers and duties of municipal officials for “keeping out of trouble,” discusses limitations, regulations, and admonitions regarding the exercise of governmental powers, including conflicts of interest law, the open public meetings act, appearance of fairness doctrine and similar laws. It also points out immunities and protections.

B. The Association of Washington Cities

The Association of Washington Cities (AWC), founded in 1933, is a private, non-profit, non-partisan corporation that represents Washington’s cities and towns before the state legislature, the state executive branch and with regulatory agencies. Membership is voluntary. However, AWC consistently maintains 100% participation from Washington’s 281 cities and towns. A 24-member Board of Directors oversees the association’s activities.

What does AWC do? AWC’s staff focuses its work in five service areas:

Legislative representation

Educational training

Publications and resources

Technical assistance in personnel and labor relations, energy, transportation, budgeting, planning, risk management and employee wellness

Member programs, such as municipal liability and property insurance, employee drug and alcohol testing, and employee benefits

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Chapter 1

GENERAL OVERVIEW

As a City Council member, you not only establish important and often critical policies for the community, you are also a board member of a public corporation having an annual budget of several million dollars. The scope of services and issues addressed by the city organization go well beyond those frequently reported in the newspaper or discussed at City Council meetings.

Basic City Documents

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

A. Medina Municipal Code

The municipal code contains local laws and regulations adopted by ordinances. Title 2 of the code addresses the role of the City Council, describes the organization of City Council meetings and responsibilities and appointment of certain city staff positions and advisory boards and commissions. In addition to these administrative matters, the municipal code contains a variety of laws including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, and revenue and finance issues.

B. Revised Code of Washington

The Revised Code of Washington (RCW) is the compilation of all permanent state laws now in force. It is a collection of laws enacted by the Legislature, and signed by the Governor, or enacted via the initiative process. The state laws contain many requirements for the operation of city government and administration of meetings of City Councils throughout the state.

Medina is an “optional code city,” which means it operates under the general laws of the state. As an optional code city of the State of Washington, Medina is vested with all the powers of incorporated cities as set forth in the Revised Code of Washington (RCW), Constitution of the State of Washington, and Medina Municipal Code.

C. Annual Budget

The annual budget is the primary tool and road map for accomplishing the goals of the City. The budget document is the result of one of the most important processes the City undertakes. By adopting the annual budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations.

D. Comprehensive Plan

The Washington Legislature enacted the Growth Management Act (GMA) in 1990. The GMA was enacted in response to rapid population growth and concerns with suburban sprawl, environmental protection, quality of life, and related issues. The GMA is codified primarily in Chapter 36.70A RCW.

The GMA provides a framework for regional coordination. Counties and cities planning under the GMA are required to formally adopt planning policies to guide their respective planning activities. This is carried out via the adoption of documents known as “comprehensive plans.”

The City’s comprehensive plan is the starting point for any planning process and the centerpiece of local planning. Development regulations (zoning, subdivision, and other controls) must be consistent with comprehensive plan.

The City’s comprehensive plan is reviewed on an ongoing basis. Apart from certain narrow exceptions provided by state law, the City’s plan may only be revised once per year.

E. Comprehensive Emergency Management Plan

The City maintains a Comprehensive Emergency Management Plan that outlines actions to be taken during times of extreme emergency. The Mayor is called upon to declare the emergency, and then the Police Chief directs all disaster response activities. The City Council may be called upon during an emergency to establish policies related to a specific incident. Council members should become familiar with the Plan.

Chapter 2

MEDINA CITY GOVERNMENT

2.01 Council-Manager Form of Government

The City operates under the Council-manager form of government. This approach consists of an elected City Council which is responsible for policy making, and a professional City Manager, appointed by the Council, who is

responsible for administration. The City Manager provides policy advice, directs the daily operations of city government, handles personnel functions (including the power to appoint and remove employees) and is responsible for preparation of a budget. Under the Council-manager enabling law, the City Council is prohibited from interfering with the manager's administration. The City Manager, however, is directly accountable to, and can be removed by the Council at any time.

