City of Benson
City Council Communication

Regular Meeting **October 23, 2017**

To: Mayor and Council Agenda Item # 2

From: Gary Cohen, City Attorney

Subject:

Discussion and possible action regarding amending the City Council Policies & Procedures Manual

Discussion:

The Mayor and Council recently approved changes to Chapter 2 of the City Code. The City Attorney advised at that time that corresponding changes would need to be made to the City Council Policies and Procedures Manual. The City Attorney reviewed that Manual, and is recommending adoption of proposed revisions thereto. A redline/strikeout version of the proposed revisions to the new City Council Policies and Procedures Manual, as well as a clean copy of such, are provided for review.

The City Attorney believes the vast majority of the language is simply to give the Mayor and Council more flexibility. The City Attorney believes the primary substantive matters are:

1) an abstaining member still being a member of the quorum;
2) a conflicted out member not being a member of the quorum; and/or
3) the clarification about motions to recess versus motions to adjourn.

Staff Recommendation:

The City Attorney recommends adoption of the proposed revisions to the City Council Policies and Procedures Manual. Ultimately, however, the matter is at Council pleasure.

City Council

Policies & Procedures

Manual

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Detailed information about City of Benson meetings is available in the City Clerk's Office and online at the City of Benson's official website (currently www.cityofbenson.com). Materials include agendas, minutes, and other related documents. For further information on any of these subjects, please contact the City Clerk (current telephone number 520.586.2245 Ext. 2011).

This Manual is in internal guide for the Mayor and Council's use only. It is not intended to replace or supplement applicable law in the City Code, State Statutes or elsewhere. Where there is a conflict between a provision of this Manual and the law, it is the law that governs.

I. COUNCIL MEETINGS – Dates, Times, Locations

A. Regular Meetings

The Council will hold regular meetings in accordance with City Code and all other applicable laws. Under City Code at the time these policies and procedures were adopted, the Council usually holds regular meetings on the second and fourth Monday of each month at seven o'clock p.m. at the City Hall Council Chambers, 120 West 6th Street, Benson, Arizona 85602.

B. Holidays

When the day ~~fixed~~usually set for any regular meeting of the Council falls upon a day designated as a City observed holiday, such meeting may be cancelled or rescheduled and held in accordance with City Code.

C. Other locations

The Council may, from time to time, elect to meet at other locations and, upon such election, shall give public notice of the date, time and location of such meeting in accordance with the relevant provisions of the Benson City Code and Arizona Revised Statutes. Such locations could include, but may not be limited to: the Benson Fire Department; Cochise College property; Benson Unified School District property.

D. Location During Local Emergency

If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the City Hall Council Chambers, the meetings may be held for the duration of the emergency at such other places that may be designated by the Mayor, or the Vice Mayor if the Mayor is unavailable, or the City Manager if the Mayor and Vice Mayor are both unavailable, or a majority vote of a quorum of the Council if the Mayor, Vice Mayor and City Manager are unavailable. Such locations could include, but may not be limited to: the Benson Fire Department; Cochise College property; Benson Unified School District property.

E. Cancelled Meetings

Council meetings may, from time to time, ~~with adequate notice pursuant to State statutes and City Code,~~ be cancelled due to conflicts with other scheduled meetings, events or circumstances. Notice of cancelled meetings will, if possible, be posted at least 24 hours in advance in the same manner as notices are posted about Council meetings.

F. Special Meetings and Emergency Meetings

Special meetings and emergency meetings of the City Council may be called and held from time to time consistent with City Code and the Arizona Revised Statutes.

G. Executive Sessions

Consistent with the City Code and the Arizona Revised Statutes the Council may meet in a closed executive session upon a majority vote of the City Council. Notice of executive sessions shall be in the agenda in accordance with State law.

II. NOTICES OF MEETINGS

An Agenda or Notice of Meeting will be timely posted in accordance with State law in the following locations: Benson City Hall; Benson Post Office; Benson Library; and on all City websites and official social media sites.

III. QUORUM

A quorum of the Council shall be in accordance with City Code. Under City Code at the time these policies and procedures were ~~adopted~~last revised, a majority of the Council (meaning the Mayor and Council members) shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members.

IV. DUTIES OF MAYOR

A. Chair

The Mayor's duties are in accordance with City Code. Under City Code at the time th~~o~~ese policies and procedures were ~~adopted~~last revised, the Mayor: is the chairman of the ~~Council~~ Council that, unless absent, presides over its meetings; can make and second motions and have a voice and vote in all its proceedings; and has the authority to preserve order and decorum and to conduct ~~meeting~~ proceedings at all Council meetings. As part of these powers, the Mayor can order the police to remove any person from any meeting for disruptive behavior, to enforce the rules of the Council and to determine the order of business. Robert's Rule of Order shall be used as a guideline in deciding questions of procedure or order on matters not covered by these policies and procedures, the City Code, or State law.

B. Absence or Disability of Mayor

The Vice Mayor shall serve in accordance with the City Code. Under City Code at the time these policies and procedures were ~~adopted~~last revised, the Vice Mayor shall serve as the Acting Mayor in the absence or disability of the Mayor.

C. Absence or Disability of Mayor and Vice Mayor

City Code dictates the procedures to be followed in the absence or disability of both the Mayor and Vice Mayor. Consistent with City Code at the time these policies and procedures were ~~adopted~~last revised, the Clerk ~~shall~~usually calls the meeting to order and leads the Pledge of Allegiance and call for the invocation, if any. The first action item ~~shall be~~is usually for the Council to designate another of its members to serve as Acting Mayor. The Acting Mayor, under City Code at the time these policies and procedures were ~~adopted~~last revised, shall have all the powers, duties and responsibilities of the Mayor during such absence or disability.

D. Attendance by the Public

Consistent with City Code and except as specifically provided by City Code or State law, all meetings of the Council shall be open to the public.

V. DUTIES OF COUNCIL: Council duties are in accordance with City Code and State law. Those duties, under and/or consistent with the law at the time these policies and procedures were adopted, include but are not limited to the following.

A. Establish and Maintain the Strategic Plan for the City

The Mayor and Council will annually review the City's Strategic Plan, updating it as determined by the Council. The Strategic Plan ~~will then be~~is utilized by Staff in attempting to realize the overall goals set by the Council.

B. Set Policy through Legislation

The Council is responsible for establishing policy, and for providing policy direction with the adoption of rules, regulations, and procedures. The City Manager then oversees the daily operation of the government and implements the policies established by the governing body.

C. Financial Oversight

The Council reviews and approves the annual budget and oversees its administration throughout the year. Pursuant to the City Procurement Code, certain expenditures require prior Council approval.

