

ETNA CITY COUNCIL

POLICIES AND PROCEDURES

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1. LOCAL GOVERNMENT IN ETNA

- **City Government:**

The City of Etna operates under a council/mayor form of government. The City Council, as the legislative body, represents the entire community and formulates citywide policy. Five Council members are elected at large by city Voters and serve a four-year term. The Mayor and Mayor-pro-tempore are selected from among the ranks of the Council and serve two-year terms. The City Clerk is appointed by the Council and is responsible for day-to-day administration of city affairs and implementation of Council policies. The City Attorney, also appointed by the Council, advises and represents the City and the Council in all legal affairs. The Council meets on the first and third Monday of each and every month beginning at 7:30 pm. With few exceptions as allowed by law, all Council meetings are open to the public.

- **Addressing the Council:**

Every effort will be made to ensure the public has ample opportunity to address the Council. At the beginning of the meeting, time is set aside for Public announcements of upcoming community events or programs. The public may address the Council on issues or concerns not included on the agenda. Speakers may be limited to five minutes. The Council may question the presenter but no Council action will be taken at that time. Any necessary Council action could be placed on a future agenda for full public consideration. The public also has the opportunity to speak on all items listed on the agenda prior to the Council taking final action. Once items are opened for discussion, those wishing to speak should approach the podium, state their name and direct questions or comments to the Council.

- **Agenda:**

The agenda is the official guide for Council meetings. All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council at a regular meeting shall be delivered to the City Clerk not later than five pm on the Wednesday preceding the meeting.

Any background information or preparation for an item placed on an agenda by a Council member is the sole responsibility of that Council member until such time as the full Council has considered the item and directed city staff to take action. The Mayor has discretion to limit reports and presentations made during Council meetings and may propose a policy to the Council on how best to handle these types of agenda items.

The Mayor has the responsibility to review all agenda packets to ensure they meet the requirements to be placed on the agenda. The agenda shall be delivered to the Council Members on the Friday preceding the Council meeting to which it pertains and shall be made available to the public at the same time. Items usually are placed on the agenda at the request of Council or staff members. Members of the public who would like the Council to review a particular item should submit a formal written request to the City Clerk. The City Clerk will review the item and submit the item to the Mayor for agenda approval and will then notify the member of the public of any pending Agenda follow up.

In compliance with the requirements of the Brown Act, regular meeting Agendas are posted at City Hall 72 hours in advance of the Council meetings. Special meetings are required to be posted 24 hours in advance of the Council meeting.

All documents pertaining to agenda items which are related to an open session agenda item

shall be part of the agenda packet.

- **Closed Sessions** are sessions where the Council specifically addresses certain confidential issues, including personnel and litigation matters. For reasons of confidentiality specified by state law, a closed session is the only Council session not open to the general public.
- **Current Business** includes all items that will be reviewed by the Council at the scheduled meeting.
- **Policy and Budget Planning** takes place at the end of each fiscal year when the Council identifies policy and budget issues it will consider during the following fiscal year. These issues come to the Council from the public, advisory boards, individual Council members and city staff. Annual planning allows the Council to establish priorities and make effective use of city resources to study issues of highest community concern.
- **Motions** are used to establish Council policy and procedures. It is the most common Council action for dealing with an agenda item. Any Council member may initiate a motion.
- **Ordinances** are municipal laws affecting the general health, safety and welfare of the public. Most ordinances become part of the Municipal Code. With the exception of emergency ordinances, all ordinances must go through readings or presentations at two separate City Council meetings. Most ordinances do not become effective until 30 days after adoption.
- **Resolutions** are formalized Council motions and are filed by number in the City Clerk's office. Resolutions become effective upon passage.
- **A Quorum** of three Council members is needed to convene a meeting for formal action on agenda items.
- **The Consent Calendar** is a list of agenda items that implements an earlier Council action or requires only routine review by the Council. Only one motion is needed for the adoption of all items listed on the calendar. Any Council member, staff, or member of the public can request that a specific item be removed from the Consent Calendar for separate discussion and action.

