**RESOLUTION NO. 3218-15**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR RESCINDING RESOLUTION NO. 3165-15 AND AMENDING RULES FOR THE CONDUCT OF MEETINGS OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR**

**WHEREAS,** Section 36813 of the Government Code, State of California, authorizes a Town Council to establish rules for the conduct of its meetings;

**WHEREAS,** on December 17, 2008, pursuant to Resolution No. 2407-08, the Town Council adopted rules for the conduct of its meetings, and adopted revisions to said rules on September 18, 2013 pursuant to Resolution No. 3033-13; and on January 21, 2015 pursuant to Resolution No. 3165-15; and

**WHEREAS,** at a regular meeting held on June 17, 2015, the Town Council directed staff to draft and bring back to Council a resolution further amending said rules, specifically to amend Section V.I. Public Meetings, in accordance with the guidance provided by Council; and

**WHEREAS,** staff has proposed such revisions, which revisions have been duly considered by the Town Council at a regular meeting held on July 15, 2015.

**NOW, THEREFORE, BE IT RESOLVED that** the Town Council of the Town of Windsor resolves as follows:

Section I - This Resolution supersedes Resolution No. 3165-15, which is hereby rescinded.

Section II - The following rules of conduct are adopted:

## I. MEETINGS

### I.A. REGULAR MEETINGS

I.A.1 Time. Regular meetings of the Town Council shall be held on the first and third Wednesday of each month at the hour of 6:00 p.m. (unless there is a need for a closed session, workshops or study sessions which in such case may commence prior to 6:00 p.m. as a special meeting). Whenever the day fixed for any regular meeting of the Council falls upon a day designated as a holiday, the Council shall cancel or reschedule the meeting.

I.A.2 Public Hearings. Scheduled public hearings shall be commenced at 6:00 p.m. or as soon thereafter as possible.

I.A.3 Place. All regular meetings of the Council shall be held in the place designated by Ordinance No. 02-92.

I.A.4 Public. All meetings of the Council shall be open to the public; however, the Town Council may hold Closed Sessions as provided by the laws of the State of California.

I.A.5 Special Needs. Reasonable accommodations will be made for persons having special needs due to disabilities by contacting the Town Clerk prior to the meeting.

**I.B. SPECIAL MEETINGS.** A special meeting may be ordered at any time by the Mayor whenever, in the opinion of the Mayor, the public business may require it or upon the written request of any three members of the Council. Whenever a special meeting shall be called, written notice of such meeting shall be delivered personally, or by any other means, by the Town Clerk to each member of the Council and to each local newspaper of general circulation and radio station requesting notice in writing. Such notice must be delivered at least twenty-four hours before the time of such meeting as specified in the notice. The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Council. The written notice may be dispensed with as to any member of the Council who, at or prior to the time the meeting convenes, files with the Town Clerk a written waiver of notice. This written notice may also be dispensed with as to any member who is actually present at the time it convenes.

The call and notice shall be posted at least twenty-four (24) hours prior to the special meeting in a location that is fairly accessible to members of the public.

**I.C. ADJOURNMENT: ADJOURNED MEETINGS.** The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all members are absent from any regular or adjourned regular meeting, the 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, or by any other means, to each Councilmember at least three (3) hours before the adjourned meeting. 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 24 hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided in this rule, the resulting adjourned regular meeting is 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.

**I.D. EMERGENCY MEETINGS.** The twenty-four hour notice and posting requirements for a special meeting may be dispensed with under the following emergency conditions:
I.D.1 Work stoppage, crippling disaster, or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Council. The one-hour notice requirements in the Brown Act shall be followed.

I.D.2 A crippling disaster, mass destruction, terrorist attack, or threatened terrorist activity that poses peril so immediate and significant that requiring the Council to provide one-hour notice may endanger the public health, safety or both, as determined by a majority of the members of the Council.