D. City Officers

The Mayor and Council appoint and/or approve City officers in accordance with the City Code. Under the code at the time ~~this Manual was prepared~~these policies and procedures were last revised, the City Code states as follows: the City Manager and the City Attorney shall be appointed by the Mayor and Council; the City Clerk/Treasurer, City Magistrate, City Engineer, Police Chief, and Fire Chief shall be appointed by the City Manager with the consent and approval of Mayor and Council; all employees other than the officers named in the foregoing section shall be appointed solely by the City Manager.

VI. MINUTES: Minutes will be made, available, and retained in accordance with City Code and State law. Under and/or consistent with said law at the time these policies and procedures were ~~adopted~~last revised, the following apply:

A. Summary Minutes

Minutes of Council meetings ~~will be~~are usually summary minutes~~,~~ that includ~~ing~~e a brief summary of statements made to the Mayor and Council, the discussions of agenda items, topics addressed, motions, ~~and~~ the vote. and ~~. The minutes will also include~~ the names of public speakers.

B. Council Minute Approval

Minutes of meetings ~~are~~ should be submitted to the Council for approval, normally at the next scheduled regular meeting.

C. Recordings of Meetings

Digital recordings of Council meetings are made and usually retained by the City Clerk for a period of at least 3 months after the date of the meeting. Recordings posted to the City website will usually remain for at least one year.

VII. RULES OF CONDUCT

A. Addressing Members of Public and Staff

When wanting to address members of the public or City Staff, Council Members ~~will~~ usually direct questions or comments through the ~~Mayor (~~Chair~~)~~ unless granted permission by the ~~Mayor~~Chair to address said questions, or comments directly, and will generally refer to persons as Mr., Mrs., or Ms., followed by their surname.

B. Council Deliberation and Order of Speakers

The ~~Mayor~~Chair (§IV.A-C above), as presiding officer, is responsible for controlling the debate and order of speakers. Speakers are generally called upon in the order the Request to Speak is made.

1. With the concurrence of the ~~Mayor~~Chair, a Council Member holding the floor may address a question to another Council Member and that Council Member may respond.

2. Council Members ~~will~~usually limit their comments to matters relating to the subject matter, item, or motion being currently considered by the Council.

3. The ~~Mayor~~ Chair will govern as to the length of Council Member comments. The length of such comments ~~will not~~may be ~~un~~reasonably restricted.

4. Any member of the Council wishing to speak must first obtain the floor by being recognized by the ~~Mayor~~Chair. The ~~Mayor~~ Chair shall not unreasonably withhold recognition from a Council Member wishing to speak.

VIII. MOTIONS

Motions may be made by any member of the Council, including the Mayor. Any member of the Council, other than the person offering the motion, may second a motion.

A. Procedure for Motion

The following is the general procedure for making motions:

1. The ~~Mayor~~ Chair~~will~~ opens agenda items for discussion, and recognizes speakers consistent with these policies and procedures. Discussion on items ~~may~~ proceeds after the item ~~ha~~is ~~been~~ read by the ~~Mayor~~ Chair or Clerk, and ~~may proceed in advance of~~before a motion on the item.

2. A motion can be made at any time after an agenda item has been announced by the Mayor or Clerk. Before a motion can be considered, it must be seconded.

3. Once a motion has been properly made and seconded, the Mayor ~~shall~~usually asks for additional discussion by the Council.

4. Once the motion ~~has been~~ is fully discussed and the Mayor calls for a vote, no further discussion ~~will be~~is usually allowed, except ~~that~~that the Mayor and Council Members may be allowed to briefly explain their vote after the voting process on the pending motion is completed.

B. Motion Amendments

When a motion is on the floor, and a motion to amend is made and seconded, the amendment ~~shall~~should be acted upon prior to acting on the main motion. If the amendment is voted on and fails, the Council will then consider the original motion on the floor for action.

C. Motion to Table

Any motion to table an item on the agenda for Council consideration may, but need not include a date or timeframe for the item to be brought back to the Council. Tabled items can be placed on a future agenda in accordance with the "Council Meeting Agenda" policy herein.

D. Direction To Staff

A "Motion to Direct Staff" generally provides Staff direction as to the City Council's request for additional information, to draft documents for future consideration such as Ordinances/Resolutions, or other such matters~~,~~ to be further discussed, presented, and /or considered at a future Council meeting. Since a direction to Staff is considered Council action, a motion, second, and vote is generally ~~required~~conducted.

E. Ordinances & Resolutions

The reading and passage of all ordinances and resolutions may be made by title only, providing that each member of the Council in attendance has in his or her possession, written copies of said ordinance or resolution at the time of consideration and voting thereon. The Clerk shall be responsible for maintaining an official copy of all - ordinances, resolutions, and amendments, thereto in the course of their adoption.

F. Voting

Any Council Member at a meeting when a motion comes up for a vote shall either abstain from the vote, vote for the measure, vote against the measure, or be disqualified from voting because the matter involves the Council Member's personal or official conduct, business interest, or property, or there is an actual or appearance of a conflict of interest. Unless State law requires a supermajority vote, the motion shall pass if it receives an affirmative vote of the majority of the members present and voting. The Mayor or Clerk should declare the result after the vote is concluded. A Council Member may change his or her vote up to the time that the results of the vote have been announced or the next agenda item is announced. All votes will be recorded in the minutes of the meeting.

G. Abstention

A Council Member shall be excused from voting on matters involving the consideration of his or her own personal or official conduct, business interest or property, or in which he or she declares the appearance of or an actual conflict of interest. A Council Member may also abstain from voting on any matter by affirmatively declaring such, or by not definitively voting "aye" or "nay." A Council Member that declares he or she may have the appearance of or an actual conflict of interest shall leave the dais after the agenda item is announced and before any discussion of that agenda item. An abstention shall neither count as an "aye" or a "nay" vote. A Council Member abstaining does, however, count as a member of the quorum. For public policy purposes, the Mayor and Council Members agree to not address the Council from off the dais as a public citizen, unless the Mayor or Council Member has an item on the agenda about that public official's property, business interest, or conduct.

H. Tie Votes

A tie vote results in the motion failing. Under this circumstance, any member of the Council may offer a motion for further action, pursuant to (I) below:

I. Motions for Reconsideration

1. Motions for reconsideration of a matter may be made at the next meeting, whether regular or special, following the Council action.

2. Motions for reconsideration may be made by any Council Member who was not in attendance and therefore, was unable to vote on the matter they are requesting for reconsideration.

3. For tie votes, in order to allow for reconsideration of the matter at a future Council meeting, two members shall contact the City Manager (one member who voted on each side of the issue).

4. A proposed motion for reconsideration at the succeeding meeting must comply with all noticing requirements in the Arizona Revised Statutes.