1.2 THE MUNICIPAL CODE

Overview of Basic City Documents

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

Etna Municipal Code: The City code contains local laws and regulations adopted by ordinances. The Title 2 Administration and Personnel, of the code addresses the role and relationship of the City Council, Mayor and Mayor Pro Tempore. It also describes the organization of City Council meetings and responsibilities and appointment of certain City staff positions and advisory commissions. In addition to these administrative matters, the

municipal code contains a variety of laws including, but not limited to, zoning standards, traffic/speed regulations, and local tax standards.

California Government Code: The state government code contains many requirements for the operation of City government and administration of meetings of City councils throughout the state. Many of these requirements, such as open meeting laws, are also replicated within the municipal code to ensure there is broad awareness of such requirements. Etna is a “general law” City which means it is organized in accordance with provisions of the government code. Some cities within California are “charter cities” and have adopted local provisions to determine how the City is structured.

Annual Budget: The City’s annual budget provides a description of City services and the resources used to provide services. The document contains a broad overview of the budget as well as descriptions of programs offered within each division of the organization.

General Plan: Often referred to as a City’s development constitution, a state mandated general plan addresses adopted future land development plans and policies.

Emergency Operations Plan: The City maintains an Emergency Operations Plan which describes actions to be taken in periods of extreme emergency. The City Council may be called upon during an emergency to establish policies related to the specific incident.

Other directives and policies of the City Council are recorded in Council resolutions or by minute action of the Council.

2. YOUR ROLE AS A CITY COUNCIL MEMBER

City Council Generally

The powers of a city council in California to establish policy are quite broad. Essentially, councils may undertake any action related to City affairs other than those forbidden or preempted by state or federal law. Specifically, the Council has the power in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution and laws of the State of California (California Government Code).

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tempore have some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council.

If, for any reason, the position of Mayor is vacated, the Mayor Pro Tem will assume the office of Mayor for the remainder of the term and a new Mayor Pro Tem will be selected.

While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. In turn, it is staff’s responsibility to ensure the policy of the Council is upheld. Actions of staff to pursue the policy direction established by a majority of Council, does not reflect any bias against Council members who held a minority opinion on an issue.

Limitations are imposed on a Council member’s ability to serve on advisory boards of the City. State laws expresses that no member of the Council shall be appointed to, or serve as a voting member, of any City board, committee, or commission, whether composed of citizen volunteers, City employees, or a combination of both. This is not construed as prohibiting members of the Council from serving on committees or subcommittees of the Council itself,

or of agencies representing other levels of government.

2.1 **SPECIFIC RESPONSIBILITIES** will include, but not be limited to, the following:

- The City Council is the elected legislative and policy-making body of the City Government. The Council is responsible to the citizens for the hiring and termination of all city employees and contract personnel.
- Establishing City-wide goals that address short and long range needs.
- Formulating policies that define a course of action that shape City Operations.
- Providing quality services within available resources.
- Acting as a representative between the professional staff and local citizens.
- City Council Members are local leaders. The electorate expects the Council to set the tone and direction for municipal operations. Strategic planning and goal settings are the tools that enable a Council to define their vision and determine methods for accomplishing their goals.

2.2 **COUNCIL GOALS**

Goal setting requires time, energy, and a well-defined process. Every two years, usually in January following a City Council election, the Council meets with the various department managers in a goal setting/priority projects Session to review progress on goals previously set, and defines new goals and objectives for the City.

Goal setting will not solve all the immediate problems, nor guarantee that a crisis will not occur; but it will help you get a better idea of what is happening in the City and allow you to define what you want to happen over the long term.

2.3 **POLICY AND ADMINISTRATION**

A dictionary definition of "policy" states that it is "any plan or course of action designed to influence and determine decisions, actions, and other matters." For a City Council, policy is the business of making decisions about the City. Council policy decisions include, but will not be limited to the following:

- The decision to submit to voters a bond measure for capital improvements.
- The adoption of an ordinance regulating sewer and water operations.
- Approval of land-use policies and implementation procedures.
- Decisions concerning projects which involve federal and state grants as well as local expenditures.

