

CITY OF NOVATO

CITY COUNCIL AND REDEVELOPMENT AGENCY POLICY MANUAL

SECTION 1: GENERAL INFORMATION

1.01 Purpose

1.02 Mission

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1.01 POLICY MANUAL PURPOSE

City Council. This policy manual sets forth policies and procedures by which the City Council, Boards, Commissions, Standing and Ad Hoc Committees, City Manager, City Attorney and City Clerk shall conduct City Council business and activities. In the event of any conflict between this policy and any existing ordinances, resolutions, agreements or contracts, the existing ordinances, resolutions, agreements or contracts shall prevail. This policy manual shall take precedence over adopted Administrative Policies that have not been approved through the meet and confer process. Throughout this policy manual, references to a specific gender shall mean either gender.

(a) Amending and Updating the Policy Manual. The City Council shall amend and update the Policy Manual on an as needed basis.

(b) Amendments Requiring a Resolution. The substantive policy amendments shall be adopted and incorporated by resolution.

(c) Amendments Not Requiring a Resolution. The City Clerk shall update the Table of Contents, information sections, or nouns or personal pronouns not changing the substantive matters, on an as needed basis. Amendments to the Table of Contents and information sections, or nouns or personal pronouns not changing the substantive matters, shall not require a resolution or action of the City Council and shall be considered an administrative act.

Other Agencies. The Policy Manual shall also apply to all other agencies administered by the City such as the Novato Public Financing Authority, the Novato Finance Authority and the Successor Agency to the dissolved Novato Redevelopment Agency. The term “City” shall be considered interchangeable with these other agencies on which the Council acts as a legislative body. For purposes of this document, the terms City, City Council, and Board shall be considered interchangeable.

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1.02 MISSION STATEMENT

The mission of the City of Novato is to provide excellent services and enrich the quality of life within the community in a fiscally responsible manner.

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1.03 VISION STATEMENT

Novato will be recognized as one of the most vibrant, desirable and sustainable communities with a small town atmosphere in which to live, work, learn, shop, play and visit.

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1.04 VALUES STATEMENT

CORE VALUES

(not in priority order)

The City of Novato values...

- *Teamwork*
- *Excellent customer service*
- *Ethical behavior*
- *Honesty and integrity*
- *Fiscal responsibility*
- *Respect for all*
- *Setting and focusing on priorities*
- *Open government*
- *Community Involvement*

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2.01 FORM OF GOVERNMENT

General Law City. The City of Novato is a General Law City of the State of California operating under the Council/Manager Plan. The Council/Manager Plan and the City Manager's Duties shall define how the City Council and City Manager interact and perform their respective duties and responsibilities.

City Council. The City Council has the following duties and responsibilities:

- (a) **Appointment of City Manager and City Attorney.** The City Council shall appoint the City Manager and the City Attorney. The Assistant City Manager shall serve as the City Treasurer.
- (b) **Establishment of Boards and Appointment of Members.** The Council may establish Boards, Commissions, and Committees, and by majority vote make appointments of the members of all Boards, Commissions, and Committees.
- (c) **Annual Evaluation of Appointed Officials.** There should be an annual review for the City Manager and City Attorney.

City Council Policy Manual. The Policy Manual shall provide the general guidelines on how the City Council, Boards, Commissions, Committees and Staff shall conduct City business.

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2.02 COUNCIL/MANAGER PLAN

Introduction. The City of Novato adopts and uses the Council/Manager Plan form of local government to combine the strong policy leadership of elected officials in the form of a Council with the strong managerial and administrative abilities of a qualified professional City Manager. The Plan establishes a representative government system in which the entire Council determines the policies and services of the community, and the City Manager effectively and efficiently implements the policies and delivery of these services.

City Council Functions. The City Council is the legislative body; its members are the community's decision makers. Power is centralized in the elected City Council collectively and not in individual members of the Council. The City Council approves the budget and determines the public services to be provided and the taxes, fees and assessments to pay for these public services. It focuses on the community's goals, major projects and such long term considerations as community growth, General Plan and land use, development standards, capital improvements, financing and strategic planning. The City Council hires a professional City Manager to carry out the administrative responsibilities and supervises the City Manager's performance.

City Manager Functions. The City Manager is hired to serve the City Council and the community and to bring the benefits of education, training and experience in administering the City's projects, programs, and public services on behalf of the City Council. The Manager prepares a recommended budget for the Council's consideration; recruits, hires, and supervises the City's personnel, contractors and consultants; serves as the Council's chief advisor; and implements the Council's policies and programs and public services in an effective and efficient manner. The City Manager provides or supervises the delivery of complete and objective information, provides options and alternatives, and analyzes long- and short-term consequences of various City policies on public services, finances, growth and land uses, development standards, and other community programs and needs. The City Manager provides professional advice on policy matters, intergovernmental affairs and economic development and environmental issues. The City Manager follows the direction of the entire City Council and not individual members of the Council or public, and serves at the sole discretion of the Council.

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2.02 COUNCIL/MANAGER PLAN

Appointment of City Manager. The City Manager shall be appointed by majority vote of the City Council and shall hold office at the pleasure of the City Council. The City Manager shall be chosen by the Council solely on the basis of his/her executive and administrative qualifications with special reference to the Manager's actual experience in or his/her knowledge of accepted practices in respect to the duties of the Manager's office hereinafter set forth. At the time of the Manager's appointment, the Manager need not be a resident of the City or the State. No Councilmember shall receive such appointment during the term for which he/she shall have been elected nor within two years after the expiration of this term. The City Council shall enter into an employment agreement with the City Manager outlining his/her compensation, health and welfare benefits, terms and conditions of employment and other items deemed desirable to be included in an agreement. To the extent said agreement conflicts with these policies, the agreement shall control.

Bond. The City Manager shall furnish a surety bond to be approved by the Council, said bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the City.

Compensation. The City Manager shall receive such compensation as the City Council shall fix in the resolution establishing an exempt management recognition and incentive compensation program or by separate contract. In addition, the City Manager shall be reimbursed for all actual and necessary expenses incurred in the performance of the Manager's official duties.

City Manager Excluded from Civil Service System. The office of the City Manager is hereby specifically excluded from the civil service or personnel system of the City and the City Manager shall not be entitled to the benefits, advantages or protection of the civil service or personnel system of the City; the Manager shall not be subject to the procedures outlined or prevailing in the system.

Acting City Manager. The City Manager shall designate an Acting City Manager during normal absences such as vacations, short term illness, attending conferences, etc. If the City Manager fails to so designate an Acting City Manager, the City Council may, in case of absence or disability of the City Manager, designate a qualified City employee to be Acting City Manager. The Acting City Manager has the authority to conduct any of the duties of the city manager, upon the request or convenience of the city manager.

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2.03 CITY MANAGER'S DUTIES

Powers and Duties of City Manager. The City Manager shall be the Chief Administrative Officer of the City. The City Manager may head one or more departments and shall be responsible to the City Council for the proper administration of all affairs of the City. To that end he/she shall have power and shall be required to exercise the following duties:

(a) **Appointment, Removal, Promotion, Demotion Powers.** Except as to the City Attorney, elective officers, and members of appointed boards, commissions or committees, the City Manager shall appoint or promote, and when necessary for the good of the service, demote, suspend or remove all officers and employees of the City as provided by Chapter XI, the Personnel Ordinance and Personnel Rules and Regulations, except that the City Manager may authorize the head of a department or office to appoint, suspend, demote, or remove subordinates in such department or office.

(b) **Establish Administrative Policies.** As the Chief Administrative Officer of the City, the City Manager shall have the authority to establish administrative policies and to authorize Department Heads to implement administrative procedures as may be indicated in the interest of efficient, effective, and economical conduct of the City's business.

(c) **Control of Officers, Employees and Organization.** The City Manager shall control, order and give directions to all heads of departments and to subordinate officers and employees of the City through their Department Head; transfer employees from one department to another; and conduct studies and effect such administrative reorganization of departments and operational units as may be indicated in the interest of efficient, effective and economical conduct of the City's business. The City Manager shall exercise control over all departments of the City government and over all Council-appointed officers and employees thereof except City Attorney, and members of appointed boards, commissions or committees.

(d) **Department Cooperation.** It shall be the duty of all subordinate officers and employees to assist the City Manager in administering the affairs of the City efficiently, economically and harmoniously so far as may be consistent with their duties as prescribed by law and ordinances of the City and based on policy direction from the Council.

(e) **Enforcement of Laws.** The City Manager shall see that all laws and ordinances of the City are duly enforced and that all franchises, permits and privileges granted by the City are faithfully observed.

(f) **Representation of City.** The City Manager shall represent the City in its negotiations and working relationships with the State, the County and other governmental jurisdictions; provided that any contracts negotiated for the exchange of services from any such other governmental jurisdiction shall be subject to approval by the City Council.

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2.03 CITY MANAGER'S DUTIES

(Continued)

(g) **Performance of Duties of City Auditor.** The City Manager shall perform or have performed by a properly qualified certified public accountant all the duties and powers imposed by law on a City auditor.

(h) **Attendance at Council Meetings.** The City Manager, or in rare instances the Assistant City Manager in the City Manager's stead, shall attend all meetings of the City Council unless excused by the Council, except when his/her removal is under consideration by the Council. The City Manager shall be entitled to notice of all regular and special meetings of the City Council.

(i) **Recommended Activities.** The City Manager shall recommend to the City Council adoption of such measures including ordinances and resolutions as he/she may deem necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services.

(j) **Advise as to Finances.** The City Manager shall keep the City Council at all times fully advised as to the financial conditions and needs of the City.

(k) **Preparation of the Budget.** The City Manager shall prepare and submit to the City Council the proposed final annual budget.

(l) **Purchase of Supplies.** Subject to and in accordance with the City purchasing ordinance, the City Manager shall direct and supervise the purchase and acquisition in any lawful manner of all property, equipment, services, materials, and supplies for the City and for all departments and divisions thereof, provided the purchase or acquisition thereof has been approved by the City Council or is included in a budget which has been approved and adopted by the City Council. No expenditure shall be submitted or recommended to the City Council except on report or approval of the City Manager.

(m) **Investigation of City Affairs and Complaints.** The City Manager shall investigate the affairs of the City or any department or division thereof, including investigation of all complaints in relation to matters concerning the administration of the government of the City, and shall see that all franchises, permits, and privileges granted by the City are faithfully performed and observed.

(n) **Supervision of Public Property.** The City Manager shall exercise general supervision over all public buildings, public parks, and all other public property which is under the control and jurisdiction of the City Council.