**I.E. CLOSED SESSIONS.** The Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by state law to hear or consider in closed session, and may exclude from any such closed session any person or persons which it is authorized by state law to exclude from such closed sessions.

Council will communicate, consistent with the Brown Act, on actions in closed sessions prior to taking action in open session.

**I.F. CANCELLATION.** Any meeting of the Council may be canceled in advance by a majority vote of the Council. In the event that the Mayor and/or Vice Mayor are unable to cancel a meeting in the case of an emergency, the Town Manager is authorized to cancel such meeting.

**I.G. TELEPHONIC ATTENDANCE OF COUNCILMEMBERS AT COUNCIL MEETINGS.**

These Town Council provisions concerning Telephone Attendance shall apply to all Town Commissions and Committees as well as to the Town Council. It is recognized that telephonic attendance at meetings is less satisfactory than in-person attendance. Teleconferencing is an option to be used in very occasional circumstances, and not as a regular or frequent substitution for in-person attendance. In addition, at least a quorum of the Council must participate from a location within the Town.

If these two threshold requirements are met, the Councilmember who will be appearing telephonically must ensure that:

- The meeting agenda identifies the teleconference location and is posted at that location in an area that is accessible and visible 24 hours a day for at least 72 hours prior to the meeting (unless the meeting is a special meeting, in which case the posting referred to must occur for at least 24 hours prior to the special meeting).

- The teleconference location is open and fully accessible to the public, and fully accessible under the Americans with Disabilities Act, throughout the entire meeting. These requirements apply to private residences, hotel rooms, and similar facilities, all of which must remain fully open and accessible throughout the meeting, without requiring identification or registration.

- The teleconference technology used is open and fully accessible to all members of the public, including those with disabilities.

- The quality of the telephonic connection is such that Councilmember and members of the public can hear and be heard. Councilmember is responsible for verifying that the quality of the telephone connection will meet these criteria.

- Members of the public who attend the meeting at the teleconference location have the same opportunity to address the Council from the remote location that they would if they were present in Council Chambers.

- The teleconference location must not require an admission fee or any payment for attendance.

Guidelines for Councilmembers:

- A teleconferenced meeting shall comply in all respects with the Brown Act, including the requirement that all votes taken be by roll call.

- One week advance written notice must be given by the Councilmember to the Town Clerk's office; the notice must include the address at which the teleconferenced meeting will occur, who is to initiate the phone call to establish the teleconference connection, and the phone number of the teleconference location. Cellular telephones are not recommended to be used to participate in teleconferenced meetings.

- The Councilmember is responsible for posting the Council agenda in the remote location. The Town Clerk will assist, if necessary, by faxing or emailing the agenda to the address or fax number the Councilmember requests; however, it is the Councilmember's responsibility to ensure the agenda arrives and is posted.

**I.H. SELECTION OF MAYOR AND VICE MAYOR.** The Council shall select one of its members as Mayor and one of its members as Vice Mayor in accordance with Government Code section 36801.

**I.I. CHAIR.** The Mayor shall chair and preside over all Council meetings. In the Mayor's absence, the Vice Mayor shall serve as Mayor. In the event that the Mayor and Vice Mayor are both absent, refer to Section (I.M.).

The Mayor shall state every question coming before the Council, call for the vote, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. The Mayor shall sign all ordinances and other official actions adopted by the Council during the Mayor's presence. In the event of the absence of the Mayor, the Vice Mayor shall sign ordinances as then adopted.

**I.J. ATTENDANCE BY THE PUBLIC.** Except as specifically provided by law for Closed Sessions, all meetings of the Council shall be open and public. All persons desiring to attend shall be permitted to attend any meeting. Comments from the public shall be restricted to three minutes in length unless additional time is specifically authorized by the Mayor. In the event any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by removal of the offending individual or individuals, the Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered during such session.

Representatives of the press, unless participants in the disturbance, shall be allowed to attend such session, and nothing shall prohibit the Council from readmitting persons not responsible for the disturbance.