J. Suspension of the Policies and Procedures

Except as otherwise provided by law, any policies and procedures herein may be waived by a ~~majority~~ three-fourths vote of the ~~Council Members present, unless the rule to be waived legally requires a larger majority vote of Council~~Quorum, when it is deemed that there is good cause to do so.

IX. OPEN MEETING LAW VIOLATIONS

Except ~~under circumstances,~~as authorized by law, all meetings of the Council, and it's Committees, shall be open to the public and conducted in accordance with the Arizona Open Meetings Law, currently at A.R.S. § 38-431 *et seq*. Meetings that at any one time involve only a portion of a legislative body, but eventually involve a quorum, are in violation of the Arizona Revised Statutes. These meetings are considered by the law to deprive the public of the opportunity for meaningful contribution to the decision making process. These meetings happen when Member A contacts Member B, B contacts C, C contacts D and so on until a quorum of the Council is involved and shares the comments of other Council Members in an attempt to reach consensus or determine the direction on an item that may appear before the Council. An elected official has the right to confer with another elected official about public business, but if and when a "collective concurrence as to action to be taken" is reached, the Open Meeting Law and Arizona Revised Statutes are violated. Council Members are encouraged to consider this possibility when discussing a matter within the City's jurisdiction with another elected official. If the Council Member needs any clarification on a possible violation, he/she should contact the City Attorney.

X. CONFLICT OF INTEREST

Per A.R.S. §38-503(A) and (B):

1. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.

2. Any public officer or employee who has, or who's relative has, a substantial interest in any decision of a public agency shall make known such interest in the official

records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

Per A.R.S. §38-502(9):

1. "Relative" means the spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse.

2. The City Attorney should be contacted prior to any meeting where a potential conflict of interest, whether it is actual or perceived, may occur.

A Council Member that refrains from voting or otherwise participating on a matter does not, for that matter, count as a member of the quorum.

XI. PUBLIC HEARINGS

Matters noticed for Public Hearing ~~will be~~are usually held as posted. Members of the public have a right to speak on all matters related to the issue and subject of the Public Hearing, where a Public Hearing is required by State or Federal law. These include, but are not limited to, zoning and rezoning of real property, budget approval, and annexation hearings. Public Hearing items are usually marked as such on all Council agendas. The Council procedure for the conduct of a Public Hearing is generally as follows:

1. ~~Staff presents its report.~~The Chair opens the Public Hearing.

2. ~~Council Members may ask questions of Staff.~~Staff presents its report.

3. ~~The Mayor opens the Public Hearing.~~Council Members may ask question of Staff.

4. The applicant, if relevant, has the opportunity to present comments, testimony or arguments to the Council.

5. The Mayor asks for public comment. ~~Any p~~Persons ~~desir~~wanting to speak ~~shall~~can make ~~his or her~~their presence known ~~to the Mayor~~ by completing the Request to Speak form. The ~~Mayor~~Chair will call each person to speak in the order listed on the form. No person may speak without first being recognized by the ~~Mayor~~Chair. All comments ~~must~~should be relevant to the issue and subject of the public hearing. In order to avoid repetitious remarks from a large group, a designation of a spokesperson is encouraged and in the discretion of the ~~Mayor~~Chair, a block of time may be allotted to each side of an issue. Additional time may be permitted for the spokesperson to address the Council or for any person to raise issues or concerns that have not been previously addressed.

6. Members of the Council may ask questions of the speakers or of each other, but only after being recognized by the ~~Mayor~~Chair. Discussion or comments with the speaker sh~~all~~ould be limited to questions, rather than ongoing dialogue.

7. The applicant is given an opportunity for rebuttal or concluding comments.

8. The Public Hearing is closed. No other Public Comment ~~may~~should be taken.

9. The Council deliberates on the issue and takes action~~, only~~ if the item is listed separately for possible action on the agenda. At that time, the item will have the same treatment as other business items before the Council for action.

A. Continuance of Public Hearings

Any hearing being held or noticed to be held at a Council Meeting may, by motion or notice of continuance, be continued to a subsequent meeting.

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XII. CALL TO THE PUBLIC

State law and the City Code governs a call to the public. As such, the policies stated below are not exclusive, and do not limit the inherent power and legal authority of the City Council, or its presiding officer, to govern the City Council meetings.

Arizona Revised Statutes §38-431-01(H) currently provides that "A public body may make an open call to the public during a public meeting, subject to reasonable time, place and a manner restrictions to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter raised during an open call to the public unless the matters are properly notice for discussion and legal action." As such, a Call to the Public, if on the agenda, is provided as a courtesy. In order to speak during the Call to the Public, speakers should complete the Call to the Public form requesting to do so.

A. Addressing Council

All remarks should be addressed to the Council as a whole and shall be limited to ~~five (5) minutes~~the time allotted by the Chair unless additional time is granted by the ~~presiding officer~~Chair. Each person addressing the Council shall step up to the microphone at the podium, shall give his/her name and place of residence and work or business, if any, in an audible tone of voice for the record. Proper decorum should be observed by speakers. Speakers should refrain from: abusive or profane remarks; gestures to any persons present in a manner likely to provoke immediate physical retaliation; protracted commotion, utterance or display; disruptive outburst; disorderly conduct; insolent behavior; protests; or any other conduct which disrupts or interferes with the orderly conduct of the business of the

meeting. Should a speaker engage in such improper decorum, he or she may be asked to maintain proper decorum or to refrain from speaking to anyone other than the ~~presiding officer~~Chair. If the speaker continues to engage in such improper decorum, and/or in the discretion of the presiding officer, he or she may be deemed to be out of order and asked to leave the podium. In addition, the ~~presiding officer~~Chair may hold a speaker to be out of order if the topic of discussion is not a matter within the jurisdiction of the Council.

1. Group remarks – In order to avoid repetitious remarks from a large group, a designation of a spokesperson is encouraged. Additional time may be permitted, at the ~~Mayor's~~ Chair's discretion, for the spokesperson to address the Council.

2. Written remarks – Comments in writing are accepted and ~~will be~~are usually kept as part of the retained Council packet. A copy of the written comment ~~will be~~is usually provided to each Council Member if received ~~prior to~~before the meeting or at the Council meeting should the comment be provided by the speaker.

B. Responses from Council

In compliance with the Arizona Revised Statutes, the Council may not discuss, deliberate or vote on any matter raised during the Call to the Public. A Council Member may, however, request that an item be put on a future agenda for discussion and consideration. A Council Member may also respond to criticism made by those who have addressed the public body, may ask staff to review a matter, or may ask that a matter be put on a future agenda.

