

# CITY COUNCIL PROTOCOLS



*Adopted by the Solvang City Council,  
As Amended **January 11, 2021***



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## 1. PURPOSE

The purpose for establishing City Council Protocols is to provide an effective environment for the City Council to provide leadership. The protocols may be amended by a majority vote of the Council Members and should be reviewed on a regular basis to ensure that the document remains helpful to the Council in providing a skeleton to effective leadership.

The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the Council Members when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

## 2. STATUTORY REQUIREMENTS / REGULATORY GUIDELINES

Certain state laws and other established regulations exist which govern various responsibilities of the City Council. This protocol manual is not intended to duplicate or repeat any existing statutes or regulations. City Council Members are encouraged to familiarize themselves with these statutes and regulations and any discrepancies with state law will result in state law taking precedence.

### 2.1 The Brown Act

The Ralph M. Brown Act is a 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 and all persons shall be permitted to attend. Notices of such regular meetings must be made 72 hours prior to the meeting. Notice of Special Meetings requests only a 24-hour notice and emergency meetings may be called with less time for notification. A "meeting" takes place whenever a quorum is present and subject matter related to the city business is heard, discussed, or deliberated upon.

### 2.2 Political Reform Act.

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding Conflicts of Interests and Campaign Receipts and Expenditures.

### 2.3 Solvang City Code

The Solvang City Code consists of those codified ordinances of general municipal regulations and laws and may be referred to as the Solvang City Code.

### 2.4 Rosenberg's Rules of Order

The Solvang City Code states that all procedural matters not otherwise provided

for in or controlled by state law or by any ordinance, resolution, rule, or regulation of the City shall be governed by Guidelines established by the League of California Cities Rosenberg's Rules of Order. However, no ordinance, resolution, or other action of the City Council shall be invalidated, or the legality thereof otherwise affected by the failure or omission of the City Council to observe or follow such rules.

### **3. COUNCIL ORGANIZATION**

#### **3.1 Newly-Elected Members**

Newly elected Council Members will be sworn into office generally at the first regular Council meeting in December following a regular municipal election. Immediately upon election (even before being sworn into office), newly elected Council Members are subject to the provisions of the Brown Act.

#### **3.2 Selection of Mayor and Mayor Pro Tem**

The Solvang Charter states, the Mayor shall be elected at the general election on a general ticket from the City at large. The term for Mayor shall be two years, and Mayor Pro Tem shall be one year, commencing at the first meeting in December of each year.

The first criteria for selection of the Mayor Pro Tem shall be that Council Member who has served at least one year on the Council and has not previously served as Mayor Pro Tem. If more than one Council Member has not previously served as Mayor Pro Tem, then from such Council Members, the Council Member with the greatest seniority in terms of consecutive years of service shall be selected. A Council Member shall have the right to decline the position if they so choose. If there is still more than one Council Member eligible according to seniority, the Council Member who received the highest number of votes for the most recent

election of each Council Member eligible by reason of seniority shall be selected as Mayor Pro Tem. However, no Council Member shall serve more than one term as Mayor Pro Tem until all of the Council Members have served or declined to serve.

#### **3.3 Duties of Mayor and Mayor Pro Tem**

The Solvang Charter states, the Mayor shall preside at the meetings of the Council and perform such duties consistent with the office as may be imposed by the Council or by the vote of the people. The Mayor shall be entitled to vote, and must vote when present, except as prohibited by State Law, but shall possess no veto power. As presiding officer of the Council the Mayor will faithfully communicate the will of the Council majority to the Administrative Officers in matters of policy. If he/she is absent or unable to act, the Mayor Pro Tem shall serve until the Mayor returns or is able to act.

#### **3.4 Representation at Ceremonial Functions**

The Solvang Charter states, the Mayor shall be recognized as the official head of the City for all ceremonial functions. The Mayor may, at his/her own discretion,

ask another Council Member to represent the Council at any function.