State law recognizes the separation of powers between the legislative and administrative branches of government. Under state law, members of the City Council may not become directly involved in the administrative affairs of the City. RCW 35A.13.120 specifically prohibits interference by Council members in the City's administrative service, including the hiring, firing, and work of city staff, with the exception of the City Manager.

2.02 City Council

The City Council is the policy making and law making body of the City. State law and local ordinances grant the powers and responsibilities of the Council. It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor has some additional ceremonial responsibilities, when it comes to establishing policies, voting, and other matters, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council.

Although individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. Council members should respect adopted Council policy. In turn, it is staff's responsibility to ensure the policy of the Council is carried out.

The City Council is responsible for appointing one position within the city organization—the City Manager. The City Manager serves at the pleasure of the Council. The City Manager is responsible for all personnel within the city organization, including the city attorney, hearing examiner, municipal court judge, municipal prosecutor, and public defender. The City Manager's appointment of the municipal court judge is subject to confirmation by the City Council.

Except for the purpose of inquiry, the Council and its members must deal with the administrative personnel solely through the City Manager or the manager's designee. Neither the Council nor any member of the Council may give orders to any subordinate of the City Manager.

2.03 Role of Mayor

The Mayor in Council-Manager cities is selected by the City Council from among its members.

A. Presiding Officer

The Mayor serves as the presiding officer and acts as chair at all meetings of the City Council. The Mayor may participate in all deliberations of the Council in the same manner as any other members and is expected to vote in all proceedings, unless a conflict of interest exists. The Mayor has no veto power. The Mayor may not move an action, but may second a motion.

B. Ceremonial Representative

Responsibility to act as the City Council's ceremonial representative at public events and functions has been assigned to the Mayor. The Mayor is vested with the authority to initiate and execute proclamations. In the Mayor's absence, the Deputy Mayor assumes this responsibility. Should both the Mayor and Deputy Mayor be absent, the Mayor will appoint another council member to assume this responsibility.

2.04 Advisory Bodies

A. Appointments Made by the Mayor and Confirmed by Council

Boards, commissions and citizen committees provide a great deal of assistance to the Medina City Council when formulating public policy and transforming policy decisions into action. The City has several standing boards and commissions. In addition, special purpose committees and task forces are often appointed by the mayor and City Council to address issues of interest or to conduct background work on technical or politically sensitive issues. Special or ad hoc committees will be dissolved upon completion of the intended task.

The City Council is specifically empowered to create all advisory boards and commissions pursuant to the provisions of Chapter 35A (Optional Municipal Code), or such advisory boards or commissions not specifically enumerated, as the Council deems necessary or advisable. In the exercise of this power, it is the desire of the City Council to establish a consistent policy in its decision-making role to fairly and equitably evaluate those citizens of the community who demonstrate a desire to serve on such boards or commissions.

B. Qualifications and Terms of Service

Persons wishing to be considered for appointment or reappointment will submit to the city clerk's office an application on a form provided by that office. It is the policy of the City Council for each applicant to be evaluated on an objective basis, utilizing the following criteria:

1. Residency - Residency requirements for advisory boards and commissions are noted in applicable sections of the Medina Municipal Code, and summarized on the Membership and Qualification Matrix appended hereto.

2. Sectional Composition - Normally, consideration should be given toward maintaining an equitable balance of community representation on all boards and commissions. Multiple members from the same family or household will not be appointed to a single board or commission, in order to avoid the reality or appearance of improper influence or favor.
3. Occupation - A broad mix of occupational backgrounds on all boards and commissions will be attempted as appointments are considered.
4. Knowledge of Municipal and Planning Process - When ranking equally qualified applicants, consideration shall be given to background experience and knowledge of the municipal process as appropriate to the position, in reaching a decision.
5. Contributive Potential – Consideration will be given to the potential contribution that each applicant may make if appointed to a board or commission. Criteria to guide this evaluation may include:
 - a. Ability to communicate
 - b. Desire to perform public service
 - c. Ability to express ideas, concepts, or philosophies
 - d. Desire to participate in decision-making process
6. Leadership Potential - Since each appointee may be called upon to serve as a chair, consideration will be given to the applicant's leadership abilities, such as:
 - a. Past or present leadership experience (current employment, special interests, etc.)
 - b. Past or present participation in community services
 - c. Expressed interest in a leadership role

No person shall be appointed to serve as a member of more than one board or commission at the same time; however, persons serving on a board or commission who have requested appointment to another board or commission position may be appointed to such position if they, concurrent with the appointment, resign from the board or commission position they are holding at the time of the new appointment.