XIII. COUNCIL MEETING AGENDA

The business of the Council at its meetings ~~shall be~~is taken up for consideration and disposition in accordance with the City Code, typically in the following order:

- Call To Order, with the Pledge of Allegiance and Invocation
- Roll Call
- Employee Recognition
- Proclamations
- Public Hearings
- Call to the Public
- City Manager Report
- New Business
- Department Reports
- Adjournment

A. Call to Order

The ~~Mayor~~ Chair shall call the meeting to order. The ~~Mayor or the Mayor's designee~~Chair ~~shall then~~ leads those present in the Pledge of Allegiance before introducing the invocation speaker, if any, who will offer the invocation, if any.

B. Roll Call

The City Clerk ~~shall~~ calls the roll of the members.

C. Employee Recognition

The ~~Mayor~~ Chair ~~shall use this time to~~ presents employment awards to ~~those~~ City employees accumulating five (5) years of employment with the City and every five (5) years thereafter or to present recognition awards for specific acts regarding public service, if any.

D. Proclamations

The ~~Mayor or the Mayor's designee~~Chair or the Chair's designee ~~shall~~ reads any proclamations ~~which may be~~ present on the agenda.

E. Public Hearings

The public hearings ~~will be~~ are open for public comment and after comments are received, the ~~Mayor~~Chair will close the public hearing. The ~~Mayor~~Chair may impose reasonable time limits for each speaker and may apportion time between those speaking in favor and those speaking against the matter which is the subject of the public hearing.

F. Call to the Public

Communications and comments from the citizens ~~regarding the City of Benson or other matters~~ properly addressed to the City Council may be heard by the Council. (Also see above discussion about Call to the Public)

G. City Manager Report

The City Manager ~~will~~ announces specific items of interest regarding City matters.

H. New Business

The Council ~~shall~~ considers new business items in accordance with the City Code. This includes, but is not limited to, ordinances and resolutions, presentations and may provide for a consent agenda in accordance with procedural rules adopted by the Council.

1. Consent Agenda – The consent agenda ~~will be the first item under this category and shall~~ lists separately distinct items requiring action by the City Council that are generally routine items not requiring Council discussion. A single motion will approve all items on the consent agenda. ~~A~~Any ~~-~~Councilmember may ~~remove~~request extraction of any issue from the consent agenda, and upon that request, ~~that~~such issues will be discussed and voted upon separately, immediately following the consent agenda under ~~its proper regular~~the category of New Business.

2. Action Items Listed for Discussion – These items may also include ordinances, resolutions, contracts or other matters listed as separate action items, which shall be voted upon separately. If authorized by the Chair, City Staff or an applicant may address the Council regarding the action item, to include taking questions from

Councilmembers. New Business may also include updates by Staff on current issues facing the City that have been or may be the subject of Council action.

3. Updates on Ongoing Projects and City Activities — New business may include updates by Staff on current issues facing the City that have been or may be the subject at Council action.

I. Department Reports

Written Department Reports ~~will~~ may be provided to Councilmembers as part of the Council packet.

J. Recess and Adjournment

The Council~~,~~ may, by a majority vote of ~~those present~~the quorum, ~~adjourn~~ recess from time to time to a specific date and hour or adjourn to terminate a meeting. When a recessed meeting reconvenes, the Council resumes its work at the point of the motion to recess. If on a motion to adjourn matters remain on the agenda that any member of the Council believes should be considered, this should be brought to the attention of the Council. In this situation, the Chair should ask the proposer of the motion to adjourn to withdraw it until all or some of these matters have been considered. The vote on adjournment must be taken if a motion to adjourn is seconded and not withdrawn~~ A motion to adjourn shall always be in order and decided without debate~~.

XIV. AGENDA SETTING PROCESS

The Mayor or two Council Members may, through the City Manager, request specific items/issues placed on the agenda for discussion, direction, and/or action.

XV. COMMITTEES

Committees are formed in accordance with the City Code. They are generally created on an as-needed basis with a defined purpose. Committees shall consist of as many members, and shall perform such duties as the Council may require, and shall exist at the pleasure of the Council. The Council may request reports from any Committee, and that those reports be presented to them at any formal Council meeting by the City Manager, or a Committee representative, in writing or orally.

A. Council Member participation in community activities

From time to time, Council Members may choose to voluntarily participate in community activities, committees, events and task forces. When a Council Member participates in these types of activities, the Council Members is acting as an interested party rather than acting on behalf of the City Council. Acting or participating on behalf of the City Council is limited to those instances when the Council has formally designated that Council Member as a member or a representative for the matter. Unless the Council has formally designated a Council

Member as a member or City representative, all correspondence and dialogue should inform all participants of the activity, committee or event that the Council Member is acting on his or her own behalf and not as a representative.

XVI. CEREMONIAL REPRESENTATIVE

The Mayor is responsible to act as the Council's ceremonial representative at public events and functions. In the Mayor's absence, the Vice Mayor will assume this responsibility. In both the Mayor and Vice Mayor's absence, the Mayor will appoint another Council Member to assume this responsibility.

XVII. ADMINISTRATIVE SUPPORT FOR COUNCIL

A. Mail

All mail addressed to the Mayor and members of Council is delivered to the City Clerk's and/or Manager's Office, and is then timely distributed to their respective mailbox at the Clerk's Office. The Clerk maintains public records in accordance with applicable law.

B. Events for Council

In conjunction with the City Manager's office, the City Clerk's office will use best efforts to coordinate Council official activities, events and RSVPs as necessary. The Clerk's office will also use best efforts to make travel arrangements to include hotel reservations and confirmations and use of the City vehicle by Council members where appropriate for official activities.

C. Council Correspondence

All correspondence to other government agencies or political subdivisions from Council Members written with City resources (i.e., letterhead, staff support, e-mail involving City matters, postage, etc.) should reflect the position of the majority of the Council, and not the individual Council Member's position. All correspondence using City resources will be copied to the full Council and a copy will be made for the City Clerk for records. Personal recommendations or thank you notes do not need to be copied.

D. Clerical support

The City Manager's office will coordinate any support requested by a Council Member, including typing of correspondence or mailings. All correspondence prepared for Council Members will be on City letterhead and will reflect the position of the majority of the Council, and will be copied to the full Council.

E. Personal Correspondence

Correspondence reflecting personal positions will be prepared on personal stationary and sent at the Council Member's personal expense.

F. Council notification of significant incidents

The City Manager will use best efforts to coordinate the notification to Council of events that, in his or her discretion, constitute major crime, fire, or other significant incidents in the City about which the Council needs immediate notice.