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2.03 CITY MANAGER'S DUTIES

(Continued)

(o) **Hours of Employment.** The City Manager shall devote his entire working time to the duties of his office except as may be otherwise provided in an Employment Agreement and shall be granted executive compensation for time spent as provided by that Employment Agreement.

(p) **Performance of Delegated Duties.** The City Manager shall perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other action of the City Council.

(q) **Attendance at Commission and Board Meetings.** The City Manager may attend any and all meetings of any commissions or boards heretofore or hereafter created by the City Council upon his own volition or upon direction of the City Council. At any such meetings which the City Manager attends, he/she shall be heard by such commissions and boards as to all matters upon which he/she wishes to address them.

(r) **Labor Relations.** The City Manager shall provide advice, recommend and delegate the preparation of Memoranda of Understanding, as well as pay and benefit schedules for represented and unrepresented employees.

(s) **Authorization for Professional Services.** The City Manager shall approve and sign contracts for any special and professional services as follows:

- 1) If the service has been included in the City budget, up to thirty thousand (\$30,000) dollars; or
- 2) If all City funds being spent on the service are fully reimbursed by another party, in any amount.

(t) **Authorization to Sign Documents.** To execute documents specified in California Government 40602 whenever it is inconvenient for the mayor to do so and provided such documents have been approved by the City Council for execution resolution, motion, minute order or other appropriate action.

2.03 CITY MANAGER'S DUTIES

(Continued)

Administration of City Government. The City Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to or request information from any subordinates of the City Manager, either publicly or privately.

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The City Manager shall take his/her orders from the City Council only when sitting in a duly convened meeting of the Council and no individual Councilmember(s) shall give any orders or instructions to the City Manager.

Removal of City Manager. The City Manager may be removed consistent with the applicable provisions of the Novato Municipal Code and the City Manager's employment agreement.

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2.04 CITY ATTORNEY'S DUTIES

Appointment of the City Attorney. The City Attorney shall be appointed by the City Council on the basis of legal knowledge, administrative qualifications, experience and understanding of municipal government and applicable State and Federal laws. The City Attorney may be an individual or a firm and may be an employee of the City or a contractor of legal services. If a firm is selected, an individual shall be designated as the City Attorney and shall be the primary contact with the firm for all legal matters. The City Attorney, if a member of a firm, may designate other members of the firm to perform specific assignments but shall remain responsible for the quantity and quality of all legal work performed by the firm. The City Council should enter into an employment agreement or a contract defining the scope of services and outlining the terms and conditions for total compensation.

Extended Absence or Disability. In the case of extended absence or disability of the City Attorney, the City Council may designate some duly qualified person to perform the duties of the City Attorney during the period of extended absence or disability. In the event that the City Attorney is a firm, the City Council shall designate an attorney from said firm. The City Attorney shall designate an Acting City Attorney during normal absences such as vacations, short term illness, attending conferences, etc.

Corporate Surety Bond. The City may furnish a reasonable errors and omissions insurance for the City Attorney or require the firm to provide a reasonable errors and omissions insurance in a sum to be determined by the City Council.

Duties and Responsibilities. Subject to any contract entered into with the City Attorney to the contrary, the duties and responsibilities of the City Attorney, pursuant to City, State and Federal laws, will be to act as the legal counsel to the City by giving legal advice, assistance and representation in criminal and civil legal matters to the City Council, officers and employees of the City; giving opinions concerning their actions, duties and powers and representing them in all legal matters and to direct the work of the City Attorney's Office. The City Attorney shall coordinate his/her work with the City Manager so that the City Attorney's work will be of assistance to the City Manager in the City Manager's general administration of the City. The City Manager shall retain the administrative authority in all City matters. The general duties of the City Attorney include but are not limited to the following:

(a) **Legal Counsel.** Unless special counsel is appointed for the purpose, the City Attorney will serve as the general legal counsel and advisor to the City Council and City Manager on all items before the City or requested by the City Council or City Manager. Appointment of special counsel shall be subject to the consultation with the City Attorney and approval of the City Manager.

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2.04 CITY ATTORNEY'S DUTIES

(Continued)

(b) Litigation. The City Attorney acts as attorney for the City in civil litigation or criminal actions initiated by or brought against the City and/or its elected officials, appointed officials, officers or employees.

(c) Attendance at Meetings. The City Attorney attends meetings of the City Council, boards, commissions, committees, joint powers agencies that require legal counsel or advice; and she/he attends other meetings, conferences and seminars as directed by the City Council. Decisions regarding the attendance of the City Attorney at meetings of other than the City Council shall be determined by the City Manager and, if a City Council meeting, the Mayor after consultation with the City Manager.

(d) Opinions. The City Attorney submits oral and written legal opinions when requested by the City Council or City Manager; and keeps the City apprised of court decisions and opinions or State and Federal legislation that may affect the City.

(e) Preparation of Documents. The City Attorney directs the drafting or review of ordinances, resolutions, contracts, agreements, settlements, other legal documents and proposed legislation.

(f) Control Over Office. The City Attorney exercises control of the City Attorney's Office and budget and develops the short and long term goals and objectives for the Office and legal affairs of the City. The City Attorney shall also participate in budgeting for outside, special counsel.

(g) FPPC Activities. The City Attorney provides updates and advises the City Council or City Manager on rules, regulations or opinions issued by the California Fair Political Practices Commission and advises on matters of conflicts of interest brought to his/her attention. Time permitting, and in those cases where the City Attorney determines there to exist a conflict of interest, conflict of interest advice given to one member of the Council, Planning Commission or other City commission or committee shall be shared with the other members of that council, commission or committee.

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2.04 CITY ATTORNEY'S DUTIES

(Continued)

(h) Risk Management. The City Attorney provides support and advice on all risk management, liability, personnel and insurance matters brought to the City Attorney's attention in cooperation with the Insurance Authority, of which the City is a member, and with the City's Risk Manager.

(i) Council and City Attorney Relationship. The City Council and its members shall deal with all legal matters only through the City Attorney and the Council and its members shall not give orders or direction to any subordinate of the City Attorney. Only the City Council may direct the City Attorney, but the City Council, City Manager, and the City Clerk request legal opinions or research.

If a Councilmember has a simple legal question, not requiring more than one hour of research time, or an individualized City-related legal issue which can be addressed by the City Attorney in one hour or less, the Councilmember may contact the City Attorney directly and obtain the assistance she/he desires. Issues requiring more than one hour of legal work by the City Attorney requested by a Councilmember may not be addressed by the City Attorney until same has been approved by a majority of the City Council acting in an appropriately noticed Council meeting.

Removal. Subject to any contract entered into with the City Attorney to the contrary, the following procedure shall be followed in the removal of the City Attorney:

(a) Vote. The removal of the City Attorney or firm shall be only a majority vote of the entire Council.

(b) Intended Removal. In the case of the intended removal by the Council, the City Attorney or firm shall be given a written notice of at least thirty (30) days before the effective date of removal.

(c) Negotiation. The City Council, City Attorney and if consented to by the City Council and City Attorney, the City Manager shall first meet and attempt to negotiate a mutually agreeable resolution to their differences including resignation or retirement.

(d) Employment Agreement. Removal shall be in accordance with any employment agreement or contract.

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2.05 CITY CLERK'S DUTIES

Appointment of the City Clerk. The City Clerk shall be appointed by the City Manager solely on the basis of knowledge, administrative qualifications, experience and understanding of municipal government and applicable City, State and Federal laws.

Extended Absence or Disability. In the case of extended absence or disability of the City Clerk, the Executive Secretary/Deputy City Clerk shall perform the duties of the City Clerk during the period.

Duties and Responsibilities. The City Clerk shall coordinate his/her work with the City Manager so that the City Clerk's work will be of assistance to the City Manager in the City Manager's general administration of the City and in support of the City Council. The general duties of the City Clerk include, but are not limited to, the following:

- (a) **City Clerk.** The City Clerk shall serve as Clerk to the City Council; attend Council meetings and record all official proceedings; supervise the preparation of Minutes and other documents; and direct the publication, filing, indexing, and safekeeping of all proceedings of the Council.
- (b) **Supervision Over City Clerk's Office.** The City Clerk shall plan, direct and review the activities and operation of the City Clerk's Office; coordinate assigned activities with other City departments and outside agencies; and provide highly responsible and complex administrative support to the City Council and the City Manager.
- (c) **Agenda Preparation.** The City Clerk shall direct the preparation, organization, printing and distribution of the agenda for the City Council meetings.
- (d) **Ordinances and Resolutions.** The City Clerk shall index, record and certify ordinances and resolutions.

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2.05 CITY CLERK'S DUTIES

(Continued)

- (e) **Municipal Code.** The City Clerk shall codify ordinances and maintain the Municipal Code.
- (f) **Elections and Filing Officer.** The City Clerk shall supervise and coordinate City Elections and serve as the Filing Officer for required Fair Political Practices Commission forms and notices.
- (g) **Records Management.** The City Clerk shall plan and direct the maintenance, filing, disposition and preservation of official documents and, in accordance with legal requirements, develop and administer a comprehensive records management system.
- (h) **Oath of Office.** The City Clerk shall administer the Oath of Office to elected and appointed officials.

2.06 DRESS CODE FOR THE CITY

The City Council, Management and Staff represent the City of Novato at all times. Their dress, personal hygiene and appearance shall reflect a professional image and shall be appropriate for any specific event, meeting, activity, etc. They shall maintain an appropriate and civil image at all times.

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2.07 PRESS RELATIONS

Councilmember Communications with the Press. When speaking to the press, the Councilmember will clarify whether he/she is speaking on behalf of the City Council or themselves. No member shall hold him/herself out as representing or speaking on behalf of the Council on any matter unless, prior thereto, the Council, by a majority vote taken during a duly noticed Council meeting, has authorized said member to act and/or speak on behalf of the Council. If a Councilmember does not feel knowledgeable about an issue when questioned by the press, he/she will direct the member of the press to the City Manager.

Confidential Issues. Confidential issues, including anything which has been discussed in a closed session, shall not be disclosed to any member of the public, including the press.

Staff Communication to City Manager. All staff members responding to the media shall advise the City Manager of the nature of the inquiry and their response.

City Manager Communication to City Council. The Manager shall keep the Council informed and provide to the extent practicable, any information to the Council on major issues that the Manager believes are controversial or on issues that may cause controversy, concern or confusion, prior to giving the information to the media as soon as practical following the communication.