C. Appointment Process

1. Council Personnel Committee. The mayor, together with two other Council members designated by the mayor, shall constitute a personnel committee to perform the interviews and recommendations for appointments to the planning commission and park board. The personnel committee shall interview the

applicants, although the committee reserves the right to make recommendations after reviewing applications and without conducting interviews. Subsequent to the personnel committee's review, the personnel committee shall make a recommendation of appointment to the Council.

2. After the personnel committee has forwarded its recommendation for appointment to the Council, the City Council will be given copies of all applications. The City Council will be given at least ten days to review the applicants' and the committee's recommendation prior to the meeting at which the Council will be asked to confirm the appointment.
3. Decision and Announcement. Each applicant will be notified by mail of the decision after Council confirmation has been made. The city clerk will also notify the chair of the affected board or commission of its decision.

D. Council Members' Role and Relationship with Advisory Bodies

Council members, in their capacity as private citizens, should refrain from providing testimony in legislative or administrative matters pending before any advisory board that will receive, or could potentially receive, future review or other action before the Council. Where a Council member elects to provide such testimony, the following rules shall apply:

1. The Council member shall declare at the outset and upon the record that the Council member is present in his or her private capacity as an interested citizen, and not on behalf or at the request of the City Council.
2. The Council member shall refrain from stating or implying that the Council member's position or opinion is that of the City Council.
3. The Council member shall refrain from directing city staff or the advisory body to take any action on behalf of the Council member.
4. The Council member shall observe any rules of procedure or protocol that apply to any other private citizen testifying before the advisory board.

Chapter 3

TRAVEL POLICY

Members of the City Council, City boards and commissions are subject to the following travel policy:

3.01 Travel Involving an Overnight Stay

All reasonable transportation expenses for approved travel (as defined in the following paragraphs) will be reimbursed. Any travel involving an overnight stay should have the prior approval of the City Manager.

Elected and appointed officials should endeavor to attend training and conferences in the state whenever possible, if such training or conference is of comparable value to that offered out of state.

Anyone traveling on city business on a trip that involves an overnight stay shall submit a travel authorization form to the finance department. The travel authorization form will include a complete estimate of the costs of the trip, including conference registration, transportation, lodging, meals, vehicle rentals, and incidentals. The travel authorization form will also include the purpose of the trip, the dates of travel, and other pertinent details.

The completed travel authorization form, including the appropriate authorizing signatures, must be submitted to the finance department before departure. The City Manager will authorize travel expenses within the legislative budget approved by the Council. The City Manager will authorize:

- a. Overnight travel by elected or appointed officials
- b. Use of a rental vehicle by elected or appointed officials
- c. Out-of-state travel by elected or appointed officials
- d. Any interpretations to the policies stated herein

3.02 Reimbursement of Travel Expenses

A fully itemized claim for expense reimbursement, along with any unexpended portion of the advance, must be submitted to the finance department within 15 calendar days of the close of the authorized travel period for which expenses have been advanced. Any amounts not accounted for within the 15-day period shall bear interest at the rate of 10 percent per annum from the date of default until paid (RCW 42.24.150).

1. Transportation Costs - Reimbursement costs for transportation will be at the cost of the most reasonable means of transport. For example,

airline costs will be reimbursed at a coach rate. If an elected or appointed official chooses to fly first class, the City will reimburse only at the coach rate and the official must pay for the difference. Efforts should be made to book air travel at least two weeks or more in advance to take advantage of lower rates. Frequent flyer miles earned accrue to the individual and not the City, but should not be the criteria for selecting a flight if lower-cost alternatives are available.