**I.K. AGENDA.** In order to facilitate the orderly conduct of the business of the Council, the Town Clerk shall be notified no later than 11:00 a.m. on the Wednesday immediately preceding a regular Council meeting of all reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council at such meeting. Immediately thereafter, the Town Clerk shall arrange an agenda of such matters according to the order of business and furnish each member of the Council, the Town Manager, and the Town Attorney with a copy of the agenda prior to the Council meeting and as far in advance of the meeting as time for preparation will permit.

The Town Clerk shall mark with the word "Consent" or identify with an asterisk those items on the agenda regarding which it can reasonably be expected that there will be no discussion by members of the Town Council, the Town staff or interested persons in the audience. The Council shall consider all of the items on the agenda marked "consent" at one time by vote after a motion has been duly made and seconded. If any member of the Town Council or Town staff requests that a consent item be removed from the list of consent items, such item shall be taken up for consideration and disposition in the order in which it is listed on the agenda.

**I.L. POSTING -- AGENDA.** The agenda shall be posted at least 72 hours before all regular Council meetings. The agenda shall be posted on the designated Town Hall bulletin boards.

**I.M. CALL TO ORDER.** The Mayor, or in his/her absence, the Vice Mayor, shall take the chair at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor or Vice Mayor, the Town Clerk shall call the Council to order whereupon a temporary chairperson shall be elected by the members of the Council present. Upon the arrival of the Mayor or Vice Mayor, the temporary chairperson shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

## II. ORDER OF BUSINESS

**II.A.** The business of the Council at its meetings may be conducted in accordance with the following suggested order of business. Matters may be taken out of order with the unanimous consent of the Council:

1. CALL TO ORDER
2. TOWN COUNCIL ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. PRESENTATION(S)/PROCLAMATION(S)
5. ANNOUNCEMENTS
6. CONFLICT OF INTEREST DECLARATION
7. CHANGES TO THE AGENDA
8. PUBLIC COMMENT
9. CONSENT CALENDAR (including approval of minutes)
10. PUBLIC HEARINGS (SET TIME CERTAIN)
11. REGULAR CALENDAR
12. MAYOR'S & COUNCILMEMBERS' REPORTS
13. TOWN MANAGER'S REPORT
14. ANNOUNCEMENT OF CLOSED SESSION TOPIC
15. REPORT OUT OF CLOSED SESSION
16. ADJOURNMENT

**II.B. MATTERS NOT ON THE AGENDA.** Members of the Town Council may take action on items of business not appearing on the posted agenda under any of the conditions stated below.

II.B.1 Upon a determination by a majority vote of the Council that an emergency situation exists, as defined in Section 54965.5 of the Government Code;

II.B.2 Upon a determination by a two-thirds vote of the members of the Council present at a meeting, or, if less than two-thirds of the Councilmembers are present, a unanimous vote of those members present, that there is a need to take immediate action that the need for action came to the attention of the local agency subsequent to the agenda being posted; or

II.B.3 The item was posted on an agenda for a prior Council meeting occurring not 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.

**II.C. READING OF MINUTES.** Unless the reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the Clerk has previously furnished each member with a copy thereof.

## III. RULES OF CONDUCT

Business shall be brought before the Council by motion in accordance with the following standards of conduct.

**III.A. OBTAINING THE FLOOR.** Any Councilmember wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Councilmember who seeks the floor when appropriately entitled to do so.

**III.B. MOTIONS.** At the Mayor's discretion, items on the agenda may be discussed before asking for a motion and second. The Mayor or any member of the Council may bring a matter of business before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Mayor shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Councilmember properly recognized by the Mayor. Once the matter has been fully debated and the Mayor calls for a vote, no further debate will be allowed, provided however, any Councilmember may be allowed to explain his or her vote prior to the vote being cast.