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2.08 USE OF CITY PERSONNEL

Introduction. The City has a great many complex services, programs and projects being carried out at the direction of the City Council. The orderly management and control of these programs, and projects are essential to the effective and efficient accomplishment of these efforts. The City Council's role is to provide policy direction and the City Manager is to organize and carry out the policies. Effective management and control require the City Council and professional staff to maintain their needed roles. The following rules and procedures are designed to help assure the clear direction and efficiency of City operations.

Non-City Business. Use of City Personnel for any personal use or personal business activity not related to City business is prohibited.

City Manager Authorization. The use of City personnel for outside activities related to City business, such as JPAs or community groups, by an individual Councilmember shall be authorized only by the City Manager, and at his/her discretion, the City Council. Prior to volunteering or encouraging the use of staff for an issue of a Council committee, ad hoc task force, neighborhood meeting, regional board or the board of another jurisdiction, a Councilmember will confer with the City Manager, the latter of whom shall determine if it is necessary to present the request for staff use to the City Council at a Council Meeting. The City Manager shall keep the Council informed of all such special use of City Staff and his/her determination vis-à-vis the requested use of staff.

Individual Councilmember's Request. Councilmembers shall make their requests for information to the City Manager or City Clerk and not directly to individual members of the staff. The use of City staff to respond to an individual Councilmember's request for any purpose that exceeds more than one hour of total staff time must be approved by the majority vote of the full Council. The individual City Councilmember may make his/her request orally or in writing to the City Manager or City Clerk. The City Manager shall provide an estimate of the cost and how the request affects the Council's Goals and Projects. This request will then be considered by the City Council at the quarterly review of non-strategic planning priorities. Irrespective of the amount of staff time required to respond to each Councilmember's request, individual Councilmember's requests should be limited to three to five requests per week.

If a Councilmember has a question of staff about a Council meeting agenda item, the Councilmember shall request, whenever reasonably possible, information about that item from the City Manager, and shall do so before the Council meeting begins. It is good practice to copy the City Clerk on all such requests made via email message, so that he/she can track the request and assure it gets distributed as needed for a prompt response.

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2.08 USE OF CITY PERSONNEL

(Continued)

Distribution of Information. It is essential that every member of the City Council have the same information from which to form decisions and actions. Any information distributed to one Councilmember shall also be distributed to all Councilmembers. Voluminous documents such as from the League of California Cities or ABAG may be referenced by a memo from the City Clerk and made available upon request. The documents will be kept in a centralized location in the City Clerk's office.

Interaction of City Council with Staff. The City Councilmembers are to work through the City Manager, Assistant City Manager, or City Attorney on all issues, concerns and questions. This is to allow the senior professional staff, with the proper education, training, experience and knowledge of the issues, laws and City Council's policies to coordinate a full and complete response and reduce error or misunderstanding by staff members not necessarily knowledgeable on all issues. This can provide a better overall response, allow any new issues to properly be considered and avoid unintended redirection of staff efforts.

City Council Business. All communication with the City, City Council or individual City Councilmembers shall be considered the business of the City Council. The Council will receive copies of all such communication and any response should be the response of the City Council. Any response by an individual Councilmember shall be identified as an individual response and not reflective of any position of the City or the City Council.

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2.09 PRIORITY OF RESOURCES

Strategic Planning. The City Council shall utilize a Strategic Plan to establish the Mission, Vision, and Values of the City of Novato. In order to communicate the Council's focus and direction to the City staff and community regarding its major priorities, the City Council will also periodically establish three-year Goals and six-month Objectives via the Strategic Planning process. While participation by members of the City's management staff in the Strategic Planning process shall be permitted, the ultimate determination of the City's Goals and Objectives shall be the City Council's sole responsibility. When making decisions, the City Council will endeavor to keep the current Strategic Planning Goals and Objectives as the primary focus of its activities.

Priority of Resources. To assure the health and safety of the public, compliance with Federal, State and local laws, adherence with the adopted budget, goals and objectives of the Council's Strategic Plan, and provide for the orderly, effective and efficient management of the City and its resources, the City Council hereby establishes the following order of priorities for the commitment of City time and business:

- (a) **Legally Mandated Programs.** Perform all legally mandated programs, projects and services as are established by Federal, State or local law.
- (b) **Essential Public Safety Administration.** Provide essential services such as police, road repair, flood protection and building safety. Comply with all adopted rules, regulations, contracts or agreements. Provide for the necessary administration of these programs such as personnel administration, financial accountability and public records.
- (c) **Day-to-Day Operations.** Respond to basic day-to-day operation requirements such as answering phones, staffing counters, responding to correspondence and working with outside agencies. Process and respond to applications for permits and services.
- (d) **Strategic Plan and City Budget Goals and Objectives.** Carry out the goals and objectives of the City Council's Strategic Plan, as well as the general services, goals and objectives approved with the City budget.

Special Services and Projects. Respond to requests for service and projects by the City Council, individual Councilmembers, Boards and Commissions, outside agencies, internal staff requests and the general public.

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SECTION 3: LEGISLATIVE

- 3.01 Open Meetings - Brown Act
- 3.02 Meeting Agendas
- 3.03 Conduct of Meetings
- 3.04 Adoption of Ordinances
- 3.05 Adoption of Resolutions
- 3.06 Preparation of City Council/RDA Meeting Minutes
- 3.07 Election of the Mayor and Duties
- 3.08 Election of the Mayor Pro Tem and Duties
- 3.09 Establishment and Appointment of Commissions, Boards and Committees
- 3.10 Council Standing and Ad Hoc Committees
- 3.11 Council Outside Organizations Appointments
- 3.12 Procedure for Filling Vacant Council Positions
- 3.13 Rules of Conduct for Councilmembers

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3.01 OPEN MEETINGS - BROWN ACT

Policy. The City Council shall comply with the provisions of the Ralph M. Brown Act, the Open and Public Meeting Law.

Procedure. The following procedure shall be followed:

(a) **Posting the Agenda.** By Friday before 5:00 p.m., preceding the regular Tuesday City Council meeting, the City Clerk or his/her designee shall post an agenda on the official "City Community Services Bulletin Board" mounted on the exterior wall near the front entry of the Police Station. At or about the same time, the agenda shall also be posted on the City's web site and placed in the library main branch.

The agenda will include the following:

- (1) **Time and Location.** The time and location of the meeting.
- (2) **Description of Agenda Items.** A description of each item of business to be transacted at the City Council meeting. The description should be reasonably calculated to adequately inform the public, and should include the contemplated Council action.
- (3) **Public Comments Section.** A section providing an opportunity for members of the public to address the City Council. (The public comments portion of the agenda meets this requirement).

(b) **Affidavit of Posting.** Immediately after posting the agenda, the City Clerk will prepare and sign an affidavit of posting, declaring the date and place where the agenda was posted. These affidavits will be filed in the City Clerk's office for public reference.

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3.02 MEETING AGENDAS

Background. The Novato City Council meets normally, the second and fourth Tuesday evenings, with exceptions as noted in the current effective Resolution. The planning, preparation, printing and dissemination of the agenda for these meetings, is an ongoing, interdependent activity. A number of timely coordinated actions must be performed on a weekly basis. If problems and delays are to be avoided, all Councilmembers and departments must adhere to fundamental format and procedure requirements.

Purpose. The purpose of an agenda is to provide a framework within which an open, public meeting can be conducted and to comply with all legal requirements for actions of the City Council. An agenda should:

- Set the stage for conducting business;
- Present items or proposals in a transparent and clear manner for Councilmembers and the public to consider matters on which action is required;
- Provide well organized and complete information on which Councilmembers can base their decisions;
- Facilitate the deliberations and actions of the Council and make it easier for them to conduct the business which has been brought before them; and
- Provide guidelines which allow for efficient conduct of meetings.
- Provide an appropriate means for public comment and inquiry of the City Council.

Procedure. The preparation of the Agenda shall be the responsibility of the City Clerk, under the direction of the City Manager. The City Manager shall establish, by administrative directive, the procedures, process and format for compiling and distributing the agenda.

- (a) **Brown Act Compliance Requirements.** The City Council meetings shall comply with the Ralph M. Brown Act and all State or Federal laws affecting the conduct of such meetings.

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3.02 MEETING AGENDAS

(Continued)

(b) Time of Regular Meetings. The City Council shall hold regular meetings in accordance with the currently effective Resolution establishing meeting times and dates for City Council meetings. Closed sessions may be a part of, precede or follow the meeting as determined by the Council Agenda.

(c) Adjournment, Continuance, Cancelling, or Scheduling. The City Council may adjourn or continue regular meetings, schedule workshop meetings, or emergency meetings as determined to be needed by the City Council or by the City Manager (with concurrence of the Presiding Officer, and the Mayor Pro Tempore, or if either is not available, and one other Councilmember). The City Council may cancel one or more of its meetings. The City Manager (with the concurrence of the Presiding Officer and Mayor Pro Tempore or, if either is not available, one other Councilmember) may cancel one or more scheduled Council meetings. A special meeting may be called at any time by the Presiding Officer or by a majority of the Councilmembers.

In the event a scheduled Council meeting is cancelled, the City Clerk shall: (i) provide written notice first to each City Council member before all others who have requested such meeting notices in writing (and which written requests are effective under California Government Code Section 54945.1), including the local press, advising them of the cancellation and notifying them of the next regular meeting date, time, and place; and (ii) post the notice on the City's website, in the police station's bulletin board, and on or near the door of the Council meeting room before the time the cancelled meeting would otherwise have begun.

(d) Joint Meetings with Council-Appointed Boards & Commissions. Joint meetings with Council-appointed Boards and Commissions shall occur when scheduled by the City Council as a part of its quarterly review of upcoming agendas and non-strategic planning priorities.

(e) Criteria for Matters Covered. The Council shall consider ordinances, resolutions, motions, or matters which affect the City of Novato or its corporate powers or duties as a municipal corporation. The Council may consider ordinances, resolutions, or motions supporting or disapproving any legislation or action pending in or proposed to the Legislature of the State of California, the Congress of the United States or before any officer or agency of said State, public agency located within the State or nation when such proposed legislation or action, if adopted, will affect the City of Novato or its officers or employees as such. Communications on matters not meeting these criteria shall be provided to the Council on an information basis only.

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3.02 MEETING AGENDAS

(Continued)

(f) Placing Items on the Council Agenda. The following items shall be routinely scheduled by the City Clerk, with the approval of the City Manager, on a future agenda:

- items which are the result of an application submitted to the City for a permit, license or discretionary approval;
- items which relate to the approval of budget appropriations, amendments to the budget, and other routine expenditure requests;
- items which are directly related to one or more of the City Council's current Strategic Plan Goals and Objectives;
- items which require immediate action by the City Council due to an emergency, the request of another governmental agency, or other matter which in the judgment of the City Manager or City Attorney would disadvantage the City if a delay were to occur; and
- such other routine, generally non-substantive matters determined by the City Clerk, City Manager or City Attorney to be appropriate for immediate consideration by the Council.