The distinction between policy and administration has been that policy is the process of determining *what* is to be done, while administration is the process of determining *how* to do it. A policy is what the Council defines it to be. However, the day-to-day operation of the various departments is administration. In reality, a fine line exists between policy and administration; any issue that is perceived as important or controversial can become a "policy" matter.

The City Council has the final say in major decisions such as: adoption of the budget; acceptance of a new classification and compensation plan; selling a bond issue; or instituting a redevelopment project. While it has a dominant role in policy matters, the City Clerk, staff and citizens play a prominent role in the development of policies.

The City Council, City Clerk, and appropriate department heads will analyze City needs, identify available resources, and suggest courses of action, but the Council has the final say on matters that affect services.

Because the distinction between policy and administration is frequently blurred, tension can result when the City Council, City Clerk, or Department Heads feel that their area of responsibility is being infringed upon.

Perhaps the best way to prevent conflicts over whether or not something is policy or administration is for the Council and the administrative staff to discuss and attempt to clarify their respective roles and expectations of one another. The result can be a more effective and harmonious partnership.

2.4 SERVICES AND RESOURCES

While the electorate expect high quality local government services at minimum cost, the existing social and economic conditions make this increasingly difficult to achieve. Today's City Council is part of an era that requires a variety of strategies for getting by with less.

In difficult fiscal times, it may be necessary to consider cutbacks, reallocations, trade-offs, program terminations, and re-thinking what services the City should provide. However, the continued charge will be to provide the best level of service with the resources that are available.

2.5 COMMUNICATION/PUBLIC INPUT

Elected officials not only represent their constituents and make decisions on their constituents' behalf, but they also have the opportunity to communicate with the public.

While some people mistrust government, the City Council can take a leadership role in promoting two-way communication with the public. Citizens' views can be sought in a variety of ways: public meetings; advisory committees; citizen surveys; and volunteer assistance in City government. Similarly, the Council can express its view by speaking to local civic groups, and working with the press and other news media to provide accurate and up-to-date information.

2.6 CONSTITUENT REQUESTS

The Council may frequently receive requests or complaints. In most cases, the City staff can resolve these problems. The main thing is for the Council Member to get the basic information, and then bring it to the Council for appropriate action. The Council member should state that only the Council as a whole can address a request/complaint, while assuring the constituent that the issue will be placed before the Council for appropriate action.

3. CODE OF ETHICS

3.1 PREAMBLE

The residents and businesses of Etna are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public officials comply with both the letter and spirit of the laws and policies affecting operations of the government;

- Public officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the City of Etna City Council adopts this Code of Ethics to encourage public confidence in the integrity of local government and its operation.

3.2 PUBLIC INTEREST

Council Members will work for the common good of the people of Etna and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

Council Members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties.

3.3 CONDUCT

It is the policy of the City of Etna that the members of the Etna City Council conduct themselves individually and as a council so that all matters related to the City are conducted in an open, fair, responsible and impartial manner, that all City business be conducted in an orderly and efficient manner, that all governmental policies be made in the proper channels of the government structure, that public offices not be used for personal gain and that the public have confidence in the integrity of its government. Therefore, the following Rules of Conduct shall be observed by each City Council Member.

3.3.1 Influence:

Council Members must recognize that it is important for City Staff, Commissions and Committees to be able to make objective recommendations on items related to the City. Council Members must be certain that any opinions expressed to members of Staff, Commissions and Committees are clearly identified as individual personal opinions, unless official Council action has been taken on the subject in question.

3.3.2 City Representation:

Council Members, simply by being Council Members, are at all times viewed as representatives of the City. The conduct of Council Members is a direct reflection on the City and members should conduct themselves accordingly. Except where specifically authorized by City Council action or for purely ceremonial purposes, no City Council Member should make any statement or appearance or indicate in any way that he or she is representing the city.