2. Hotel/Motel Accommodations – Actual and necessary hotel/motel accommodations will be reimbursed or paid in advance, limited to the maximum single-room rate of the specific hotel or motel. A vendor's receipt is required for all accommodations. In the event the receipt includes non-reimbursable expenses, the claimant shall be responsible for such expenses. Government or discount rates should be obtained wherever possible.
3. Individual Meals - Same Day Travel - Reasonable costs of necessary meals while conducting city business are reimbursable, to the following maximum amounts*, including tip:

Breakfast - \$ 10.00 Lunch - \$20.00 Dinner - \$30.00

*These amounts are reviewed annually by the finance director and may be adjusted from time to time by resolution of the City Council. For travel to high-expense areas, i.e., Washington, DC, meals may be reimbursed at a higher rate than the amounts listed above, subject to prior approval of the City Manager.

- Receipts must accompany all reimbursement claims.
 - The cost of meals for official functions (political or professional organizations - usually include speaker and/or room rental) will be paid at full actual cost, even if the cost exceeds the rates above.
 - Tips are allowable up to 15% and should be considered as a part of the maximum allowable amount.
 - Reimbursement will not be paid for alcoholic beverages.
 - Reimbursement will not be paid for expenses for spouses, guests, non-employees, or other persons not authorized to receive reimbursement under this policy or state regulations.
 - Reimbursement may be claimed by one person for several employees or officials eating together, as long as all the names are listed on the reimbursement claim.
4. Per Diem for Out-of-Town, Overnight Meals. When traveling out of town overnight, officials will receive a per diem allowance for meals rather than submitting a request for individual meal reimbursements. The daily per diem rates for meals shall be sixty dollars, tip included. If meals are provided as part of the registration fee, no per diem will be

paid for those meals. Officials can claim the daily per diem rates only for those meals they pay for directly.

5. Incidental Expenses - Reasonable costs for parking, taxis, buses, rental cars (if necessary), etc., will be paid if itemized on the claim form and accompanied by a receipt. Use of rental cars must have prior approval via the travel authorization form. The cost of long distance telephone calls to the City for city business will be reimbursed, and one telephone call home per day of reasonable length (i.e., 15 minutes) will be reimbursed.
6. Personal Vehicles - Mileage for the pre-approved use of personal vehicles will be reimbursed at the IRS allowable mileage rate. City officials using their personal vehicle from home to a destination different from their usual work site are reimbursed for miles driven in excess of their usual commute to and from work. The IRS rate will be published by the finance director by memo at the beginning of each calendar year. All officials using their personal vehicles for city business must file proof of liability insurance with the finance director.
7. Reporting of Actual Expenses - All actual eligible expenses should be reported on an expense reimbursement request form to be filled out by the official within 15 calendar days after completion of travel. Receipts must be attached for all expenses claimed. Expense reimbursement requests should be signed by the same party originally approving the travel and filed with the finance department for processing.

Chapter 4

CONFLICTS OF INTEREST

The conflict of interest law is one of the most complicated laws on the books. It is intended to ensure citizens that the judgment of public officers and employees is not compromised or affected by inappropriate conflicts. Violation is a criminal offense. To keep standards of conduct uniform throughout the State, no local government may regulate conflict of interest more strictly than the Revised Code of Washington. In basic interpretation, the law requires all Council members to:

- Disclose financial interests each year.
- Refrain from contracting for business with the local government.
- Abstain from voting on items of personal interest that apply solely to the Council member or that prevent impartial voting.
- Not engage in unethical conduct, such as accepting anything of value or disclosing confidential information.

To understand its effect on a Council member's actions, it is suggested that members discuss the law and potential conflicts with a private attorney or, the city attorney.

Chapter 5

INTERACTION WITH CITY STAFF/OFFICIALS

5.01 Overview

City Council policy is implemented through dedicated and professional staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so policies and programs may be implemented successfully. To support effective relationships, it is important that roles are clearly recognized.

5.02 City Manager

- A. The employment relationship between the City Council and City Manager honors the fact that the City Manager is the chief executive of the City. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the City Manager.