All other requests for items which do not meet these criteria shall be considered by the City Council in either of the following three ways:

1. **Quarterly Meetings:** Quarterly, the City Council will conduct a review of the upcoming agenda items proposed by staff and Council. The purpose of reviewing the list of upcoming agenda items and those to be determined (TBD) is for the Council to provide feedback to staff and to determine if and when an item not meeting the above criteria will be considered by the City Council. As part of this quarterly Council agenda review, staff will prepare a list of upcoming agenda items, by date forecasting at least six months ahead, along with a list of TBD agenda items to be scheduled in the future (without a specific date) that will be part of the agenda for the Council packet.

2. **Regular Meetings:**

- a. At the first business meeting of the month, a Councilmember has the right to request that no more than one agenda item be placed on the agenda for a future Council meeting; provided, however, that at the latest, six calendar days (Wednesday at 3:00 p.m.) before the date of the meeting at which the Councilmember intends to make such a request, that Councilmember has identified - in writing timely delivered to the City Clerk and the City Manager - the item which s/he desires to place on a future agenda and when s/he wishes the item to be agendized. That written request shall not exceed one page, shall not be accompanied by supporting documents, and shall be made part of the first business meeting's agenda packet and the agenda for that meeting shall reflect the name(s) of each Councilmember requesting consideration of placing an item on a future agenda and the description of the proposed item. Failure to timely

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3.02 MEETING AGENDAS

(Continued)

request, in writing, consideration of an item for placement on a future agenda pursuant to this Policy shall waive a Councilmember's right to request, during the first business meeting in question, that that item be placed on a future agenda.

- b. The request to place a proposed agenda item on a future agenda shall be addressed during the "Councilmember/City Manager Reports" section of the meeting.
- c. Three votes are needed to advance the item, which will be added to a future agenda at a time determined by a majority of the Council.

3. Proposed Legislation: A Councilmember may, at any time, submit to the City Clerk and City Manager a written request for the Council to take a position on any proposed state legislation with respect to which the League of California Cities has taken a position. That written request shall include a copy of the proposed legislation, the position of the League of California Cities and any summaries, if available. This item would be placed on the Consent Calendar for the following City Council meeting along with a draft letter for the Mayor's signature to be sent to the author of the proposed legislation with copies to the League of California Cities and the City's legislative representatives.

In the event the League of California Cities ("League") has taken a position pertinent to a legislative proposal and requests an urgent response from the City prior to the date of the City Council's next regular meeting, the Mayor is authorized to author (with the assistance of City staff) and sign a letter on behalf of the City Council which said letter states a position identical to that advocated by the League. A copy of said letter shall be included in the agenda packet for the City Council meeting next following the date the letter is delivered to the League. In the event that the Mayor does not agree with the position advocated by the League and declines to sign such a letter, the City Manager shall request the Mayor Pro Tempore to sign the letter. If the Mayor Pro Tempore declines to sign the letter, the letter shall be placed on the agenda of the next regular City Council meeting for action by the City Council.

Councilmembers may notify members of the public to specific agenda items of interest, but will not encourage members of the public to pressure the City Council to place items on the agenda or to conduct mass demonstrations at Council meetings.

(g) Agenda Review. The Mayor, Mayor Pro Tempore, City Manager, City Attorney, and City Clerk intend to meet monthly to review the agenda schedule.

(h) Request to Move an Agenda Item.

Councilmembers may request that one item be moved to a different agenda if they will be absent from a particular meeting, and only in the case where there is no time sensitivity for the item and with no pressure being put on staff in making the request. The request to move an item may be made once in a fiscal year. If staff does not honor the request, the Councilmember may submit a

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3.02 MEETING AGENDAS

(Continued)

brief written communication to be read into the official record or use teleconferencing to participate remotely. If the request is not honored, the Councilmember may make an additional request during that fiscal year.

(i) Requests for Agenda Items from Members of the Public. If a member of the public requests that an item be put on the agenda during Public Comment time, the Council will not respond to this request immediately at the Council meeting, but may bring it up for consideration using the opportunity described above. (See item f (2) above)

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3.03 CONDUCT OF MEETINGS

Background. This outline shall establish the procedures for the conduct of all meetings of the City Council of the City of Novato (herein the “Legislative Body”). The purpose of this outline is to provide that the City’s procedures will be consistent with the Brown Act (Government Code Sections 54950 et seq.) and also to establish procedures which will be convenient for the public and contribute to the orderly conduct of the City’s business.

Types of Meetings. The different types of meetings described below are governed by different requirements.

(a) **Regular Meetings.** The City Council shall conduct its regular meetings at the time and place established by resolution.

(b) **Special Meetings.** A special meeting may be called at any time by the Presiding Officer or by determination of the majority of the City Council.

(1) **Written Notice.** Written notice of any such meeting must be delivered personally or by any other means to all members of the City Council (unless waived in writing by that member) and to each local newspaper, radio station, television station, or other media which has previously requested such notice in writing in accordance with applicable provisions of the Government Code. The notice must in effect constitute the Agenda, stating the time, place and all business to be transacted or discussed unless waived. Such notice must be received at least twenty-four (24) hours before the time set for the special meeting. Said notice may be dispensed with as to any Councilmember who is actually present at the meeting at the time it convenes.

(c) **Adjourned Meetings.** The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment.

(1) **Quorum.** If a quorum is not present, less than a quorum may so adjourn.

(2) **Adjournment by City Clerk.** If all members, or a quorum, are absent from any regular or adjourned regular meeting, the City Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered, personally, to each Councilmember at least three (3) hours before the adjourned meeting.

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3.03 CONDUCT OF MEETINGS

(Continued)

(3) **Posting Notice of Adjournment.** A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held, within twenty-four (24) hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided herein, the resulting adjourned regular meeting shall be a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

(d) **Closed Sessions.** Part or all of a regular or special meeting, or one which has been adjourned, may be closed to the public in accordance with applicable provisions of the Government Code. Notice is required, even if no action is taken. The Council may meet in Closed Session at locations other than the City Council Chambers. The Legislative Body in a closed session can consider only matters covered in its agenda description. Closed Sessions are by definition confidential. The welfare of the City rests on the seclusion and confidentiality of discussing matters properly subject to Closed Session discussion, including legal and personnel matters and negotiations to develop strategies and actions in connection therewith which are in the best interests of the City. The premature disclosure of information from a Closed Session could cause severe and costly harm to the City. Any employee willfully breaching the confidentiality of a Closed Session will be subject to disciplinary action. Any elected or appointed official willfully disclosing confidential information disclosed during a Closed Session in violation of the Brown Act shall be subject to the remedies specified in the Brown Act and to public censure by the City Council.

(e) **Special Emergency Meetings.** A special emergency meeting may be called by the Presiding Officer or by a majority of the City Council where there exists:

- (1) **Emergency Situation.** A work stoppage, crippling disaster or other activity which severely impairs public health or safety. The special meeting provisions apply to emergency meetings, except for the 24-hour notice.
- (2) **Special Authority.** Such other circumstances specified by State law as authorizing the conduct of an emergency meeting.

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3.03 CONDUCT OF MEETINGS

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Agenda Requirement for Action Taken. No action shall be taken by the City Council on any item not appearing on a posted agenda, subject only to the exceptions listed in the subsection below and as otherwise permitted by law. “Action taken”, as used herein, shall mean a collective decision made by a majority of the members of the City Council, a collective commitment or promise by a majority of the members of the City Council to make a positive or a negative decision, or an actual vote by a majority of the members of the City Council upon a motion, proposal, resolution, order or ordinance.

(a) **Non-Agenda Matters Raised During Public Comments.** With regard to matters not on the agenda and subject to Section 3.02(f), the members of the City Council may briefly respond to or ask questions of persons who raise such matters during the Public Comment period or otherwise, and the Presiding Officer should handle such matters as provided herein, but such questions should be limited to informational purposes and the City Council should avoid discussions of the merits or giving directions regarding such subjects except as provided in Section 3.03(c) below.

(b) **Exceptions to Agenda Requirement for Action Taken.** The City Council may take action at a meeting on an item not appearing on the agenda for that meeting only under one of the following circumstances:

- (1) **Emergency Situation.** Upon a majority determination that an “emergency situation”, as that term is defined by State law, exists.
- (2) **“Need to Take Action” Arises Subsequent to the Agenda Posting.** Upon a determination by a four-fifths (4/5) vote of the City Council, or if less than four-fifths (4/5) of the members are present by a unanimous vote of those members present, that the need to take action came to the attention of the City subsequent to the agenda posting. For the purposes of this subsection, the term “need to take action” shall mean those circumstances whose occurrence creates a situation which requires the immediate attention of the City Council.

Should such a need come to the attention of a Councilmember, he/she should send an email message to the City Manager, copying the Assistant City Manager and City Clerk, outlining the request and the justification for adding the item to the agenda on an urgency basis.

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3.03 CONDUCT OF MEETINGS

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- (3) **Documentation of “Need to Take Action.”** If the City Council makes a determination pursuant to this subsection (b.), the minutes of the meeting at which the determination is made shall reflect what circumstances gave rise to the “need to take action” and why the item could be placed on the agenda.
 - (4) **Item on Prior Agenda.** The item was properly posted for a prior meeting occurring no more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.
- (c) **Other Actions Permitted to Be Taken as to Non-Agendized Matters.** In addition to the comments permitted in Subsection 3.03(a) above, and subject to Section 3.02(f), Councilmembers, on their own initiative or in response to questions posed by the public, may take the following actions or make the following statements regarding non-agendized matters:
- (1) Ask questions for clarification;
 - (2) Make a brief announcement;
 - (3) Make a brief report on his or her own activities;
 - (4) Provide a reference to staff or other resources for factual information;
 - (5) Request staff to report back to the Council at a subsequent meeting on any matter; and/or
 - (6) Take action to direct staff to place a matter on a future agenda.

The Presiding Officer. The meeting shall be presided over and chaired by the Presiding Officer (Mayor), or, in the Presiding Officer’s absence, the Mayor Pro-Tem. To the extent not inconsistent with the rules set forth below, the City Council meetings shall be governed by the 10th edition Roberts Rules of Order, dated October 2000 and authored by Henry M. Robert III.