The City Council has developed guidelines for issuing resolutions of commendation; proclamations; and certificates of commendation for the City Manager to utilize in developing these recognitions for groups or individuals who directly benefit the City of Solvang or its citizens.

Council Members shall be reimbursed for admission and meal expense to attend ceremonial functions for which the Council Member was invited to represent the City in accordance with Assembly Bill 1234. Such a request should be authorized by the Mayor, or in the absence of the Mayor, by a majority of the City Council, who typically represents the City at such functions but may from time to time have another Council Member serve as the City's representative.

### 3.5 Seating Order

In the absence of a consensus by Council Members at the time of the Council reorganization, the Mayor shall have the prerogative to designate the seating order for the Council dais. This seating arrangement can be overruled by a majority of the Council.

## 4. COUNCIL ADMINISTRATION / PROFESSIONAL DEVELOPMENT

### 4.1 Council Compensation and Benefits

Council compensation and benefits are established by city ordinance. The Government Code provides specific restrictions for adjusting Council compensation.

### 4.2 Reimbursement of City-Related Expenses

Council Members shall receive reimbursement for actual and necessary expenses directly related to their duties as City Council Members in accordance with Assembly Bill 1234. Mileage reimbursement shall be at the IRS approved rate. Meals and hotels shall be made in accordance with those rates provided to city employees.

### 4.3 Professional Development

The Council shall establish an annual budget for conferences, meetings, and training. Council Members shall attend these functions at his/her own discretion for purposes of improving his/her comprehension of and proficiency in municipal affairs and/or legislative operations.

### 4.4 New Council Member Training

New members are provided with a City Council Members Basic Guide which gives an overview of the City operation as a whole, briefly describing the Council processes, City departments, City affiliated organizations, City utility providers, as well as established City Council goals. The new member is introduced to City staff and provided a tour of City facilities. Newly elected Council Members are encouraged to meet on a regular basis with the City Manager to develop a complete understanding of City operations. They are also encouraged to meet

with the City Manager to ask questions and to discuss the City Council agenda packet when it is distributed.

## **5. COMMISSION / COMMITTEE APPOINTMENTS**

### 5.1 Commissions

City commissions serve as advisory bodies to facilitate public input and citizen participation in the determination of public policies. This is accomplished by formulating recommended courses of action and policy to the City Council with whom final determination rests. The Planning Commission is a regulatory body, having authority to make final determinations in applicable circumstances. City commissions are established by ordinance and are outlined in the Solvang City Code.

### 5.2 Commission Appointments

Commission terms are established by city ordinance. Those seeking appointment must submit a Commission Application. Those commissioners, whose terms have expired, must submit a written request for reappointment, as terms are not automatically renewed. Commission appointments are subject to approval by the majority of Council with the exception of the Planning Commission who are appointed by an individual Council Member and ratified by the entire Council. The City Council appoints individual members of the Planning Commission and members of other city advisory commissions or committees are appointed by the entire City Council.

### 5.3 Contact with Commissions

The purpose of establishing city committees and commissions is to include the community in the city decision-making process. It is important for commissions and committees to be able to make objective recommendations to the City Council on items before them. City Council members do appoint a planning commissioner individually however meeting with that appointee for the purposes of discussing city- planning matters is discouraged as any attempt to strongly influence commission positions on any item may prejudice or hinder the Council member's role in reviewing the commission's recommendation as a member of the City Council. Members of the City Council should not attempt to influence or publicly criticize commission or committee recommendations, or to influence or lobby individual commission or committee members on any item under their consideration.

### 5.4 Appointments to Outside Committees

Council Members are requested to serve on various boards and committees for outside agencies. Annually, the City Council shall review the list of current assignments and make recommendations for appointments, subject to approval by the majority of the Council.