XVIII. CITY COUNCIL/STAFF RELATIONS

1. There shall be mutual respect from both Staff and Council Members of their respective roles and responsibilities.

2. The Council acknowledges and supports the Council/Manager form of government. City Staff acknowledges and supports the Council's role as policy makers and the City Council acknowledges and supports the City Manager's role as responsible for administering the Council's policies. Under City Code at the time these policies were ~~adopted~~last revised, the Council deals with the administrative services of the City only through the City Manager, and neither the Council nor any members thereof shall give orders to any subordinates of the City Manager.

3. If a Council Member requests Staff research on any issue requiring over 8 hours of staff work without first seeking approval of the entire Council at a public meeting, then the Council Member shall be notified by the City Manager and the request shall be presented to the Council for consideration.

4. Legal advice can be requested in accordance with the City Code. No Council Member shall request a written legal opinion from the City Attorney that the City Attorney believes will require more than two hours of time to research and prepare, without first seeking direction from the Council at a public meeting, which may include an executive session. An exception is a request for an opinion regarding a possible conflict of interest.

5. Information requested by ~~a~~ the Mayor and/or a Council Member generally will be shared with the entire Council.

XIX. CITY COUNCIL RELATIONS WITH OTHER COMMITTEES/GROUPS

1. Individual Council Members shall have the right to attend commission or board meetings but shall not speak or become involved in the meeting discussion unless the Council Member is an appointed Member or Liaison to that commission or board, or an item regarding the Council member's business, property or conduct is at issue at said meeting. If a Council Member appears before a commission or board as a citizen, they should specifically advise that they are appearing in their individual capacity and not in their official capacity, and comments they make must be related to the issue

being discussed, and said Council Member may not use their position as a Council Member to influence the outcome of a decision.

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

XX. PENALTIES AND VIOLATIONS

Personal violations, such as a public officer or employee releasing confidential information that is protected from disclosure by statute, or tampering with a public record, carry penalties that can range from removal from office, imposition of civil penalties, and possible conviction of a felony.

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City Council

Policies & Procedures

Manual

10-23-2017

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Detailed information about City of Benson meetings is available in the City Clerk's Office and online at the City of Benson's official website (currently www.cityofbenson.com). Materials include agendas, minutes, and other related documents. For further information on any of these subjects, please contact the City Clerk (current telephone number 520.586.2245 Ext. 2011).

This Manual is in internal guide for the Mayor and Council's use only. It is not intended to replace or supplement applicable law in the City Code, State Statutes or elsewhere. Where there is a conflict between a provision of this Manual and the law, it is the law that governs.

I. COUNCIL MEETINGS – Dates, Times, Locations

A. Regular Meetings

The Council will hold regular meetings in accordance with City Code and all other applicable laws. Under City Code at the time these policies and procedures were adopted, the Council usually holds regular meetings on the second and fourth Monday of each month at seven o'clock p.m. at the City Hall Council Chambers, 120 West 6th Street, Benson, Arizona 85602.

B. Holidays

When the day usually set for any regular meeting of the Council falls upon a day designated as a City observed holiday, such meeting may be cancelled or rescheduled and held in accordance with City Code.

C. Other locations

The Council may, from time to time, elect to meet at other locations and, upon such election, shall give public notice of the date, time and location of such meeting in accordance with the relevant provisions of the Benson City Code and Arizona Revised Statutes. Such locations could include, but may not be limited to: the Benson Fire Department; Cochise College property; Benson Unified School District property.

D. Location During Local Emergency

If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the City Hall Council Chambers, the meetings may be held for the duration of the emergency at such other places that may be designated by the Mayor, or the Vice Mayor if the Mayor is unavailable, or the City Manager if the Mayor and Vice Mayor are both unavailable, or a majority vote of a quorum of the Council if the Mayor, Vice Mayor and City Manager are unavailable. Such locations could include, but may not be limited to: the Benson Fire Department; Cochise College property; Benson Unified School District property.

E. Cancelled Meetings

Council meetings may, from time to time, be cancelled due to conflicts with other scheduled meetings, events or circumstances. Notice of cancelled meetings will, if possible, be posted at least 24 hours in advance in the same manner as notices are posted about Council meetings.

F. Special Meetings and Emergency Meetings

Special meetings and emergency meetings of the City Council may be called and held from time to time consistent with City Code and the Arizona Revised Statutes.

G. Executive Sessions

Consistent with the City Code and the Arizona Revised Statutes the Council may meet in a closed executive session upon a majority vote of the City Council. Notice of executive sessions shall be in the agenda in accordance with State law.

II. NOTICES OF MEETINGS

An Agenda or Notice of Meeting will be timely posted in accordance with State law in the following locations: Benson City Hall; Benson Post Office; Benson Library; and on all City websites and official social media sites.

III. QUORUM

A quorum of the Council shall be in accordance with City Code. Under City Code at the time these policies and procedures were last revised, a majority of the Council (meaning the Mayor and Council members) shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members.

IV. DUTIES OF MAYOR

A. Chair

The Mayor's duties are in accordance with City Code. Under City Code at the time these policies and procedures were last revised, the Mayor: is the chairman of the Council that, unless absent, presides over its meetings; can make and second motions and have a voice and vote in all its proceedings; and has the authority to preserve order and decorum and to conduct proceedings at all Council meetings. As part of these powers, the Mayor can order the police to remove any person from any meeting for disruptive behavior, to enforce the rules of the Council and to determine the order of business. Robert's Rule of Order shall be used as a guideline in deciding questions of procedure or order on matters not covered by these policies and procedures, the City Code, or State law.

B. Absence or Disability of Mayor

The Vice Mayor shall serve in accordance with the City Code. Under City Code at the time these policies and procedures were last revised, the Vice Mayor shall serve as the Acting Mayor in the absence or disability of the Mayor.

C. Absence or Disability of Mayor and Vice Mayor

City Code dictates the procedures to be followed in the absence or disability of both the Mayor and Vice Mayor. Consistent with City Code at the time these policies and procedures were last revised, the Clerk usually calls the meeting to order and leads the Pledge of Allegiance and call for the invocation, if any. The first action item is usually for the Council to designate another of its members to serve as Acting Mayor. The Acting Mayor, under City Code at the time these policies and procedures were last revised, shall have all the powers, duties and responsibilities of the Mayor during such absence or disability.

D. Attendance by the Public

Consistent with City Code and except as specifically provided by City Code or State law, all meetings of the Council shall be open to the public.

V. DUTIES OF COUNCIL: Council duties are in accordance with City Code and State law. Those duties, under and/or consistent with the law at the time these policies and procedures were adopted, include but are not limited to the following.

A. Establish and Maintain the Strategic Plan for the City

The Mayor and Council will annually review the City's Strategic Plan, updating it as determined by the Council. The Strategic Plan is utilized by Staff in attempting to realize the overall goals set by the Council.