**III.C. VOTING.** All Councilmembers present at a meeting when a question comes up for a vote, shall vote for or against the measure unless he/she is disqualified from voting and abstains because of such disqualification. If the vote is a voice vote, the Mayor shall declare the result and note for the record all "aye" votes and all "no" votes. The Council may also vote by roll call vote, ballot or voting machine. Regardless of the manner of voting, the results reflecting all "ayes" and "noes" must be clearly set forth for the record.

In the case of a tie in votes on any proposal, the proposal is considered lost. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

**III.D. CONFLICTS.** A member of the Council who has a conflict of interest regarding any matter being considered by the Council shall declare the conflict, state the reason for the conflict, and leave the room during the discussion of that particular agenda item, unless it is a Consent Calendar item.

**III.E. PROCEDURAL RULES OF ORDER.** Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion. These motions take precedence over the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the Mayor or any Councilmember at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are non-debatable; the last four are debatable.

III.E.1. Subsidiary Motions

III.E.1.1 Lay On The Table. Any Councilmember may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. It must be moved and seconded and passed by a majority vote. In order to bring the matter back before the Council, a member must move that the matter be taken from the table, seconded and passed by a majority. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the Council. Otherwise, the motion that was tabled dies, although it can be raised later as a new motion.

III.E.1.2 Move Previous Question. Any Councilmember may move to immediately bring the question being debated by the Council to a vote, suspending any further debate. The motion must be made and seconded without interrupting the one who already has the floor. A two-thirds vote is required for passage.

III.E.1.3 Limit or Extend Limits of Debate. Any Councilmember may move to put limits on the length of debate. The motion must be made and seconded and requires a two-thirds vote of the Council to pass.

III.E.1.4 Postpone to a Time Certain. Any Councilmember may move to postpone the pending question to a time certain. This motion continues the pending main motion to a future date as determined by the Council at the time the motion is passed. The motion must be seconded and requires a majority vote for passage.

III.E.1.5 Commit or Refer. Any Councilmember may move that the matter being discussed should be referred to a committee or commission for further study. The motion must be seconded and requires a majority vote for passage. The motion may contain directions for the committee or commission, as well as a date upon which the matter will be returned to the Council's agenda. If no date is set for returning the item to the Council agenda, any Councilmember may move, at any time, to require the item be returned to the agenda. The motion must be seconded and a majority vote is required for passage if the item is to come back at a future date certain or a two-thirds vote if the item is to be immediately discussed by the Council at the time the motion to return is made.

III.E.1.6 Amend. Any Councilmember may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. A motion to amend must be seconded, and requires a majority vote for passage. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the Mayor.

III.E.1.7 Postpone Indefinitely. Any Councilmember may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter. The motion must be seconded and requires a majority vote for passage.

III.E.2. Motions of Privilege, Order and Convenience. The following actions by the Council are to ensure orderly conduct of meetings and are for the convenience of the Mayor and Council. These motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted.

III.E.2.1 Call for Orders of the Day. Any Councilmember may demand that the agenda be followed in the order stated therein. No second is required and the Mayor must comply unless the Council, by a two-thirds vote, sets aside the orders of the day.

III.E.2.2 Question of Privilege. Any Councilmember, at any time during the meeting, may make a request of the Mayor to accommodate the needs of the Council or the Mayor. Admissibility of question is ruled on by the Mayor.

III.E.2.3 Recess. Any Councilmember may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.

III.E.2.4 Adjourn. Any Councilmember may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.

III.E.2.5 Point of Order. Any Councilmember may require the Mayor to enforce the rules of the Council by raising a point of order. The point of order shall be ruled upon by the Mayor.

III.E.2.6 Appeal. Should any Councilmember be dissatisfied with a ruling from the Mayor, he/she may move to appeal the ruling to the full Council. The motion must be seconded to put it before the Council. A majority vote in the negative or a tie vote sustains the ruling of the Mayor. The motion is debatable and the Mayor may participate in the debate.

III.E.2.7 Suspend the Rules. Any Councilmember may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second, and a two-thirds vote is required for passage.