## **6. MEETING GUIDELINES & PROCEDURES**

### 6.1 Meeting Dates

### 6.1.1 Regular Meetings

Pursuant to the Solvang City Code, regular meeting dates are established by Council resolution. The regular meeting dates are the second and fourth Mondays of each month commencing at 6:30 p.m. Wherever possible, the City Manager will endeavor to adjust the content of the agenda to assure that discussions can be made with the Council fresh and not exhausted due to the late hour of the meeting. No regular meeting shall have an agenda item started after 10:00 pm unless a unanimous vote of Council Members approve extending beyond that time or there is a legal requirement for the Council to act on that date.

### 6.1.2 Adjourned/Special/Emergency Meetings

The Brown Act sets forth specific requirements for holding adjourned, special, and emergency meetings.

## 6.2 Agenda

### 6.2.1 Agenda Packet Preparation

The City Manager reviews and approves all items for the Council agenda. Agenda packets are compiled, photocopied, and distributed through the City Clerk's office. The Solvang City Code requires that "barring unforeseen circumstances, the city clerk shall post and mail copies of the agenda by twelve (12:00) noon on the Thursday preceding the city council meeting, but in no event not later than seventy-two (72) hours preceding a regular city council meeting, and twenty-four (24) hours preceding a special city council meeting. To further enhance transparency, the Council protocols establish that agenda packets will normally be available for the Council at 12 noon on the Wednesday prior to the Council meeting. Agenda Items will not be provided to the public until the Council packets are available.

### 6.2.2 Placing Items on the Agenda

The City Manager determines which items are placed on the agenda and works with the Mayor regarding the timing and order for such items. Council Members may request items to be placed on future agendas. During a meeting, any Council Member may request that an item be placed on a future agenda upon consent of a majority of Council Members present. Staff will prepare a report for a future agenda. If a council member requests an agenda item and action is necessary which does not allow for this process to be used, the Council Member shall work with the City Manager and Mayor to place the item before the Council as soon as possible. During public comment periods or by correspondence with Council Members, a member of the public may ask that Council consider an item, and, upon consent of a majority of Council Members present, a staff report will be prepared and processed for a future agenda.

### 6.2.3 Order of Agenda Items

The order of business for meetings of the City Council will be established by a formal item appearing on every agenda.

#### 6.2.4 Presentations

Special presentations shall be scheduled as necessary in recognition of persons or groups, for the promotion of an event or service or for a presentation of material to the public for informational purposes.

#### 6.2.5 Consent Items

Those items on the Council Agenda which are considered to be of a routine and non-controversial nature by the City Manager shall be listed on the "Consent Calendar." These items so listed shall be approved, adopted, accepted, etc. by one motion of the Council and roll call vote.

Council Members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration.

#### 6.2.6 Public Hearings

Public Hearings may be required on certain items as prescribed by the municipal code or by state or federal law. The regular time for public hearings is established by Council resolution. The general procedure for public hearings is as follows:

- a. Staff presents its report. Council Members may ask questions of staff.
- b. The Mayor opens the public hearing.
- c. The applicant or appellant has the opportunity to present his/her comments, testimony, or arguments. Adequate time must be allotted for the applicant or appellant to present his/her case. The Mayor may ask the applicant/appellant in advance the amount of time needed in order to better control the time.
- d. Members of the public may present their comments subject to time limits established by Council.
- e. The Mayor closes the public hearing after everyone wishing to speak has had the opportunity to do so.
- f. Council proceeds with discussion and makes final decision.

#### 6.2.7 Public Comment

Pursuant to The Brown Act, public comment will be allowed on items on the Council agenda at the time each item is considered. Public comments are limited to no more than three minutes each. Individuals desiring to speak are encouraged to submit a request to speak to the City Clerk listing their name and address.

Members of Council shall not engage in debate with a member of the public at Council meetings since these debates seldom resolve concerns and many times inflame feelings at a public meeting.