B. Set Policy through Legislation

The Council is responsible for establishing policy, and for providing policy direction with the adoption of rules, regulations, and procedures. The City Manager then oversees the daily operation of the government and implements the policies established by the governing body.

C. Financial Oversight

The Council reviews and approves the annual budget and oversees its administration throughout the year. Pursuant to the City Procurement Code, certain expenditures require prior Council approval.

D. City Officers

The Mayor and Council appoint and/or approve City officers in accordance with the City Code. Under the code at the time these policies and procedures were last revised, the City Code states as follows: the City Manager and the City Attorney shall be appointed by the Mayor and Council; the City Clerk/Treasurer, City Magistrate, City Engineer, Police Chief, and Fire Chief shall be appointed by the City Manager with the consent and approval of Mayor and Council; all employees other than the officers named in the foregoing section shall be appointed solely by the City Manager.

VI. MINUTES: Minutes will be made, available, and retained in accordance with City Code and State law. Under and/or consistent with said law at the time these policies and procedures were last revised, the following apply:

A. Summary Minutes

Minutes of Council meetings are usually summary minutes that include a brief summary of statements made to the Mayor and Council, the discussions of agenda items, topics addressed, motions, the vote. and the names of public speakers.

B. Council Minute Approval

Minutes of meetings should be submitted to the Council for approval, normally at the next scheduled regular meeting.

C. Recordings of Meetings

Digital recordings of Council meetings are made and usually retained by the City Clerk for a period of at least 3 months after the date of the meeting. Recordings posted to the City website will usually remain for at least one year.

VII. RULES OF CONDUCT

A. Addressing Members of Public and Staff

When wanting to address members of the public or City Staff, Council Members usually direct questions or comments through the Chair unless granted permission by the Chair to address said questions, or comments directly, and will generally refer to persons as Mr., Mrs., or Ms., followed by their surname.

B. Council Deliberation and Order of Speakers

The Chair (§IV.A-C above), as presiding officer, is responsible for controlling the debate and order of speakers. Speakers are generally called upon in the order the Request to Speak is made.

1. With the concurrence of the Chair, a Council Member holding the floor may address a question to another Council Member and that Council Member may respond.
2. Council Members usually limit their comments to matters relating to the subject matter, item, or motion being currently considered by the Council.
3. The Chair will govern as to the length of Council Member comments. The length of such comments may be reasonably restricted.
4. Any member of the Council wishing to speak must first obtain the floor by being recognized by the Chair. The Chair shall not unreasonably withhold recognition from a Council Member wishing to speak.

VIII. MOTIONS

Motions may be made by any member of the Council, including the Mayor. Any member of the Council, other than the person offering the motion, may second a motion.

A. Procedure for Motion

The following is the general procedure for making motions:

1. The Chair opens agenda items for discussion, and recognizes speakers consistent with these policies and procedures. Discussion on items proceeds after the item is read by the Chair or Clerk, and before a motion on the item.

2. A motion can be made at any time after an agenda item has been announced by the Mayor or Clerk. Before a motion can be considered, it must be seconded.

3. Once a motion has been properly made and seconded, the Mayor usually asks for additional discussion by the Council.

4. Once the motion is fully discussed and the Mayor calls for a vote, no further discussion is usually allowed, except that the Mayor and Council Members may be allowed to briefly explain their vote after the voting process on the pending motion is completed.

B. Motion Amendments

When a motion is on the floor, and a motion to amend is made and seconded, the amendment should be acted upon prior to acting on the main motion. If the amendment is voted on and fails, the Council will then consider the original motion on the floor for action.

C. Motion to Table

Any motion to table an item on the agenda for Council consideration may, but need not include a date or timeframe for the item to be brought back to the Council. Tabled items can be placed on a future agenda in accordance with the "Council Meeting Agenda" policy herein.

D. Direction To Staff

A "Motion to Direct Staff" generally provides Staff direction as to the City Council's request for additional information, to draft documents for future consideration such as Ordinances/Resolutions, or other such matters to be further discussed, presented, and /or considered at a future Council meeting. Since a direction to Staff is considered Council action, a motion, second, and vote is generally conducted.

E. Ordinances & Resolutions

The reading and passage of all ordinances and resolutions may be made by title only, providing that each member of the Council in attendance has in his or her possession, written copies of said ordinance or resolution at the time of consideration and voting thereon. The Clerk shall be responsible for maintaining an official copy of all ordinances, resolutions, and amendments, thereto in the course of their adoption.

F. Voting

Any Council Member at a meeting when a motion comes up for a vote shall either abstain from the vote, vote for the measure, vote against the measure, or be disqualified from voting because the matter involves the Council Member's personal or official conduct, business interest, or property, or there is an actual or appearance of a conflict of interest. Unless State law requires a supermajority vote, the motion shall pass if it receives an affirmative vote of

the majority of the members present and voting. The Mayor or Clerk should declare the result after the vote is concluded. A Council Member may change his or her vote up to the time that the results of the vote have been announced or the next agenda item is announced. All votes will be recorded in the minutes of the meeting.

G. Abstention

A Council Member shall be excused from voting on matters involving the consideration of his or her own personal or official conduct, business interest or property, or in which he or she declares the appearance of or an actual conflict of interest. A Council Member may also abstain from voting on any matter by affirmatively declaring such, or by not definitively voting "aye" or "nay." A Council Member that declares he or she may have the appearance of or an actual conflict of interest shall leave the dais after the agenda item is announced and before any discussion of that agenda item. An abstention shall neither count as an "aye" or a "nay" vote. A Council Member abstaining does, however, count as a member of the quorum. For public policy purposes, the Mayor and Council Members agree to not address the Council from off the dais as a public citizen, unless the Mayor or Council Member has an item on the agenda about that public official's property, business interest, or conduct.

H. Tie Votes

A tie vote results in the motion failing. Under this circumstance, any member of the Council may offer a motion for further action, pursuant to (I) below:

I. Motions for Reconsideration

1. Motions for reconsideration of a matter may be made at the next meeting, whether regular or special, following the Council action.

2. Motions for reconsideration may be made by any Council Member who was not in attendance and therefore, was unable to vote on the matter they are requesting for reconsideration.

3. For tie votes, in order to allow for reconsideration of the matter at a future Council meeting, two members shall contact the City Manager (one member who voted on each side of the issue).

4. A proposed motion for reconsideration at the succeeding meeting must comply with all noticing requirements in the Arizona Revised Statutes.

J. Suspension of the Policies and Procedures

Except as otherwise provided by law, any policies and procedures herein may be waived by a three-fourths vote of the Quorum, when it is deemed that there is good cause to do so.