III.E.2.8 Division of Question. Any Councilmember may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.

III.E.2.9 Reconsider. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, any member of the Council with the prevailing may move for a reconsideration of that action at the same or next succeeding meeting to correct inadvertent errors or to consider new information not available at the time of the vote. The motion must be seconded and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters, any special voting requirements related thereto still apply, and the actual reconsideration of the question shall be heard at the next regularly scheduled meeting. After the actual reconsideration of the question has been acted upon, no other motion for reconsideration thereof will be made without unanimous consent of the members present. In the case of a tie vote, the prevailing side of the Council will be deemed to be those Councilmembers who voted in the negative.

III.E.2.10 Rescind, Repeal or Annul. The Council may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

**III.F. AUTHORITY OF THE MAYOR.** Subject to appeal, the Mayor shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council by ruling such motions out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is making the motion in good faith.

## IV. ADDRESSING THE COUNCIL

**IV.A. ADDRESSING THE COUNCIL.** Any person desiring to address the Council at a meeting shall first secure the permission of the Mayor to do so; provided, however, that under the following headings of business, any interested person shall have the right to address the Council upon obtaining recognition by the Mayor. Those wishing to address the Council shall limit their comments to three minutes.

IV.A.1 Written Communications. Interested persons or their authorized representative may address the Council by written communication on any matters concerning the Town's business, or any matters over which the Council has control. To be considered for inclusion on the agenda, such written communication shall be delivered to the Town Clerk no later than 11:00 a.m. of the Wednesday the week preceding the regular Council meeting for which such written communication is intended. Persons unable to stay or unable to attend the meeting can present written comments prior to or at the meeting to be entered into the record.

IV.A.2 Town Councilmembers' Comments. Councilmembers who are not able to attend a particular Town Council meeting may submit written comments on the agenda items. The comments will be distributed on the dais to all Councilmembers and *will not* be read into the record. The Councilmembers' comments shall be submitted to the Town Manager and/or Town Clerk and distributed as soon as possible to the other Councilmembers.

IV.A.3 Public Comments/Citizen Public Appearances. Interested persons in the audience or their authorized representatives may address the Council by oral communications on any items of interest to the public that are within the subject matter jurisdiction of the Council, provided the Council cannot take action on any item not appearing on the agenda unless action is authorized as described in Section 11.B. Such presentations shall normally be restricted to three minutes.

The agenda shall inform the public that those wishing to speak on items on the consent calendar should advise the Council during public comment. The Mayor shall request, but under the Brown Act may not require, that the speaker provide his/her name and address for the record.

**IV.B. ADDRESSING THE COUNCIL AFTER MOTION MADE.** After a motion is made by the Council, no person shall address the Council without first securing the permission of the Mayor to do so.

**IV.C. MANNER OF ADDRESSING COUNCIL.** Each person addressing the Council shall come to the podium, if one is available, and will be asked to give his/her name and address in an audible tone of voice for the record. Per the Brown Act, the providing of his/her name and address shall not be a prerequisite for public comment by the speaker. All remarks shall be addressed to the Council as a body and not to any member thereof or to the audience. No person, other than the Council and person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Mayor. No question shall be asked a Councilmember except through the Mayor.

## V. COUNCIL NORMS

### V.A. GENERAL

To take courageous action when necessary to keep Windsor on the growing edge of well run, well managed innovative cities.

Council provides leadership and participates in regional, state and national programs and meetings.

Council looks to commissions and committees for independent advice and some legislative actions.

Other community leaders are included in the Town government system.

There is extensive community participation and work on Town programs and documents. There are numerous meetings, other than regular Council meetings.

Council stresses training for staff, Council, and Commission members.

Councilmembers will inform the Town Clerk when they will be out of Town as early as possible and it will be put on the Council Calendar.

Councilmembers get the same information as much as possible: citizen complaints, letters, background, etc. (everyone gets a copy of everything).

Councilmembers will use technology to reduce amount of paper.