3.3.3 Confidential Matters:

At times matters will come before the City Council which should be kept confidential, such as employee discipline, legal matters, salary negotiations and other matters properly handled in closed meetings. Council Members shall keep such information confidential.

3.3.4 Conflict of Interest:

Council Members shall abstain from any action which may cause a conflict of interest as defined by State Law, including accepting employment which is incompatible with the proper discharge of official duties, or using the office of City Council in any manner to induce any person or entity to provide anything of value or benefit to themselves or any other person.

3.3.5 Conduct at Meetings:

It is common, that Council Members may Differ on matters and that such differences will be debated. The debate should be limited to the issue and each Council member should refrain from making personal or derogatory remarks.

- Council Members shall base their decisions on the merits and substance of the matter submitted for review.
- Council Members shall publicly share substantive information that is relevant to a matter under consideration that they may have received ex parte; that is, received from sources outside of the public decision-making process. This insures that all parties, the council, staff, and public, are acting on the same information.
- Council Members shall inform themselves on public issues; listen attentively to public discussions before the body; and focus on current business issues.
- Council Members shall refrain from campaigning or calling for public action against Council Members during council meetings. Any Council Member who does so is considered out of order and the mayor shall take appropriate action.
- Council Members shall refrain from requesting that an item be placed on the agenda after two previous requests have been rejected or denied by consensus or formal vote of the Council.
- Any Council Member may move for the Mayor to enforce the parliamentary procedures, and /or the Policies & Procedures Manual of the City Council. A majority vote of the Council shall require the mayor to so act.

3.3.6 Council Committees: From time to time the City Council forms committees of two Council Members. The role and responsibilities of these Council committees shall be determined in an open and public session at the time they are formed.

3.3.7 Compliance with Intent of Council Conduct Code: Staff members having concerns regarding the propriety of a City Council member's interaction with them should confidentially discuss their concerns with the City Mayor. If the Mayor is the Council member in question, he/she should discuss the matter with the Mayor Pro Tem.

The Mayor or Mayor Pro Tem will set up a Council Closed session to deal with the issue.

Issues arising from Council Members they shall be addressed directly through the Mayor or the Mayor Pro Tem if the Mayor is the Council Member in question. The process from this point will be the same as described above.

Council Members shall perform their duties in accordance with the policies, processes and rules of order established by the City Council.

3.4 CONFLICT OF INTEREST

3.4.1 Applicable Law.

There are several laws and legal principles that prohibit public Officials from acting in situations in which they might have a conflict of interest. These include Government Code Section 1090 prohibiting contracts in which the official has a financial interest And the doctrine of incompatible offices, which prohibits an official from holding two offices at the same time if doing so, might create a clash of loyalties.

Even broader in scope, voters in 1974 approved the Political Reform Act. The statutes (the Political Reform Act of 1974) provide that certain municipal officers must disclose their

“economic interests” periodically on forms provided by the Fair Political Practices Commission (FPPC). These municipal officials are members of the City Council (including the Mayor), the City Treasurer, and the City Attorney. Statements of Economic Interests are submitted by these officials to the City Clerk who makes and retains a copy of each statement and forwards the original to the FPPC in Sacramento.

Conflict of interest is a complex issue. Council Members should carefully consider and monitor “gifts” from any person or organization whether the gift is financial support, loans, event tickets, or meals. Many of these gifts may need to be reported and may present a conflict of interest when considering and/or voting on projects or issues related to the person presenting the gift.

The rules relating to conflicts of interest are set forth in the Political Reform Act (PRA) (Government Code Sections 81000 and following) and case law. They are complex and not necessarily intuitive. The consequences of violating the rules can be severe, including substantial monetary penalties and possible criminal prosecution to individual Council Members.