- (a) **Authority to Rule Out of Order.** The Presiding Officer shall have the authority to rule any speaker out of order, including speakers during the Public Comment period, if the subject raised is not within the subject matter jurisdiction of the City Council, or during a public hearing or a general business item if the speaker is not presenting testimony or evidence relevant to the matter or if the speaker becomes disruptive to the proceedings and conduct of the meeting.
- (b) **Authority to Conduct Meeting In an Orderly Manner.** The Presiding Officer shall have the responsibility for the conduct of meetings in an orderly manner.

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3.03 CONDUCT OF MEETINGS

(Continued)

To prevent the obstruction of business, and in carrying out this responsibility, the Presiding Officer shall have the authority to give the floor to any member of the City Council or public by recognizing him/her, to prevent the misuse of legitimate forms of motions or privileges, to take matters up out of order, and to order any person willfully interrupting the meeting to be removed from the room. All persons are expected to conduct themselves with civility and courtesy at all times. All persons giving comments shall speak directly to the Council and address issues, not individuals.

(c) **Motion to Appeal the Ruling.** Any determination made by the Presiding Officer may be appealed by the making of a Motion to Appeal the Ruling by any other member of the City Council. The Presiding Officer's determination will stand unless a majority of the City Council votes in favor of the Motion to Appeal the Ruling, in which case the ruling of the Presiding Officer will be overridden. The Motion to Appeal the Ruling is debatable, and the Presiding Officer may participate in the debate and the voting on the motion. A vote upon a Motion to Appeal the Ruling is purely a procedural matter and shall not constitute "action taken" on any substantive question.

Parliamentarian. The City Attorney, as the City Council's chief legal officer shall decide all questions of interpretations of these rules and any other questions of a parliamentary nature which may arise at a City Council meeting.

Motions. The following procedures shall apply to making motions:

(a) **Obtaining the Floor.** Any member of the City Council wishing to speak, or any member of the public wishing to address the City Council, must first obtain the floor by being recognized by the Presiding Officer. The Presiding Officer must recognize any member of the City Council who seeks the floor when appropriately entitled to address the City Council.

(b) **Making a Motion.** Any member of the City Council, including the Presiding Officer, may bring a matter of business properly before the City Council by making a motion. Any member, including the Presiding Officer, except the member making the motion, may second a motion. Once a motion is seconded, it shall be re-stated by the Presiding Officer and opened for discussion and debate.

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3.03 CONDUCT OF MEETINGS

(Continued)

(c) **Motion to Call the Question.** After a full opportunity for debate, any member of the City Council may call for a vote by a Motion to Call the Question. To close off debate pursuant to a Motion to Call the Question, said motion must be seconded and passed by two thirds of the Councilmembers present.

- (1) **Consensus of Opinion.** If it appears that there is a consensus of opinion among the Members of the City Council on the matter to be voted upon, the Presiding Officer may state the consensus of the City Council and ask if there is any objection. If there is no objection, the consensus as so stated shall become the order of the City Council.
- (2) **No Consensus of Opinion.** If there does not appear to be a consensus of opinion among the Members of the City Council on a matter to be voted upon, a voice vote of the Councilmembers shall be taken.
- (3) **Declaration of Result.** After every vote the Presiding Officer shall declare the result and on all but consensus votes, shall note, for the record, the number of votes for or against the question.

(d) **Related Motions.** Once a Main Motion is properly brought before the City Council and seconded, related motions may be employed in addressing the Main Motion.

- (1) **Form and Precedence.** These motions take precedence over the Main Motion and, if properly made and seconded, must be resolved before the Main Motion can be acted upon. If a Main Motion is pending, no related motion except as stated below, may be made and any such motion may be declared out of order by the Presiding Officer.
- (2) **Categories of Related Motions.** Related motions fall into two categories: Subsidiary Motions and Motions of Privilege, Order, or Convenience. Despite the pendency of a Main Motion or a Subsidiary Motion thereto, any member of the City Council or the presiding Officer may make a Motion of Privilege, Order, or Convenience, which once made takes precedence.

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3.03 CONDUCT OF MEETINGS

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Public Comments Section. Every agenda posted for any regular or special meeting shall contain a Public Comments section for the public to address the City Council on items on the agenda or on items of public interest within the City Council's subject matter jurisdiction. At every special meeting the agenda shall provide the public with an opportunity to address the Council on any item described in the notice and agenda before or during the Council's consideration of that item. The special meeting shall describe the public's right to so comment.

(a) **Speaker Information and Time Limitations.** The speaker shall provide the City Clerk with a Public Speaker Card prior to speaking. Upon addressing the City Council, each speaker must first state his/her name, state their city of residence and, if it is Novato, whether they reside within city limits, and then identify the subject(s) upon which she/he intends to speak. A three-minute time limit is normal and may be enforced by the Presiding Officer. Due to the number of speakers on a topic, the Presiding Officer may reduce the amount of time each speaker has to speak if supported by a majority of the Council at the meeting.

(b) **Response to Speaker's Comments.** At the close of the speaker's comments, the Presiding Officer or Council may ask staff to respond to the speaker's comments. Thereafter, the Presiding Officer shall make one of the following three determinations: the subject(s) raised do not require investigation or response; the subject(s) raised should be referred to staff for investigation and/or response; or the subject(s) raised should be placed on the agenda of a future meeting for action by the City Council, subject to the provisions of Section 3.02(f).

Public Comment on Other Agenda Matters. In addition to receiving comment from the public during the Public Comment period, the Presiding Officer shall have the discretion to recognize persons from the audience who wish to address the City Council on a particular agenda item, at the time that item is considered by the City Council.

Public Hearings. Matters which are required to be heard in a noticed public hearing shall be conducted by the Presiding Officer in such a manner as to afford due process.

(a) **Time for Consideration.** Matters noticed to be heard by the City Council shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

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3.03 CONDUCT OF MEETINGS

(Continued)

- (b) **Continuance of Public Hearings.** Any hearing being held or noticed or ordered to be held by the City Council may, by order or notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided for adjourned meetings.
- (c) **Opening the Public Hearing.** When a matter for public hearing comes before the City Council, the Presiding Officer shall open the public hearing. Upon opening the public hearing, the Presiding Officer may request staff to present the staff report and any other relevant evidence, but the presentation of the staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing.
- (d) **Public Testimony.** The Presiding Officer shall thereupon inquire if there are any persons present who desire to address the City Council on the hearing item.
- (1) **Recognition and Time Limitations.** Any person desiring to speak or present evidence shall provide the City Clerk with a Public Speaker Card and upon being recognized by the Presiding Officer may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Presiding Officer.
- i. Unless previously agreed by the City Council for a shorter or longer time, an applicant has 20 minutes in which to make his/her total presentation and all other speakers have three minutes. The applicant is usually allowed a brief rebuttal of no more than 10 minutes.
- ii. Unless previously agreed by the City Council an appellant has 20 minutes in which to make his/her total presentation. The developer, or person who has the vested interest, has 10 minutes and all other speakers have three minutes. The appellant is usually allowed a brief rebuttal of no more than 10 minutes.

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3.03 CONDUCT OF MEETINGS

(Continued)

(2) **Content and Form of Public Testimony.** All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk as part of the Clerk's record.

(e) **Questions by the City Council.** Members of the City Council who wish to ask questions of the speakers, or each other, during the public hearing portion, may do so. Members should be mindful that the purpose of the public hearing is to obtain testimony during which members are encouraged not to debate the merits of the item under consideration. Members should avoid debate and expressions of personal opinion until after the close of the public hearing.

(f) **Closing the Public Hearing.** Upon closing of the public hearing by the Presiding Officer, no additional public testimony shall be solicited or received by the City Council without reopening the public hearing. The Council may ask further questions of speakers, applicants or appellants during deliberation for clarity purposes only. To receive new testimony, the hearing must be reopened.

Appeals; Continuances. Unless other specified in the City's Municipal Code, in the context of an appeal, the City Council reserves the right to continue a hearing which has commenced to a subsequent meeting to receive additional public testimony or information from City Staff or any lawful reason.

Reconsideration of a Council Action. Questions acted upon not the subject of a public hearing. Provided that no intervening right will be prejudiced, a Councilmember who voted with the majority on a question that was not the subject of a public hearing may move the reconsideration of that question at the same meeting in which the decision which is the subject of the motion was made or at the next following meeting. A motion for reconsideration made at the next meeting must be agendaized for that next following meeting in accordance with the Brown Act. After a motion for reconsideration is acted upon, no other similar motion to reconsider may be made without unanimous consent.

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3.03 CONDUCT OF MEETINGS

(Continued)

- (1) Questions acted upon the subject of a public hearing. If the question acted upon was the subject of a public, noticed hearing, a motion for reconsideration may be made and shall be acted upon in the manner specified by law. If a procedure for reconsideration is not specified by law for a matter that was the subject of a public, noticed hearing, the times for making the motion for reconsideration is as provided in subparagraph (1) above; provided, however, that (a) if applicable law requires a specified period of time for noticing the matter at issue and that notice period would preclude scheduling a motion for reconsideration for the next following meeting, then, a motion for reconsideration not made at the same meeting in which the decision which is the subject of the motion was made may be made at the first meeting thereafter for which the City provides said advance notice; and (b) if the motion is made at the same meeting in which the decision which is the subject of the motion was made, then said motion must be made prior to the presiding officer announcing the next item on the agenda after the making of said decision.
- (2) Effect of successful motion to reconsider. Unless otherwise expressly specified as part of a successful motion for reconsideration, a successful motion for reconsideration causes the decision which is the subject of the motion to be vacated, set aside and of no effect.

Personal Privilege. The right of any Councilmember to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questioned, or to where the welfare of the Council is concerned. A Councilmember wishing to invoke a personal privilege must state the basis therefore and once doing so may interrupt another speaker if the Presiding Officer recognizes the “privilege.”

Meeting and Agenda Time Limits. In the interest of conducting public hearings and other City Council business within reasonable hours, it is the policy of the Council that public meetings shall commence at 6:30 p.m. unless otherwise noted on the posted agenda and conclude no later than 10:30 p.m. Any agenda item opened prior to, but not concluded by 10:30 p.m. may be continued to the next succeeding meeting. No subsequent agenda item shall be considered after 10:30 p.m. without Council agreement to proceed. The Presiding Officer or other Councilmember may ask for a time check at any point during the meeting and call for discussion of whether to proceed or continue the remaining agenda item(s) to the next meeting.