IX. OPEN MEETING LAW VIOLATIONS

Except as authorized by law, all meetings of the Council, and it's Committees, shall be open to the public and conducted in accordance with the Arizona Open Meetings Law, currently at A.R.S. § 38-431 *et seq*. Meetings that at any one time involve only a portion of a legislative body, but eventually involve a quorum, are in violation of the Arizona Revised Statutes. These meetings are considered by the law to deprive the public of the opportunity for meaningful contribution to the decision making process. These meetings happen when Member A contacts Member B, B contacts C, C contacts D and so on until a quorum of the Council is involved and shares the comments of other Council Members in an attempt to reach consensus or determine the direction on an item that may appear before the Council. An elected official has the right to confer with another elected official about public business, but if and when a "collective concurrence as to action to be taken" is reached, the Open Meeting Law and Arizona Revised Statutes are violated. Council Members are encouraged to consider this possibility when discussing a matter within the City's jurisdiction with another elected official. If the Council Member needs any clarification on a possible violation, he/she should contact the City Attorney.

X. CONFLICT OF INTEREST

Per A.R.S. §38-503(A) and (B):

1. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.

2. Any public officer or employee who has, or who's relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

Per A.R.S. §38-502(9):

1. "Relative" means the spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse.

2. The City Attorney should be contacted prior to any meeting where a potential conflict of interest, whether it is actual or perceived, may occur.

A Council Member that refrains from voting or otherwise participating on a matter does not, for that matter, count as a member of the quorum.

XI. PUBLIC HEARINGS

Matters noticed for Public Hearing are usually held as posted. Members of the public have a right to speak on all matters related to the issue and subject of the Public Hearing, where a Public Hearing is required by State or Federal law. These include, but are not limited to, zoning and rezoning of real property, budget approval, and annexation hearings. Public Hearing items are usually marked as such on all Council agendas. The Council procedure for the conduct of a Public Hearing is generally as follows:

1. The Chair opens the Public Hearing.
2. Staff presents its report.
3. Council Members may ask question of Staff.
4. The applicant, if relevant, has the opportunity to present comments, testimony or arguments to the Council.
5. The Mayor asks for public comment. Persons wanting to speak can make their presence known by completing the Request to Speak form. The Chair will call each person to speak in the order listed on the form. No person may speak without first being recognized by the Chair. All comments should be relevant to the issue and subject of the public hearing. In order to avoid repetitious remarks from a large group, a designation of a spokesperson is encouraged and in the discretion of the Chair, a block of time may be allotted to each side of an issue. Additional time may be permitted for the spokesperson to address the Council or for any person to raise issues or concerns that have not been previously addressed.
6. Members of the Council may ask questions of the speakers or of each other, but only after being recognized by the Chair. Discussion or comments with the speaker should be limited to questions, rather than ongoing dialogue.
7. The applicant is given an opportunity for rebuttal or concluding comments.
8. The Public Hearing is closed. No other Public Comment should be taken.
9. The Council deliberates on the issue and takes action if the item is listed separately for possible action on the agenda. At that time, the item will have the same treatment as other business items before the Council for action.

A. Continuance of Public Hearings

Any hearing being held or noticed to be held at a Council Meeting may, by motion or notice of continuance, be continued to a subsequent meeting.

XII. CALL TO THE PUBLIC

State law and the City Code governs a call to the public. As such, the policies stated below are not exclusive, and do not limit the inherent power and legal authority of the City Council, or its presiding officer, to govern the City Council meetings.

Arizona Revised Statutes §38-431-01(H) currently provides that "A public body may make an open call to the public during a public meeting, subject to reasonable time, place and a manner restrictions to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter raised during an open call to the public unless the matters are properly notice for discussion and legal action." As such, a Call to the Public, if on the agenda, is provided as a courtesy. In order to speak during the Call to the Public, speakers should complete the Call to the Public form requesting to do so.

A. Addressing Council

All remarks should be addressed to the Council as a whole and shall be limited to the time allotted by the Chair unless additional time is granted by the Chair. Each person addressing the Council shall step up to the microphone at the podium, shall give his/her name and place of residence and work or business, if any, in an audible tone of voice for the record. Proper decorum should be observed by speakers. Speakers should refrain from: abusive or profane remarks; gestures to any persons present in a manner likely to provoke immediate physical retaliation; protracted commotion, utterance or display; disruptive outburst; disorderly conduct; insolent behavior; protests; or any other conduct which disrupts or interferes with the orderly conduct of the business of the meeting. Should a speaker engage in such improper decorum, he or she may be asked to maintain proper decorum or to refrain from speaking to anyone other than the Chair. If the speaker continues to engage in such improper decorum, and/or in the discretion of the presiding officer, he or she may be deemed to be out of order and asked to leave the podium. In addition, the Chair may hold a speaker to be out of order if the topic of discussion is not a matter within the jurisdiction of the Council.

1. Group remarks – In order to avoid repetitious remarks from a large group, a designation of a spokesperson is encouraged. Additional time may be permitted, at the Chair's discretion, for the spokesperson to address the Council.

2. Written remarks – Comments in writing are accepted and are usually kept as part of the retained Council packet. A copy of the written comment is usually provided to each Council Member if received before the meeting or at the Council meeting should the comment be provided by the speaker.

B. Responses from Council

In compliance with the Arizona Revised Statutes, the Council may not discuss, deliberate or vote on any matter raised during the Call to the Public. A Council Member may, however,

request that an item be put on a future agenda for discussion and consideration. A Council Member may also respond to criticism made by those who have addressed the public body, may ask staff to review a matter, or may ask that a matter be put on a future agenda.

XIII. COUNCIL MEETING AGENDA

The business of the Council at its meetings is taken up for consideration and disposition in accordance with the City Code, typically in the following order:

- Call To Order, with the Pledge of Allegiance and Invocation
- Roll Call
- Employee Recognition
- Proclamations
- Public Hearings
- Call to the Public
- City Manager Report
- New Business
- Department Reports
- Adjournment

A. Call to Order

The Chair shall call the meeting to order. The Chair leads those present in the Pledge of Allegiance before introducing the invocation speaker, if any, who will offer the invocation, if any.

B. Roll Call

The City Clerk calls the roll of the members.

C. Employee Recognition

The Chair presents employment awards to City employees accumulating five (5) years of employment with the City and every five (5) years thereafter or to present recognition awards for specific acts regarding public service, if any.

D. Proclamations

The Chair or the Chair's designee reads any proclamations present on the agenda.

E. Public Hearings

The public hearings are open for public comment and after comments are received, the Chair will close the public hearing. The Chair may impose reasonable time limits for each speaker and may apportion time between those speaking in favor and those speaking against the matter which is the subject of the public hearing.