They will return unwanted reports and documents to staff for distributing to the public or for recycling.

As a Council, we conduct business in public as much as possible.

## V.B. COUNCIL VALUES AND INTERACTION

The Council and Town Manager shall strive to be a participatory team. There is no expectation that they agree on issues, but all should strive to put the good of the community ahead of their personal interests and frustrations.

Council envisions the future and makes progress on long-term goals. Councilmembers work together, not just in achieving goals, but in being mindful that the process in which Council works matters as well.

Council should operate from the belief that each Councilmember's opinion is what that person believes is best for Windsor. All Councilmembers should keep an open mind.

Councilmembers should commit to respectful disagreement and maintain decorum at the dais.

Councilmembers are expected to act with respect for one another as a person. Body language at the dais should reflect that respect as well as words and tone. They should listen to each other, to staff, and to members of the public, striving for those individuals to feel listened to.

If a significant disagreement between or among Councilmembers occurs, it is each individual's responsibility to initiate prompt resolution of problems and move on. Councilmembers may explain their vote prior to voting, but will refrain from explaining their vote after voting has taken place.

Councilmembers will avoid airing cheap shots or negativity in newspapers, in public, or any time. They will avoid using their position on the dais to deliberately mislead the public about another Councilmember.

Community traditions are respected, but not binding.

Humor is valued as a sign of healthy group dynamics.

## V.C. COUNCIL PARTICIPATION ON SUBCOMMITTEES, BOARDS, COMMISSIONS AND JPAS

Subcommittee areas, Boards, Commissions and Joint Powers Authorities (JPAs) belong to the whole Council; they are not seen as territorial.

Subcommittees are responsible to keep the rest of the Council informed, and other members are responsible for letting subcommittee know if they want more information or to give input.

Before subcommittees start moving in new direction, they will get direction from the rest of Council.

Councilmembers will take seriously the responsibility of reporting to Council on subcommittees and other regional, state, and national board/agency/group activities they are involved in.

Reports will be made in a noticed meeting under Council Reports when appropriate.

Subcommittee memos will be sent on an interim basis to update other Councilmembers on:

Issues being discussed
Options being considered
Progress

Relationships are informal, but not casual in public--be aware of the impact on and perception of public.

Councilmembers will be flexible in covering for each other in attending Board, Commission and JPA meetings.

## V.D. COUNCIL INTERACTION AND COMMUNICATION WITH STAFF

V.D.1 Town Manager

Councilmembers should always feel free to go to the Town Manager.

When a Councilmember is unhappy about a department, he/she should always talk it over with the Town Manager and/or the Acting Town Manager or Town Manager's designee, not the department head (Town Manager surfaces to Council any serious violations of this norm).

Council sets policy, staff implements policy. There shall be no micro-managing the Town Manager. Council will also refrain from directing Town staff, except when giving direction to the Town Manager in their majority policy or evaluation roles.

Concerns about staff must be taken to the Town Manager only.

In passing along critical information, the Town Manager will call the Mayor and they will decide who should call the rest of the Council; in some cases, department heads will call Mayor directly.

The Council will provide ongoing feedback, information, and perceptions to the Town Manager.

Councilmembers should contact the Town Manager or his/her designee when a Councilmember is uncertain as to whom to call or where to go if an issue crosses department boundaries.

V.D.2 Staff In General

Per Municipal Code Section 1-4-195.a., the Town Council and its Members shall deal with the administrative services of the Town through the Town Manager, except for the purpose of inquiry, and neither the Town Council nor any Member thereof shall give orders or instructions to any subordinate of the Town Manager.

Therefore, Council should deal with requests primarily through the Town Manager. However, informational requests by Councilmembers may be directed to Department Heads, copying the Town Manager. For extensive inquiries, Council will confer directly with the Town Manager.

All information requested by Councilmembers which is not otherwise already easily available to the public shall be copied and distributed to all other Councilmembers.