- B. The City Council will evaluate the City Manager on an annual basis to ensure that both the City Council and City Manager are in agreement about performance and goals based upon mutual trust and common objectives. The City Manager's performance shall be evaluated, at a minimum, in the following areas: leadership, teamwork, job knowledge, attitude, accountability, communication, problem-solving skills, quality of service, safety/risk-taking, implementation and administration of adopted Council policy.

5.03 City Staff

City Council member contact with city staff members, inclusive of the City Manager, will be during regular business hours, except in the case of an emergency. The City Council is to work through the City Manager when dealing with administrative services of the City. In no manner, either directly or indirectly, shall a Council member attempt to influence personnel matters that are under the direction of the City Manager.

5.04 City Attorney

Pursuant to recommendation of the City Manager, the City Council shall make provision for obtaining legal counsel for the City, either by appointment of a city attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services. At present, the city attorney is a contract employee appointed by the City Manager; such contract is confirmed by the City Council. The city attorney is the legal advisor for the Council, its committees, commissions and boards, the City Manager, and all city officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City.

It is important to note that the city attorney does not represent individual members of Council, but rather the City as a corporate entity.

Chapter 6

CITY COUNCIL MEETINGS - GENERAL

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

6.01 Meeting Schedule

Regular meetings are held the second Monday of each month at 6:30 p.m., in the Council chambers, 501 Evergreen Point Road, Medina, as provided in MMC 2.04. Should these days happen to be designated as a legal holiday; the council meeting will be held the next business day.

6.02 Special Meetings

Special meetings may be called by the Mayor or by a majority of the members of the Council by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body; and to each local newspaper of general circulation and to each local radio or television station which has on file with the Council a written request to be notified of such special meeting or of all special meetings.

6.03 Study Sessions

The City Council may meet informally in a study session. The study session is the forum used by Council to review forthcoming programs of the City, to receive

progress reports on current issues, or to receive similar information from the City Manager and others. All discussions and conclusions held during a workshop are of an informal nature. Generally, final action is not taken while in a study session unless delayed action may result in adverse consequences.

6.04 Executive Session

At the call of the presiding officer, or with a majority vote, the City Council may recess to executive session to privately discuss and consider matters of confidential concern to the well being of the City. The purposes for which an executive session may be held are identified in RCW 42.30.110:

- Discussion with legal counsel of pending or potential litigation
- Personnel matters
- Property acquisition/disposition
- Matters affecting national security
- Performance review of publicly bid contracts
- Complaints or charges brought against a public officer or employee
- Qualification/performance review of job applicants and employees
- Evaluate qualifications of candidates for appointment to an elective office

The City Council may also hold an executive session to receive confidential advice from the city attorney under the attorney-client privilege.

Before convening in executive session, the presiding officer shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. An executive session may be extended to a stated later time by announcement of the presiding officer.

6.05 Agenda

The City Manager and Mayor will review the agenda prior to the regular meeting.

A Council member may request that an item be considered on a future agenda by making a motion at a City Council meeting. The item shall then be placed on the agenda as a “motion for consideration” of the item at said meeting or at a later meeting. The motion shall then be discussed and voted upon by the Council.

6.06 Meeting Rules for Council Members

Council members shall act in a courteous, professional and respectful manner toward each other, the staff and the public.

Council members shall use their best efforts to maintain a balanced perspective and a sense of humor in conducting the public’s business.

Council members shall not surprise one another or staff at a public meeting with anything that could be discussed beforehand so that Council members and staff can be prepared to respond in a reasonable manner.

Council members speak with one voice once a vote has been taken and do not work to undermine the decision of the Council. The Council moves forward expeditiously without rehashing previously discussed information or engaging in conversation with the public during the business meeting.

Council members shall not use personal electronic devices during meetings except for the purpose of taking notes or dealing with emergency situations.