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3.03 CONDUCT OF MEETINGS
(Continued)

Interpretation of Policy. This policy shall be liberally construed to effectuate its purpose and no ordinances, resolutions, proceedings, or other actions of the City Council shall be invalidated or the legality thereof otherwise affected by any failure or omission of the City Council to comply with, observe, or follow the rules and procedures stated in this Policy Manual.

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3.04 ADOPTION OF ORDINANCES

Definition. Ordinances are legislative acts by the Council and are the most permanent and binding types of Council actions. All non-zoning ordinances are codified into the Novato Municipal Code.

(a) **Non-Urgency Ordinances.** Non-urgency ordinances require two readings, by title only, at separate Council meetings. An ordinance is introduced during first reading and given final approval at second reading. Except for urgency ordinances and ordinances relating to an election, taxes or street improvements, ordinances become law thirty (30) days after second reading.

(b) **Urgency Ordinances.** Urgency ordinances may be adopted at first reading and become effective immediately, as long as they are approved by 4/5ths of the Council.

Introduction and First Reading. With the exception of urgency ordinances which may be introduced and adopted during first reading and become effective immediately, all proposed ordinances are placed on the Council agenda twice. The first reading is to insure that all interested parties are afforded the opportunity to give input prior to final adoption of such ordinances.

Second Reading and Adoption. After introduction, the ordinance will be placed on the next Council agenda on the Consent Calendar. When an ordinance has been so placed on the Consent Calendar, anyone wishing to speak on the proposed ordinance may do so during Public Comments.

Effective Date and Publishing Requirement. If adopted upon second reading, the ordinance shall be published by title in a newspaper of general circulation and become effective thirty (30) days after final approval, except as to ordinances relating to elections, taxes or streets.

Codification into the Novato Municipal Code. Upon becoming law 30 days after the second reading, ordinances are eligible to be codified into the Municipal Code.

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3.05 ADOPTION OF RESOLUTIONS

Definition. Resolutions are legislative acts that are not codified and are filed in the Office of the City Clerk.

(a) **Use of the Resolution.** Resolutions may be used in the following situations:

(1) **Council's Policy Position.** The item states the Council's policy position on issues or activities.

(2) **Formal Documentation.** The Council's action on an item is being formally documented.

(b) **Improper Use of Resolutions.** Resolutions may not be used in the following situations:

(1) **Amending or Repealing an Ordinance.** The matter under consideration by the Council amends or repeals an ordinance.

(2) **Imposition of Penalties.** The matter before the Council proposes to impose a penalty by fine, imprisonment or forfeiture on a citywide basis.

(3) **Statutory Authority Requiring an Ordinance.** The matter before Council is expressly required by statutes to be acted upon by ordinance.

Vote. Resolutions, orders for the payment of money, and ordinances require a recorded majority vote of at least three Councilmembers.

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3.06 MEETING MINUTES

Introduction. The minutes are the concern of the City Clerk until presented to the Council for approval; the Council may then, by motion, make such corrections as conform to fact.

- (a) **Form and Content.** The minutes should be a clear and concise statement of the Council actions, including the motions made and the vote thereon. Except as provided in paragraph (b), reasons for making a motion, Council debate, and audience reaction are usually irrelevant and may be included or omitted as the Clerk and/or Council may choose.
- (b) **Quasi-Judicial Proceeding.** Whenever the Council acts in a quasi-judicial proceeding such as reassessment, use permit, or other zoning matters, it is necessary to compile a summary of the testimony and Council findings in support of a motion so that the record will accurately reflect the proceedings.

Standard Format. The City Clerk will use a standardized format for minutes to ensure uniformity of minute entries and to save time in composing the record.

Official Record. The video recordings of the Council meeting proceedings and the written minutes shall be the official record of the meetings. The written minutes shall be retained by the City Clerk permanently. The video shall be maintained until such time as the City Council authorizes disposal.

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3.07 ELECTION OF THE MAYOR AND DUTIES

Election and Term of Office. The City of Novato has a council/manager form of City government. All five (5) members of the City Council are elected at large to four (4) year terms. The Mayor is elected by the Council during reorganization in December for a one (1) year term. The Mayor can be changed at any time upon the vote of three (3) Councilmembers. The Mayor remains as one member of the City Council and has no rights or authority different from any other member of the Council.

Duties and Responsibilities of the Mayor. The duties and responsibilities of the Mayor are as follows:

- (a) **Presiding Officer.** Acts as presiding officer at all City Council Meetings, assuring the meetings are conducted in an orderly, efficient, and impartial manner and in accordance with legal requirements. The Presiding Officer makes sure that all Councilmembers have the opportunity to speak, and speaks or asks their own questions last. The Presiding Officer shall intervene when a Councilmember, staff or other meeting participant is being verbally or otherwise attacked by a member of the public.
- (b) **Ceremonial Head or Representative.** Acts as the ceremonial head or representative of the City at various civic affairs and recognizes other Councilmembers and staff at community events. If unable to attend a specific event at which Council representation is requested, coordinates with the Mayor Pro-Tem to cover.
- (c) **Spokesperson for the Council.** Acts as spokesperson for the Council when appropriate media or external organization requests are made and will represent the Council's official position. The Mayor does not take a policy position as Mayor, but acts as one of the five Councilmembers.
- (d) **Signatory Function.** Except as otherwise provided in the Municipal Code, acts as signatory to all documents requiring Council execution.
- (e) **Declarations and Proclamations.** Issues proclamations, makes declarations, and extends official recognition of groups or events.

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3.08 ELECTION OF THE MAYOR PRO TEM AND DUTIES

Election and Term of Office. The Mayor Pro Tem is elected by the Council during reorganization in December for a one (1) year term. The Mayor Pro Tem can be changed at any time through the vote of three (3) Councilmembers.

Duties and Responsibilities of the Mayor Pro Tem. The duties and responsibilities of the Mayor Pro Tem are as follows:

- (a) **Presiding Officer in the Mayor's Absence.** In the Mayor's absence, acts as the Presiding Officer at City Council meetings assuring all meetings are conducted in an orderly, efficient and impartial manner, and in accordance with legal requirements. Carries out Presiding Officer duties as described in Section 3.07, paragraph (a).
- (b) **Ceremonial Head in the Mayor's Absence.** In the Mayor's absence, acts as the ceremonial head or representative of the City at various civic affairs.
- (c) **Spokesperson for the Council in the Mayor's Absence.** In the Mayor's absence, acts as spokesperson for the Council when appropriate media or external organization requests are made and will represent the Council's official position. The Mayor Pro Tem does not take a policy position as Mayor Pro Tem, but acts as one of the five Councilmembers.
- (d) **Signatory Function in Mayor's Absence.** In the Mayor's absence, acts as signatory to all documents requiring Council execution, except as otherwise provided in the Municipal Code.
- (e) **Declarations and Proclamations.** In the Mayor's absence, issues proclamations, makes declarations, and extends official recognition of groups or events.

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CITY COUNCIL POLICY MANUAL

3.09 ESTABLISHMENT AND APPOINTMENT OF COMMISSIONS, BOARDS AND COMMITTEES

Introduction. The Council shall establish such commissions, boards, and committees as they deem appropriate to provide policy advice. Each commission, board, and committee, shall be advisory only, unless otherwise specified in the ordinance or resolution establishing the commission, board, or committee. A specific ordinance or resolution shall be adopted for each commission, board or committee stating its purpose, duties, residency requirements and number of members. Agendas, and meeting minutes of commissions, boards and committees (if any), shall be distributed to the City Council. Unless otherwise provided by law or the document establishing the commission, board or committee, the Council may, by a vote of three Councilmembers, remove any person appointed to such body(ies) at any time at a special or regular Council meeting, with or without cause. Any single member of such commission, board and committee will serve as Chair only once in a three-year cycle.

Application Process. The City Council shall periodically consider appointments to its commissions, boards and committees, as deemed necessary by the City Clerk's review of upcoming or current vacancies due to the expiring terms or the resignation of members. The City Clerk shall advertise for applications to fill vacancies on commissions, boards and committees as required by State law.

Interviews of all new applicants for vacancies shall be conducted by the City Council within 30 days following any application deadline, or as close to that date as is possible to schedule. Incumbents whose terms are expiring will also be scheduled for interviews, unless their position is uncontested, in which case the interview will be optional. Incumbents will be provided with a copy of their previously submitted applications in advance so that they may be updated as necessary.

A decision regarding appointment of the applicants and/or incumbents shall be made at the next regular City Council meeting following the completion of interviews. Communication of the City Council's decision regarding appointments shall be made by the City Clerk to each applicant within one week of this meeting.

Appointment of Members. Members of each commission, board, committee, or panel shall be appointed by the City Council as specified above. An individual may serve on no more than two commissions, boards, committees or panels at any one time and that individual cannot chair more than one.

Staffing of Commissions, Boards and Committees. All staffing, work plans and budget issues concerning commissions, boards and committees must be approved by the Council. Staff, after consulting with the relevant department head and/or city manager, will provide e-mail reports to the Council as soon as possible after meetings about any issues or concerns.

3.09 ESTABLISHMENT AND APPOINTMENT OF COMMISSIONS,

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CITY COUNCIL POLICY MANUAL

BOARDS AND COMMITTEES

(Continued)

Subcommittees. The creation of any subcommittee of any commission, board, committee, or panel does not require preapproval by the City Council. The City Council shall receive notice of such subcommittee and all meetings must be publicly noted, and in all other respects, must comply with the Brown Act.

Training. All chairs, vice chairs and new members of commissions, boards and committees will receive annual training on the scope, purposes and procedures of their groups.

Rules of the City's Appointed Commissions, Boards and Committees. All members of commissions, boards and committees shall follow the Rules of the City's Appointed Commissions, Boards and Committees contained in Section 6.01.

Attendance. Members of each commission, board and committee are expected to make every effort to attend all meetings and be present for the entire meeting. Members are allowed to miss no more than 25% of their meetings held in each twelve month period from the anniversary date of their appointment. The Chair of the commission, board or committee shall notify the City Clerk in writing (with a copy to members of the City Council) of any member that is in violation of this policy. The City Clerk will then send a letter to the member indicating his/her non-conformance to this policy stating that with an additional absence in that same twelve month period, the member's position on the commission, board or committee will be automatically vacated. If an additional absence occurs within that same twelve month period, the position shall be automatically vacated. The City Clerk shall notify the member, City Council and commission, board or committee of the vacancy.

Work Plan. All programs, projects, funding and staffing requests must be approved by the City Council. By March 1 each year, every commission, board or committee shall develop a work plan which contains their goals and objectives for the coming fiscal year. This work plan shall be transmitted to the City Council along with any requests for funding or additional staffing for programs or projects in the coming fiscal year.