Council will always be informed by staff when an unusual event occurs that the public would be concerned about, i.e., anyone wounded by gunfire, are cordoned off by police or fire, etc.

The Council and staff will not blindside each other in public. If there is an issue or question a Councilmember has on an agenda item, that member will contact staff prior to the meeting.

Staff will be treated with courtesy, including in open session. Inappropriate behavior includes derogatory comments to staff in private or public or communicating a derogatory response through body language.
Council may express concerns about staff results to the Town Manager, but may not direct the Town Manager to hire, fire, or discipline employees.

## V.E. COUNCIL OPTIONS FOR KEEPING INFORMED

Read Commission minutes in order to find out what is being worked on.

Read documents on planning items.

Town Manager will regularly publish status reports on Town's annual work program and the Town's financial condition.

Councilmembers do their homework.

## V.F. MAYOR SELECTION

Whoever wants a role, or does not want a role, has the responsibility to tell all other members in open session.

So far as possible, and until decided otherwise, Councilmembers will take turns as Mayor.

The term shall be one year. Roles will be decided at the end of the year. This Council will not have a lock-step rotation system for selecting Mayor.

Vice Mayor is not a natural ascendancy to Mayor.

The Mayor and Vice Mayor are peers of, and serve at the pleasure of, the other Councilmembers.

## V.G. MAYOR'S ROLE

The primary role of the Mayor is to run Council meetings, to preside and speak for the Town and Council at ceremonial events, and to sign documents on behalf of the Council. Each Mayor operates somewhat uniquely from past Mayors; the style in which he/she fulfills the role is defined by the person based on that person's unique style.

The Mayor will inform the Council of any official correspondence sent out to anyone in relation to Town business (this will be done within reason to balance paper-trail-overload, with keeping other Councilmembers informed of actions taken that are related to issues they are involved or concerned about).

## V.H. CITIZEN COMPLAINTS

If Council was copied on a citizen complaint to staff, staff will attach its response to the copy of the letter received when sending to Council.

If a Councilmember receives a complaint addressed directly to him/her, staff will, upon request, draft a response for the Councilmember's use.

Council will be informed of telephone complaints directed to Council as well as those in writing.

Council should not go on a hands-on-mode when something happens; it will be referred to staff (give staff time to respond).

Responses to citizens are customized.

If a Councilmember wants action based on a citizen complaint, he/she should go through the Town Manager's office to ensure it gets into the tracking system.

## V.I. PUBLIC MEETINGS

Agendas

- Mayor and Town Manager set the agenda.
- Public hearings are held as required.
- The Mayor will meet with the Town Manager to finalize the agenda and help decide what should go on the consent calendar.
- Councilmembers may request items to be placed on a Council agenda by contacting the Mayor or Town Manager not later than 11:00 a.m. the Tuesday one week prior to the meeting. If two or more Councilmembers request an item to be placed on an agenda within the requisite time frame, the request will be granted. If only one Councilmember requests an item to be placed on an agenda, and the Mayor and/or Town Manager are of the opinion that the requested item is one that the full Council should consider placing on the Council agenda, the request shall be made under the Future Agenda Items portion of the next Council meeting.
- Councilmembers shall strive, when possible, to make their agenda item requests at a Council meeting under the Future Agenda Items portion of the Council agenda.
- Any Councilmember may request an agenda item under the Future Agenda Items portion of the Council agenda. If there is no objection, the request will be deemed submitted to the Town Manager for scheduling on a future agenda. If there is an objection to a request, the Councilmember shall make a motion to agendize the requested item for a future meeting. If the motion receives a second, the request will be deemed submitted to the Town Manager for scheduling on a future agenda. If the Councilmember believes that the requested item should be scheduled for a specific date, that should be stated as part of the request.
- In requesting a future agenda item, Councilmembers shall consider the amount of staff time that may be necessary to present the item.

Agenda items will pertain to appropriate Town business. Uncertain issues will be referred to the Town Attorney by the Mayor and Town Manager.