6.07 Meeting Rules for Members of the Public

- A. Written Communications. All persons may address the Council by written communications, including via e-mail. Written communications pertaining to items subject to a public hearing will be made a part of the public record.
- B. Oral Communications. City Council meetings are recorded. Each person addressing the Council at a regular meeting will do so from the podium and will speak in an audible tone of voice.
 - 1. Prior to making comments each speaker shall first give his/her name and address.
 - 2. Comments shall be limited to three minutes unless a greater length of time is requested and approved by the Mayor.
 - 3. All remarks will be addressed to the Council as a body and not to any member thereof. No comments shall be directed to staff.
 - 4. All remarks shall be courteous and respectful.
 - 5. Comments or questions requiring a response shall be referred to the City Manager, if appropriate.

6.08 Council Rules for Interacting with Staff

- A. Council members may ask the City Manager for up to one hour of research on a City related issue as long as the cumulative effect does not take staff away from accomplishing, in a timely manner, work authorized by the City Council or City Manager. In the event that more than one hour of staff time is required, a request for additional time may be brought to the full Council for consideration.

- B. Council members shall not publicly criticize city staff. If there are concerns with staff performance, they should be discussed with the City Manager privately.
- C. Council members shall at all times be respectful of staff and treat them as professionals.
- D. Information generated by staff on behalf of a Council member shall be shared with all Council members.

Chapter 7

COUNCIL MEETINGS - PROCEDURE

7.01 Parliamentary Procedure

Unless otherwise addressed by these Guidelines, meetings shall be conducted in accordance with traditional rules of parliamentary procedure in order to assist the Council in conducting business in an orderly manner; but strict adherence to parliamentary procedure shall not be required. In the event that the procedure for considering a matter is unclear or in dispute, the following procedure shall be employed: (a) a motion will be made proposing a course of action; (b) a second shall be required; (c) thereafter, each Council member shall be afforded the opportunity for discussion; and (d) the Mayor shall call for a vote. Council shall be bound by the results of the vote.

7.02 Meeting Decorum and Order

The Mayor shall preserve decorum and decide all questions of order, subject to appeal by the Council. During Council meetings, Council members shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the orders of the chair or the rules of protocol.

Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Council shall be directed to cease by the mayor, and if the inappropriate conduct continues, the person shall be barred from the meeting.

7.03 Order of Discussion

The Mayor should follow the prepared agenda as much as possible. However, for those occasions when deviations are necessary or convenient, the Mayor will clearly announce that the Council has decided to rearrange the agenda.

7.04 Discussion Limit

A Council member should not speak more than once on a particular subject until every other Council member has had the opportunity to speak. Council members are encouraged to discuss items during the decision-making process.

7.05 Basic Steps for Conducting Business

Specific requests or proposals that are presented to Council for consideration and possible action must be introduced in the form of a motion and a second.

7.06 Voting

Each Council member shall vote on all questions put to the City Council, unless a conflict of interest under state law or appearance of fairness question is present. Unless a member of the Council states that he or she is not voting, his or her silence shall be recorded as an affirmative vote.

Chapter 8

COMMUNICATIONS

8.01 Generally

All letters, memoranda, and interactive computer communication involving city council members and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with few exceptions as stated by the Public Disclosure Act, are public records. Copies of such letters, memoranda, and interactive computer communication may not be provided to the public or news media without the filing of a public disclosure request with the city clerk.

8.02 Written Communications

Written letters and memoranda received by the City, addressed to a Council Member or the Council as a body, will be photocopied and provided to all City council Members, and a copy kept according to the City's Records Retention Schedule.

8.03 Informal Messages

Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a

public record. Users may delete these messages once their administrative purpose is served.

8.04 Electronic Communications

- A. E-mail communications intended to be shared among four or more Council members, whether concurrently or serially, must be considered in light of the Open Public Meetings Act. If the intended purpose of the e-mail is to have a discussion that should be held at an open meeting, the electronic discussion should not occur.
- B. E-mail should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other "confidential" City business. In general, e-mail is discoverable in litigation, and even deleted e-mail is not necessarily removed from the system. Confidential e-mail communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
- C. The City e-mail system shall be used to conduct City business. Personal e-mail, including use of social media websites, shall not be used to conduct City business.