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**3.09 ESTABLISHMENT AND APPOINTMENT OF COMMISSIONS,
BOARDS AND COMMITTEES
(Continued)**

List of Permanent Commissions, Boards, and Committees

The roster of the current commissions, boards, and committees is located in Appendices 6.7.

Planning Commission	7 Members
Design Review Commission	5 Members, 2 Alternates
Recreation, Cultural & Community Services Advisory Commission	7 Members
Police Advisory and Review Board	5 Members
Measure F Oversight/Citizens Finance Committee	7 Members
Economic Development Advisory Commission	5 Members
Multi-Cultural Advisory Commission	5 Members
Housing and Building Code Appeals Board	6 Members
Street Improvement Oversight Advisory Committee	5 Members
Novato Streetscape Committee	7 Members, 1 Alternate
Bicycle and Pedestrian Advisory Committee	5 to 7 Members

Annual Review of Commissions, Boards and Committee Relevance. The City Council will annually review each of the City’s commissions, boards and committees to determine the relevance of their work plan, membership and organization to the accomplishment of the City Council’s Goals and Objectives. The City Council may make such changes as it deems necessary to the work plans, membership and organization of the commissions, boards and committees, on an as-needed basis.

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3.10 COUNCIL STANDING AND AD HOC COMMITTEES

Establishment of Standing and Ad Hoc Committees. The City Council may establish standing or ad hoc committees of the City Council for policy review of a specific area or a specific issue.

- (a) **Membership.** The committee shall be either one or two members of the Council. When two members are appointed, both members must agree on the meeting date.
- (b) **Responsibilities.** These committees shall have only those powers, and address only those policy issues expressly assigned to them by the City Council.
- (c) **Staff Involvement.** The committees may request information from the City staff but shall not direct staff in the performance of their duties or in their recommendations to the City Council. All staff involvement with a committee shall be subject to the approval of the City Manager so as not to unduly interfere with day to day operations or priorities established by the Council. Councilmembers will receive a calendar of scheduled meetings of the standing and ad hoc committees.
- (d) **Staff Support.** The substantial use of staff for purposes not provided in the City Council's Strategic Plan must be approved by the City Council.

Procedure for Making Appointments to Standing and Ad Hoc Committees. The City Council shall review, annually, the list of all committees and make appointments to the committees. The Council should modify, delete, or add any appointments as appropriate. Ad hoc committees shall be appointed at the time of need and shall have a specific program of work to perform and shall be automatically dissolved once the program of work is completed.

Current Standing and Ad Hoc Committees. (See Roster Information Section 6.07.)

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3.10 COUNCIL STANDING AND AD HOC COMMITTEES (Continued)

Notice of Standing Committee Meetings. At the time a standing committee is created the Council shall determine whether the committee's meetings may be attended by other, non-committee Councilmembers. If the Council determines all of said committee meetings may be attended by all Councilmembers, then said committee meetings shall be noticed as meetings of the entire Council. If the Council makes no such determination at the time a standing committee is created, members are appointed to it or at any other time, it shall be left to the sole discretion of the committee members as to whether and under what circumstances the committee's meetings are noticed as a meeting of the Council as a whole. If a standing committee's meeting is not noticed as a meeting of the entire Council, no Councilmembers, except those appointed to the committee, may attend said meeting. In those cases where non-standing committee members of the Council attend the standing committee's meetings, the non-standing committee members may attend only as observers.

Report of Standing Committees. Standing Committees will report on the work of the committee at a monthly Council workshop, or at such other meeting as determined at the discretion of the City Clerk. Whether or not there is agreement between the two members of a Standing Committee, the report to the City Council will reflect the position of both members.

Report of Ad Hoc Committees. Ad Hoc Committees will report on the work of the committee at a monthly Council Workshop, or at such meeting as determined at the discretion of the City Clerk. Whether or not there is agreement of the two members of an ad hoc committee, the report to the City Council will reflect the position of both members.

Ad Hoc Committee Meetings. No member of the City Council who is not a member of an ad-hoc City Council committee may attend a meeting of that ad-hoc committee.

Annual Review of Standing and Ad Hoc Committees/Task Forces Necessity. The City Council will review annually the relevance of City Council standing and ad hoc committees to the City Council's current Strategic Plan Goals and Objectives, and will eliminate those which are determined by a majority of the Council to be no longer necessary.

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3.11 COUNCIL OUTSIDE ORGANIZATIONS APPOINTMENTS

Outside Organizations and Internal Committees. The City of Novato interacts with outside organizations, agencies and regional authorities such as Marin County Council of Mayors and Councilmembers (MCCMC), the County of Marin and the League of California Cities. Appointments to outside organizations should be shared as equally as possible among Councilmembers who wish to participate. All recommendations for nominations or appointments to these outside organizations are made by the majority vote of the Council, and can be changed at any time with a majority vote of the City Council. Alternates appointed to these outside organizations have the same authority as the primary appointee when the appointee is absent. Once a Councilmember has received approval of the City Council to participate in an outside organization, separate approval is not needed to participate in a subcommittee of that organization.

Procedure for Appointment. Annually or as vacancies occur, the City Clerk will provide a list of the various outside organizations and the designated Council representative. The majority of the Council should attempt to spread out the various appointments so that each Councilmember shares equally the responsibility to represent or conduct business for the City. The Council should modify, delete or add any appointments as appropriate.

Reporting Responsibilities of Appointees. All Councilmembers representing the City at meetings of these outside organizations shall give an oral report not exceeding three minutes regarding action(s) taken at such organizations during a monthly Council workshop, or other publicly-noticed Council meeting as determined by the City Council; provided, however, that if the City reimburses a Councilmember his/her actual and necessary expenses incurred in such representation, s/he shall give a report on the meetings s/he attends at the expense of the City at the next regular meeting of the Council.

Representational Responsibilities of Appointees. Councilmembers appointed by the City Council to outside organizations represent the City's interest as determined by the majority of the City Council. The appointee shall represent that position until such time as a majority of the City Council changes or modifies its stance on that position. In the absence of City Council direction on a policy matter, the City's representative shall use their best judgment of the current position of Council or shall use their own discretion on whether to bring the matter back to the Council before participating in a vote. Councilmembers that do not responsibly represent the Council position may be removed from their appointment by a majority of Council.

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**3.12 PROCEDURE FOR FILLING VACANT CITY COUNCIL
POSITIONS**

Procedure for Filling a Vacant Council Seat. Under Government Code Section 36512(b), the City Council is required to fill a vacant seat by either appointing to fill the unexpired term of the former incumbent or by calling an election which must be set at the next regularly established election date (not less than 114 days from the Council's call of the election). The Council must make this election within 30 days after a Councilmember's position becomes vacant.

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3.13 RULES OF CONDUCT FOR COUNCILMEMBERS

The following are the guidelines for the general conduct of City Councilmembers in the course of City business:

Council Conduct and Relationship to Electors. No member of the Council shall act in such a manner as to call into disrepute the public image of the Council or which is discourteous to or results in the constant interruption of other members of the Council or members of the public. Councilmembers shall strive to communicate their views and actions clearly to other Councilmembers and to the public in a concise manner. Councilmembers are elected by all of the people to serve as representatives of all of the people. Authority and responsibility for legislative enactments are vested in the Council. California follows the Council type of government where it is the function of the representatives to do that which in their best judgment is proper. California does not follow the “Town Meeting” type of government where the people legislate. Therefore, the Council has authority to limit debate on any subject and to act in good faith regardless of the viewpoints of limited minorities. The purpose of public expression is to inform the public of what the Council is doing

- (a) The responsibility of making decisions is not easy nor without its problems, but it is the responsibility of Councilmembers to vote and decide issues, regardless of personal hesitation. There will always be segments of the population dissatisfied with any decision. The purpose of government is to balance legally, fairly, and without favor the limitations, restrictions, or losses that are to be placed upon the individual or several individuals against the good, the benefit, or welfare of or to a majority of the people.
- (b) The electors have delegated to the Council the right, the power, and the duty to act; the same electors have reserved to themselves the rights of: (1) Petition; (2) Election; (3) Recall; (4) Referendum; (5) Initiative; and (6) Taxpayers’ Suits. Both the Councilmembers and electors must accept the authority or powers given (or reserved) to them and exercise the same accordingly and in good faith.

Councilmember Conduct and Relationship to Other Councilmembers.

Councilmembers are expected to practice and follow the City of Novato Core Values cited at the beginning of this document including Teamwork, Ethical behavior, Honesty and integrity, Fiscal responsibility, Setting and focusing on priorities, Open Government and Respect for all, among others. It is fine for Councilmembers to disagree, but it is still important to be respectful. Councilmembers set the tone for the public and should be seen as working together towards the community’s common good. During Council Meetings Councilmembers should:

3.13 RULES OF CONDUCT FOR COUNCILMEMBERS

(Continued)

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- (a) **Be succinct in articulating positions and mindful of the amount of time being taken up.**
- (b) **Refrain from making additional comments after the vote is taken.**
- (c) **When deciding issues, keep the City's Strategic Plan in mind.**
- (d) **Strive to serve the City at large rather than special interest groups; do not function as an activist.**

City Councilmember Attendance at Commission, Board and Committee Meetings. City Councilmembers are periodically encouraged to attend meetings of City commissions, boards and Committees

Council Correspondence. Council correspondence shall be handled in the following manner:

- (a) **General Correspondence.** The City Manager or City Clerk shall respond to or request staff to respond to correspondence from the public to Councilmembers, and provide copies of such correspondence to Councilmembers and appropriate Staff. Staff will not respond to junk mail, surveys not truly benefiting the City, letters or form letters stating positions or mail-in campaigns. Councilmembers responding on their own behalf will use their personal stationery. City stationery may be used by Councilmembers for accepting invitations, thank you notes or expressions of appreciation.
- (b) **Invitations.** With respect to correspondence that consists of invitations to events, the Mayor and Council may coordinate reservations or responses with the City Clerk.
- (c) **Correspondence to Individual Councilmembers.** Correspondence addressed to specific Councilmembers or the Mayor will be copied to all Councilmembers, excluding correspondence marked personal or confidential.

Press Releases. All press releases pertaining to the City Council shall be issued on City letterhead on behalf of the entire City Council. No press releases pertaining to the City Council or City shall be released by individual members of the City Council without prior authorization from the City Council acting at a Council meeting. The City Manager is authorized to make press releases pertaining to City activities and events of public importance as he/she determines necessary and appropriate to keep the public informed. All press releases shall immediately be distributed to the City Council.