The Solvang City Council desires to have professionally conducted meetings in which differing views and opinions can be honored in a cordial manner. While the Council wishes to honor the public's right to address the Council, it is hoped that such free speech can be undertaken in an orderly way. Certainly, the City Council will model this behavior and the Mayor will ask for the same from the Public as they exercise their rights to free speech. Continued inappropriate behavior or comments, after having been directed to discontinue, shall be grounds for removal from the meeting. Council shall not be belligerent or make disparaging commentary toward the speaker. Nothing in this section shall prohibit or discourage orderly criticism of any City decision or policy within the limits of these rules.

#### 6.2.8 Study Session

The Council may hold study sessions from time to time in order to informally receive information from staff and/or consultants. Final Council action is generally not taken during a study session with the staff being directed to come back at a later date with necessary agenda items to implement the issues and policies addressed in the session.

#### 6.2.9 Closed Sessions

Closed Sessions are regulated pursuant to the Brown Act. All written materials and verbal information regarding closed session items shall remain confidential.

No member of the Council, employee of the City, or anyone else present shall disclose to any person the content or substance of any discussion that takes place in a closed session unless authorized by a majority of Council. All public statements, information, and press releases relating to closed session items shall be handled by the designated staff spokesperson unless otherwise directed by the majority of Council.

#### 6.2.10 City Council Comments

The City Council Comment portion of the meeting provides Council Members the opportunity to briefly comment on Council business, city operations, city projects and other items of community interest. Council Members shall govern themselves as to the length of their comments, but shall generally not exceed five minutes. Individual Council Members may request items to be placed on future agendas during this portion of

the meeting. It is requested that after each request, the City Council take action to direct staff as to whether or not the Council desires that this use of city resources go forward and that staff be directed as to the urgency of the need as well. In the interest of fully working together as a team, the Council should apprise the City Manager of concerns and or comments prior to the City Council meeting so that staff might be prepared to address the concern or comment at the same Council Meeting.

### 6.3 Meeting Procedures and Conduct

The Solvang City Code states that all procedural matters not otherwise provided for in or controlled by state law or by any ordinance, resolution, rule, or regulation of the City shall be governed by Rosenberg's Rules of Order. However, no ordinance, resolution, or other action of the City Council shall be invalidated or the legality thereof otherwise affected by the failure or omission of the City Council to observe or follow such rules.

It is the intent of Council not to become involved in entanglements over parliamentary procedure. Issues relating to the conduct of a meeting may be determined by the Mayor, subject to appeal to the full Council.

### 6.4 Rules of Conduct

#### 6.4.1 Discussion Rules

The Mayor has the responsibility to control the debate and the order of speakers. The Mayor shall call upon all Council Members fairly. Mayor's decision is subject to being overruled by the Council.

#### 6.4.2 Germane Comments/Time Limit for Council

Council Members shall limit their comments to the subject matter, item, or motion being currently considered by the Council. A determination of relevance shall be made by the Mayor, but may be overruled by the full Council.

#### 6.4.3 Speaker Time Limits

Members of the public speaking on an issue shall be limited to three minutes. The Mayor (unless overruled by a majority vote) may adjust the speaker time limits depending on the number of requests to speak and/or the length of the meeting.

#### 6.4.4 Council Questions of Speakers

Council Members who wish to ask questions of speakers may do so, but only after being recognized by the Mayor.

Members of Council shall not engage in debate with a member of the public at Council meetings since these debates seldom resolve concerns and many times inflame feelings at a public meeting.

#### 6.4.5 - Derogatory Comments

Council Members are expected to interact with one another with mutual respect and courtesy. Derogatory, snappy, or sarcastic comments toward another Council Member or a member of the public are inappropriate. The Mayor may call for a short recess should a Council Member or member of the public become disruptive or agitated so as to interfere with the normal conduct of business.

#### 6.4.6 Packing of Audience

It is inappropriate for a Council Member to pack the audience for a specific agenda item.