3.4.2 Sources of Assistance.

The Fair Political Practices Commission (FPPC) is the state agency that administers the PRA, issues regulations, gives conflict advice, and enforces the rules. The FPPC also provides a “hotline” that a Council Member may call for informal advice. The City Attorney is available for consultation, but the City Attorney’s advice on conflicts matters cannot provide a Council Member with any immunity from prosecution. Most conflict of interest questions ultimately turn on whether it is reasonably foreseeable that the decision will have a “material financial effect” on the Council Member’s economic interest. Municipal attorneys generally do not advise public officials as to whether a material financial effect would exist unless the answer is absolutely certain based upon applicable regulations. While the City Attorney may have his or her own opinion as to whether or not a material financial effect will be present, it is ultimately up to the Council Member to determine this issue. Only a Council Member shall refrain from using their positions to unduly prosecute for violations of the conflict of interest rules. The City Attorney is available to assist with preparing a request for a formal opinion.

3.4.3 Identifying Conflicts

It is the responsibility of each Council Member to identify, disclose and declare his or her conflict before action is taken on a matter. If possible, the conflicted Council Member should notify the City Clerk prior to the council meeting at which the matter will be heard, to ensure the presence of a quorum. The City Clerk will attempt to assist with identifying obvious conflicts, but the ultimate responsibility is with each Council Member.

3.4.4 General Rules

Council Members shall not use their official positions to influence government decisions in which they have a financial interest, or where they have an organizational responsibility, or personal relationship that would present a conflict of interest under applicable law. As required by law, Council Members declaring a conflict of interest shall recuse themselves and leave the Council Chambers.

In accordance with the law, members shall file written disclosures of their economic interests and, if they have a conflict of interest regarding a particular decision, refrain from participating in that decision, unless otherwise permitted by law.

Council Members shall not take advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general, nor shall they use public resources not available to the public for private gain or personal purposes. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised. Council Members shall respect and preserve the confidentiality of information

provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

Council Members shall not appear on behalf of private interests of third parties before the City Council or any board, commission, committee or proceeding of the City.

Council Members shall represent the official policies and positions of the City Council to the best of their ability. When presenting their personal opinions and positions, members shall explicitly state they do not represent the Council or the City

A formal written opinion from the FPPC provides immunity from influence the deliberations or decisions of City commissions, boards or committees.

Council Members shall refrain from using their positions to unduly influence the deliberations or decisions of City commission's boards or committees.

A public official who has a financial interest in a decision shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

- Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
- Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of the Political Reform Act.
- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.
- Notwithstanding paragraph c, a conflicted public official may speak on the issue during the time that the general public speaks on the issue when he or she appears solely to represent himself or herself on a matter related to his or her personal interest. Personal interests are interpreted to include, but are not limited to:
 - An interest in real property that is wholly owned by the official or members of his/her immediate family.
 - A business entity wholly owned by the official or member of his or her immediate family.
 - A business entity over which the official exercises sole direction and control, or over which the official and his/her spouse jointly exercises sole direction and control.

4. TRAINING

4.1 Training, Meetings, Conferences

The City allocates funds for training, meetings, and conferences in which the Council Members may wish to participate. Among these are the quarterly meetings of the League of California Cities, the League of California Cities Annual Conference, the annual Mayors and Council Members Executive Forum, and other local meetings. Council Members are encouraged to participate in these meetings and conferences.

5. CONDUCT OF CITY COUNCIL MEETINGS

5.1 Parliamentary Procedure

Parliamentary procedure is a set of rules that regulate and standardize how the City Council conducts its business.

It is the policy of the Etna City Council that, unless otherwise required by State law or other regulation, all City Council meetings shall be conducted under Robert's Rules of Order.

However, no ordinance, resolution, or other action of the City Council shall be invalidated or the legality thereof otherwise affected by the failure or omission of the City Council to observe or follow such rules.

Certain procedures relating to motions, agenda item discussion, debate, and courtesies contained in Robert's Rules of Order are incorporated into this document.

These rules in affect shall be in accordance with state law and as set forth below.