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3.13 RULES OF CONDUCT FOR COUNCILMEMBERS

(Continued)

Council Calendar. The responsibility for managing the calendars of the City Council meetings shall be delegated to the City Clerk.

Council Travel and Meeting Policy. Reimbursement for all travel and meeting expenses incurred by City Councilmembers shall be in accordance with the City's currently adopted Travel and Reimbursement Policy, pursuant to AB 1234.

Council Communication with Staff. Councilmembers shall request research and analytical work only from the City Manager, City Clerk, or City Attorney. Requests which involve Council policy, expenditure of funds, research or analytical work, or use of more than one hour of total staff time shall be submitted to the full Council, in accordance with Section 2.09. To avoid misdirection of requests and inefficient use of staff time, Councilmembers shall submit their request to the City Manager, City Clerk, or City Attorney. In the absence of the City Manager, City Clerk, or City Attorney, requests should be made to the Acting City Manager. Regardless of whether a request for research, analytical work, or direction shall require more than one hour of total staff time, direction to the City Manager shall be given only by a majority of the City Council, acting at a Council meeting. . If a Councilmember has a question of staff about a Council agenda item, the Councilmember will request, whenever possible, information before the City Council meeting from the City Manager by email if possible with a copy to the City Clerk. The response will be returned by email with the identity of the Councilmember redacted.

(a) **Information Requests Copied to All Councilmembers.** All requests for information by and responses to individual Councilmembers shall be copied to all Councilmembers so they all have the same information from which to form judgments or decisions. These responses will also be made available to the public.

Public Presentations. The City Council may designate the Mayor or other Councilmember to represent the City. The City Manager shall generally be responsible for meeting these public presentation requirements on behalf of the City. Individual Councilmembers may represent the City before groups or organizations which have specifically invited them.

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3.13 RULES OF CONDUCT FOR COUNCILMEMBERS

(Continued)

Labor Discussions. Councilmembers may meet with and communicate with representatives of employee bargaining units (“units”) or employees represented by said units except when an issue of the communication is the subject of (a) pending meet and confer between the City’s labor representative and any of said units; (b) negotiations concerning an MOU which have formally commenced; (c) any demand by any unit to the City to meet and confer; and/or (d) any demand by any unit to the City to bargain or negotiate the terms and conditions of an MOU. In any communication by a Councilmember with employees represented by a unit or with unit representatives not otherwise proscribed by this policy, the Councilmember shall not make any written or oral statement: (1) which constitutes a threat or reprisal or use of force; (2) which promises any benefit; (3) representing that she/he represents the view or consensus of a majority of the Council; and/or (4) representing that she/he can bind the Council to any particular position, policy or decision.

Responding to Public Complaints and Inquiries. City Councilmembers receiving complaints or requests for service concerning routine matters, such as a pothole or inoperative street light, shall refer the inquirer to the appropriate City department. Complaints received by a Councilmember concerning a request for service which the Councilmember knows or learns has already been referred to a City department, shall be referred by the City Councilmember to the City Manager for follow up by the City Manager. Complaints received by a Councilmember from a member of the public whose perception is that he/she has been treated poorly (e.g., rudely) by a City staff member shall be referred to the City Manager for his/her investigation and appropriate disposition.

When a Councilmember receives a complaint or inquiry from the public the response to which will likely involve a significant amount of staff work and/or a large financial cost, the Councilmember will inform the City Manager of the complaint or inquiry and will not make any promises to the inquirer regarding the likely disposition of the matter. The City Manager will investigate the complaint or inquiry, and determine if it is appropriate for the City staff to respond to the request, and direct City staff to respond appropriately. The City Manager shall inform the entire City Council of the complaint, who presented it to the City Manager, and the action taken by the City staff in response to the complaint or inquiry.

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**3.13 RULES OF CONDUCT FOR COUNCILMEMBERS
(Continued)**

Conflict Resolution Process.

(a) If there is a conflict/issue between two City Councilmembers or you notice that another Councilmember is not being accountable for what has been agreed upon, follow the conflict resolution process:

- Go to that other member quickly, face-to-face, to discuss the conflict/issue.
- If the person comes to a third member of the team to discuss the conflict/issue, that third person will remind the first that they cannot discuss the conflict, and that the person with the conflict must go to the person with whom they have the conflict.
- If the two members cannot resolve the conflict, they will mutually agree upon a third party who will be a neutral facilitator, be willing to meet with the two parties to resolve the conflict, and keep the conflict/issue confidential.

If the conflict still cannot be resolved, the conflict will be brought to the team.

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CITY COUNCIL POLICY MANUAL
SECTION 4: FINANCIAL

4.01 ESTABLISHMENT OF CITY FINANCIAL POLICIES

Background.

Benefits. Establishing financial policies has many benefits. One of the most important is that it can help officials view their present approach to financial management from an overall, long-range vantage point. In Novato, policies already exist in budgets, in capital improvement plans, in the General Plan, in grant applications, in Council resolutions, in the annual financial report and in administrative policies. When financial policies are scattered among these kinds of documents, are unwritten, or are developed on a case-by-case basis, it is possible that decisions could be made without consideration of other current policy decisions, past policy decisions or future policy alternatives. This kind of policy making can lead to: conflicting policies, inconsistent policies and incomplete policies.

Financial Impact. Implementation of the policies will have an effect on the way City funds are utilized. No dollar value can be placed on the long-term effects of the policies. Their implementation, however, will guide the way funds are planned for and used in the multi-years resource allocation plans. Decisions on how to specifically appropriate City funds will remain a function of the budget review and approval process.

Policy Purpose. The purpose of establishing financial policies are:

1. Preserving and enhancing fiscal strength and sound fiscal practices;
2. Providing a process to insure that the fiscal aspects of policy issues are considered in the decision process;
3. Avoiding decisions which solve a current problem while creating a future financial difficulty;
4. Making clear the inter-relationship between various fiscal decisions;

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4.01 ESTABLISHMENT OF CITY FINANCIAL POLICIES

(Continued)

5. Establishing the relationship between City goals and policies and their fiscal impacts; and
6. Having basic fiscal policies expressed in an integrated way by the City Council.

Procedure. Financial policies for the City of Novato shall be set by one of the following procedures:

- (1) The City Council may adopt resolutions or ordinances to set financial policies to assure the financial strength and accountability of the City.

The City Manager shall develop Administrative Directives and general procedures for implementing the City Council's financial policies

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CITY COUNCIL POLICY MANUAL
SECTION 5: OPERATIONAL

- 5.01 Administrative Directives
- 5.02 Identification of Personnel
- 5.03 Security
- 5.04 Risk Management
- 5.05 Technology

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5.01 ADMINISTRATIVE DIRECTIVES

The City Manager is authorized to issue administrative directives which specifically outline or clarify policies, procedures, rules and activities of the City consistent with Council policies, resolutions and ordinances. The City Manager shall establish and keep current rules and procedures concerning the duties, activities, responsibilities, salary and benefits for all City personnel. Personnel Rules and Procedures shall be adopted by resolution.

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5.02 IDENTIFICATION OF PERSONNEL

The City shall issue official identification cards for all employees of the City. The identification cards shall be kept current with the individual's department, position, photograph and other pertinent information for identification. An employee shall have this identification card in his/her possession during all work hours and shall use the card only for official purposes of identification in conjunction with City business.

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5.03 SECURITY

All City facilities shall be secured in a manner sufficient to protect City facilities, equipment and documents from unauthorized access, vandalism or theft. Each appointee and employee will be provided appropriate access related to their position and duties. The City Manager shall issue Administrative Directives regulating security issues.

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5.04 RISK MANAGEMENT

The City shall develop and maintain a comprehensive Risk Management Program to reduce the City's liability as much as is practical. There are inherent risks and liability in operating a municipal corporation that cannot be fully avoided. Even with the most prudent efforts, the City will incur litigation. It is the policy of the City that the elected and appointed officials, officers and employees shall be defended, held harmless, and indemnified against any claim action, demand, or judgment action of any type or kind arising out of the course and scope of their duties with and for the City, consistent with applicable law.

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5.05 TECHNOLOGY

In order to maintain efficient and effective operations, the City may provide Councilmembers with appropriate technology and require its use. When using technology, Councilmembers shall maintain the confidentiality of such City information.

The use of City-issued technology services and/or hardware is for City business only.

Upon receipt of, or provision of access to, technology services and/or hardware, Councilmembers will sign an agreement for their use, as guided by City Administrative Policies.

During City Council meetings noticed and open to the public, the intent is that any electronic devices will be used to access the Council paperless agenda materials and other relevant information necessary for informed decision-making at the meeting. Examples of these uses are:

- Accessing City email account to review messages sent by staff in response to Council agenda item questions
- Visiting other local agencies' websites to view upcoming meeting agendas and materials
- Searching online maps, such as Google Maps, to view locations that are the subject of a Council action
- Accessing minutes of past meetings

Pursuant to the Ralph M. Brown Act, a Councilmember shall not, during a City Council meeting, use electronic devices, directly or through intermediaries, to communicate secretly with one another.

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SECTION 6: APPENDICES

**6.01 CITY COUNCIL/REDEVELOPMENT AGENCY POLICY MANUAL -
RESOLUTION 153-97**

Resolution No. 153-97: Adopting a Policy Manual for the City Council of the City of Novato

6.02 CONFLICT OF INTEREST - ORDINANCE NO. 1357

Ordinance No. 1357: Re-enacting Section 2-22.1 of the Conflict of Interest Code Requiring Designated Employees to File Statements of Economic Interest with the City of Novato

6.03 BROWN ACT

Ralph M. Brown Act: Open and Public Meeting Law

**6.04 PERSONNEL RULES AND REGULATIONS -
Resolution 6-93 and Amendment - Resolution 85-93**

6.05 EMPLOYER-EMPLOYEE RELATIONS - Resolution 25-72

Resolution 25-72: Employer-Employee Relations

6.06 CITY COUNCILMEMBERS SALARY AND BENEFITS

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RESOLUTION 136-00	(RESCIND 153-97, 38-98,16-99,21-99,22-99,54-00 and 136-00 AND REINSTATE ADOPTION OF POLICY MANUAL)
RESOLUTION 89-01	(AMENDMENT)
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RESOLUTION 44-12	(RESCIND 44-12 AND RE-ADOPT UPDATED POLICY MANUAL)
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6.04 PERSONNEL RULES AND REGULATIONS

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6.09 INVESTMENT POLICY

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