#### 6.5 Use of City Hall Facilities

The City Clerk is responsible for maintaining a calendar on the use of the City Hall facilities (Council Chambers, Conference Room). Use of the facilities by city commissions, committees, and other advisory bodies shall take precedence over any other group or agency. Favorable consideration shall be given to other governmental agencies or non-profit organizations (subject to city guideline acceptance) if room is available. No events of a commercial nature shall be allowed. When a question arises regarding permission for any group to use the facility, the City Manager shall have authority to make the final decision.

### 7. COMMUNICATIONS

#### 7.1 Processing of Mail

The City Clerk shall open all mail addressed to the Mayor. Mail that is directly related to a particular department shall be copied to that department head. The City Clerk shall not open mail addressed to an individual Council Member unless it is apparent that the mail was erroneously addressed and was intended for the Mayor.

Mail addressed to the Mayor and City Council shall be distributed by the City Clerk to each Council Member with the notation "All Council Copied." Correspondence addressed to the Mayor, which requires a response from staff, shall be copied to all Council Members. Responses shall also be copied to all Council members.

Any communications related to a matter pending, or to be brought before the City Council, shall be included in the agenda packet for the meeting at which such item is to be considered. Letters of appeal from administrative or Commission decisions shall be processed under applicable provisions of the City Code or other ordinances.

#### 7.2 Citizen Complaint Process

All complaints directed to the Mayor or City Council shall be sent to the City Manager who will assign a staff member a deadline to respond to the complaint. Copies of the complaint and assignment memorandum will then be provided to each Council Member. Copies of the response shall be provided to the Council

when completed.

Council Members are discouraged from responding directly to complaints without coordinating with the City Manager's office to ensure a unified response and to prevent dual efforts in the event another department is already preparing a response.

If a City Council Member receives a complaint and desires that it be addressed by administration, he/she should present it to the City Manager's office to ensure it gets into the tracking system.

### 7.3 Requests for Staff Research

Any requests by Council Members for information or research from staff should be directed to the City Manager. Requests for new information or policy direction will be brought to the full Council at a study session for consideration. Responses to all requests will be copied to all Council Members.

### 7.4 Distribution of Information

Responses to all requests for information will be copied to all Council Members.

### 7.5 Use of City Letterhead

All Council Member correspondence written with city resources, i.e., letterhead, typing, staff support, postage, etc., will reflect the position of the full Council, not individual Council Members' positions. All Council Member correspondence using city resources shall be copied to the full Council.

### 7.6 Council/Staff Relationships

City Staff shall acknowledge the Council as policy makers and the City Council shall acknowledge Staff as administering the Council's policies.

### 7.7 Communications with Staff

A Council Member shall not direct Staff to initiate any action, change a course of action, or prepare any report that is significant in nature. Any action that an individual Council Member wishes to see carried out by Staff should be communicated only through the City Manager, who is the sole individual capable of directing staff of the City either directly or through city department heads.

### 7.8 Undue Influence on Staff and Commissions

Council Members shall not attempt to coerce or influence Staff or Commissions in the making of appointments, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits. The Council shall not attempt to change or interfere with the operating policies and practices of any City department.

### 7.9 Complaints Regarding Performance of Staff

Any concerns by a member of Council over the behavior or work of a City employee should be directed to the City Manager privately to ensure the concern is resolved. Council Members shall not reprimand employees directly, nor shall

they communicate their concerns to anyone other than the City Manager.

#### 7.10 Handling of Litigation and Other Confidential Information

City Council Members shall keep all written materials and verbal information provided to them on matters that are confidential under State law in complete confidence to ensure that the City's position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the City Attorney or City Manager.

#### 7.11 Representing Majority Decision vs. Individual Opinion

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

### **8. NEPOTISM**

The Mayor or City Council members shall not appoint as an employee or officer, to receive any compensation from the City, any person who is relative by blood or marriage within the third degree of the Mayor or any one or more of the members of the Council, nor shall the City Manager or any other appointing authority appoint to any such position any relative of his or of the Mayor or any member of the Council within such degree of kinship. Relatives to the third degree include parents, children, siblings, aunts, uncles, nieces, nephews, grandparents and first cousins.