F. Call to the Public

Communications and comments from the citizens properly addressed to the City Council may be heard by the Council. (Also see above discussion about Call to the Public)

G. City Manager Report

The City Manager announces specific items of interest regarding City matters.

H. New Business

The Council considers new business items in accordance with the City Code. This includes, but is not limited to, ordinances and resolutions, presentations and may provide for a consent agenda in accordance with procedural rules adopted by the Council.

1. Consent Agenda – The consent agenda lists separately distinct items requiring action by the City Council that are generally routine items not requiring Council discussion. A single motion will approve all items on the consent agenda. Any Councilmember may request extraction of any issue from the consent agenda, and upon that request, such issues will be discussed and voted upon separately, immediately following the consent agenda under the category of New Business.

2. Action Items Listed for Discussion – These items may also include ordinances, resolutions, contracts or other matters listed as separate action items, which shall be voted upon separately. If authorized by the Chair, City Staff or an applicant may address the Council regarding the action item, to include taking questions from Councilmembers. New Business may also include updates by Staff on current issues facing the City that have been or may be the subject of Council action.

3. Updates on Ongoing Projects and City Activities — New business may include updates by Staff on current issues facing the City that have been or may be the subject at Council action.

I. Department Reports

Written Department Reports may be provided to Councilmembers as part of the Council packet.

J. Recess and Adjournment

The Council may, by a majority vote of the quorum, recess from time to time to a specific date and hour or adjourn to terminate a meeting. When a recessed meeting reconvenes, the Council resumes its work at the point of the motion to recess. If on a motion to adjourn matters remain on the agenda that any member of the Council believes should be considered, this should be brought to the attention of the Council. In this situation, the Chair should ask the proposer of the motion to adjourn to withdraw it until all or some of these matters have been considered. The vote on adjournment must be taken if a motion to adjourn is seconded and not withdrawn.

XIV. AGENDA SETTING PROCESS

The Mayor or two Council Members may, through the City Manager, request specific items/issues placed on the agenda for discussion, direction, and/or action.

XV. COMMITTEES

Committees are formed in accordance with the City Code. They are generally created on an as-needed basis with a defined purpose. Committees shall consist of as many members, and shall perform such duties as the Council may require, and shall exist at the pleasure of the Council. The Council may request reports from any Committee, and that those reports be presented to them at any formal Council meeting by the City Manager, or a Committee representative, in writing or orally.

A. Council Member participation in community activities

From time to time, Council Members may choose to voluntarily participate in community activities, committees, events and task forces. When a Council Member participates in these types of activities, the Council Members is acting as an interested party rather than acting on behalf of the City Council. Acting or participating on behalf of the City Council is limited to those instances when the Council has formally designated that Council Member as a member or a representative for the matter. Unless the Council has formally designated a Council Member as a member or City representative, all correspondence and dialogue should inform all participants of the activity, committee or event that the Council Member is acting on his or her own behalf and not as a representative.

XVI. CEREMONIAL REPRESENTATIVE

The Mayor is responsible to act as the Council's ceremonial representative at public events and functions. In the Mayor's absence, the Vice Mayor will assume this responsibility. In both the Mayor and Vice Mayor's absence, the Mayor will appoint another Council Member to assume this responsibility.

XVII. ADMINISTRATIVE SUPPORT FOR COUNCIL

A. Mail

All mail addressed to the Mayor and members of Council is delivered to the City Clerk's and/or Manager's Office, and is then timely distributed to their respective mailbox at the Clerk's Office. The Clerk maintains public records in accordance with applicable law.

B. Events for Council

In conjunction with the City Manager's office, the City Clerk's office will use best efforts to coordinate Council official activities, events and RSVPs as necessary. The Clerk's office will also use best efforts to make travel arrangements to include hotel reservations and

confirmations and use of the City vehicle by Council members where appropriate for official activities.

C. Council Correspondence

All correspondence to other government agencies or political subdivisions from Council Members written with City resources (i.e., letterhead, staff support, e-mail involving City matters, postage, etc.) should reflect the position of the majority of the Council, and not the individual Council Member's position. All correspondence using City resources will be copied to the full Council and a copy will be made for the City Clerk for records. Personal recommendations or thank you notes do not need to be copied.

D. Clerical support

The City Manager's office will coordinate any support requested by a Council Member, including typing of correspondence or mailings. All correspondence prepared for Council Members will be on City letterhead and will reflect the position of the majority of the Council, and will be copied to the full Council.

E. Personal Correspondence

Correspondence reflecting personal positions will be prepared on personal stationary and sent at the Council Member's personal expense.

F. Council notification of significant incidents

The City Manager will use best efforts to coordinate the notification to Council of events that, in his or her discretion, constitute major crime, fire, or other significant incidents in the City about which the Council needs immediate notice.

XVIII. CITY COUNCIL/STAFF RELATIONS

1. There shall be mutual respect from both Staff and Council Members of their respective roles and responsibilities.

2. The Council acknowledges and supports the Council/Manager form of government. City Staff acknowledges and supports the Council's role as policy makers and the City Council acknowledges and supports the City Manager's role as responsible for administering the Council's policies. Under City Code at the time these policies were last revised, the Council deals with the administrative services of the City only through the City Manager, and neither the Council nor any members thereof shall give orders to any subordinates of the City Manager.

3. If a Council Member requests Staff research on any issue requiring over 8 hours of staff work without first seeking approval of the entire Council at a public meeting, then the Council Member shall be notified by the City Manager and the request shall be presented to the Council for consideration.

4. Legal advice can be requested in accordance with the City Code. No Council Member shall request a written legal opinion from the City Attorney that the City Attorney believes will require more than two hours of time to research and prepare, without first seeking direction from the Council at a public meeting, which may include an executive session. An exception is a request for an opinion regarding a possible conflict of interest.

5. Information requested by the Mayor and/or a Council Member generally will be shared with the entire Council.

XIX. CITY COUNCIL RELATIONS WITH OTHER COMMITTEES/GROUPS

1. Individual Council Members shall have the right to attend commission or board meetings but shall not speak or become involved in the meeting discussion unless the Council Member is an appointed Member or Liaison to that commission or board, or an item regarding the Council member's business, property or conduct is at issue at said meeting. If a Council Member appears before a commission or board as a citizen, they should specifically advise that they are appearing in their individual capacity and not in their official capacity, and comments they make must be related to the issue being discussed, and said Council Member may not use their position as a Council Member to influence the outcome of a decision.

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

XX. PENALTIES AND VIOLATIONS

Personal violations, such as a public officer or employee releasing confidential information that is protected from disclosure by statute, or tampering with a public record, carry penalties that can range from removal from office, imposition of civil penalties, and possible conviction of a felony.

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