Councilmembers will feel free to ask for continuance if enough time has not been available for that Councilmember to prepare; for example, if an agenda packet was not available 72 hours prior to the meeting.

If a member is ill or away for any big or "personal" agenda item, the item can be tabled at the member's request unless it is a time sensitive, critical, controversial item.

## V.J. CONSENT CALENDAR

There is a judicious use of the Consent Calendar, such as minutes, routine business, matters already approved in the budget, and items previously discussed by Council.

If a Councilmember has a question on a Consent Calendar item for his/her information only, he/she is to ask staff ahead of time, rather than having it pulled off for discussion during the meeting.

Councilmembers will inform the Mayor or Town Manager of items they wish to pull from the Consent Calendar to provide staff time for additional back up material to be available, as needed.

If something is to be pulled, back up material will be made available. Staff is prepared to report on every staff report item.

The Mayor works with the Town Manager to decide how much information needs to be disseminated at the meeting, based on Council, audience and specific item.

There shall be no packing of the audience by individual Councilmembers for specific agenda items.

Corrections to minutes are passed to the Town Clerk one day before the meeting.

## V.K. PUBLIC COMMENT

Required by law.

Three-minute limit; enforced at Mayor's discretion.

All done early in meeting.

Councilmembers may ask staff to respond when appropriate.

Options to be considered by the Mayor during times of high controversy:

Speakers need not be repetitive. If they concur or disagree with what has already been said, they may give their name and address and add a short statement that they agree or disagree for public record. Alternatively, the Mayor will ask members in the room to raise their hand and signal agreement or disagreement.

When public comment is made about items not agendized for the current meeting, Mayor should make it clear to the audience that Councilmembers are prohibited to respond to non-agendized items. Accordingly, Councilmembers should be mindful to not respond.

The Mayor can survey the audience at any time, to then move agenda items up or back, to meet the audience concerns.

Everyone is treated with courtesy, including in their use of body language.

The public is treated equally; refer to citizens by surnames, etc.; there is familiarity with citizens (small town) which may interfere with process.

## V.L. MAYOR'S AND COUNCILMEMBERS' REPORTS AND TOWN MANAGER'S REPORTS

The purpose of these items is to include reports requested and/or made by the Town Council and Town Manager.

The Mayor allows other members to speak first and then gives his/her views and summarizes.

Voting

Attempts are always made to get consensus on each large issue.

On split votes, after all the votes have been cast, the Mayor may afford each Councilmember the opportunity to briefly explain his/her vote.

Once a vote is taken, Councilmembers will support the action taken; if a Councilmember wants it to be reconsidered, he/she will inform the Council.
There will be roll call votes on large, monetary issues, and when a divided Council is obvious.

When any Councilmember believes something would be helpful during a meeting, he/she is free to suggest change in the procedure.

The Council will rely on the Town Manager to direct appropriate staff people to attend Council meetings so that Council questions on agenda items can be addressed.

Councilmembers will not be redundant if they concur with what has already been said.

## V.M. CLOSED SESSIONS IN GENERAL

Council will receive written reports for Closed Session items as much as possible. These reports are to be turned in at the end of the closed session meeting.

There will be no violation of Closed Session confidentiality. Councilmembers will not talk to affected/opposing parties or anyone else (press, etc.) regarding Closed Session items until a report on Closed Session is made.

Confidentiality relates to any non-public discussion item.

**PASSED, APPROVED, AND ADOPTED this 15th day of July 2015, by the following vote:**

| | |
|---|---|
| **AYES:** | **COUNCILMEMBERS FOPPOLI, FUDGE, SALMON, VICE MAYOR MILLAN, AND MAYOR OKREPKIE** |
| **NOES:** | **NONE** |
| **ABSTAIN:** | **NONE** |
| **ABSENT:** | **NONE** |

**BRUCE OKREPKIE, MAYOR**

**ATTEST:**

**MARIA DE LA O, TOWN CLERK**