The following summarizes the most frequently used actions:

- Council Members and Staff shall
 - Work earnestly to preserve appropriate order and decorum during all meetings.
 - Discourage side conversations, disruptions, interruptions or delaying efforts.
 - Ensure that all discussion relate to the subject matter at hand and be relevant and pertinent to allow for the expeditious disposition and resolution of the business before the Council.
 - Agree to disagree but be respectful of one another.
 - Not engage in any abusive or vulgar language and shall avoid any personal attacks on any other member of the City Council, staff, or the public; nor shall they publicly impugn the integrity, honesty or motives of such individuals.
 - Inform the Presiding Officer when departing from a meeting.
 - While the Council is in session, all persons shall preserve order and decorum. Any person making personal, impertinent, or slanderous remarks or demonstrating rude, boisterous, or profane behavior will be called to order by the Presiding Officer. If such conduct continues, the Presiding Officer may call a recess, request removal of such person(s) from the Council Chamber, adjourn the meeting, or take such other appropriate action as permitted by the Ralph M. Brown Act.
 - Enforcement of Order
 - Any Council Member may request the Presiding Officer to enforce the rules of protocol. Upon be required to do so.

- Upon instructions from the Presiding Officer, it shall be the duty of any police officer present to eject from the Council Chambers any person in the audience who uses boisterous or profane language or any person who interrupts and refuses to keep quiet or take a seat when ordered to do so by the presiding officer or otherwise disrupts the proceedings of the Council.

5.2 RULES FOR PERSONS PRESENTING TESTIMONY TO THE COUNCIL

- The person must be clearly recognized by the Mayor and is to approach the podium and microphone before speaking.
- He/she is encouraged to clearly state his/her name for the record.
- All comments shall be addressed to the City Council. All questions shall be placed through the Mayor.
- Speakers addressing the City Council will be limited to five minutes per speaker, or such a time as the presiding officer prescribes.
- All exhibits and documents used by speakers shall be given to the City Clerk for distribution to the Council.
- Interested parties may disagree, but will be respectful of one another. All comments will be directed to the issue at hand, and addressed to the City Council. Personal attacks are unacceptable.
- All questions or rebuttal will be through the Mayor.
- If there are numerous people in the audience who wish to participate on an issue, and it is known that all represent the same position, a spokesperson should be selected to speak for the entire group. The spokesperson will therefore have the opportunity of speaking for a reasonable length of time and of presenting a complete case.
- To avoid unnecessary cumulative evidence, the Mayor may limit the number of witnesses or the time of testimony on a particular issue.
- Irrelevant and off-the-subject comments will be ruled out of order.

5.3 TYPES OF COUNCIL MEETINGS

All meetings, regular, special, or closed sessions must be conducted within the geographical boundaries of the governing body's jurisdiction, unless specifically exempted.

5.3.1 Regular Meetings

The Etna City Council holds regular meetings on the first and third Monday of each month at 7:30 p.m. The Brown Act requires that public notice be given at least 72 hours before the meeting indicating the time and place of the meeting. An agenda of each meeting is posted in two public places.

Regular meetings may be adjourned to a specified time and place. A regular meeting cannot be adjourned past the next regular meeting date.

5.3.2 Special Meetings

The City Council can call special meetings to review and discuss specific topics. Special meetings

also include workshops and study sessions which give the Council the opportunity to review items that require more in depth study than time allows on the regular evening meeting agenda, and to receive informational reports on items that require no formal action.

Members of the City Council and local news media must receive notices of special meetings at least 24 hours prior to the time of the meeting. The notice must specify the time and place of the special meeting and the business to be transacted or discussed.

Regular ordinances may not be adopted at special meetings; only urgency ordinances may be adopted at such meetings. Items not listed on the agenda shall not be considered at the special meeting.

5.3.3 Adjourned Meetings

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a specified time and place.

A notice of adjournment shall be 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 the adjournment and include the specified time and place the adjourned meeting will be held.

Noticing of adjourned meetings shall follow the requirements set forth in section 5.3.2 of this document.

5.3.4 Closed Session

Closed sessions may be held to discuss certain matters specified by law, including:

Personnel matters to consider the appointment, employment, performance, or dismissal of a public employee;

Matters of national and public safety;

Labor negotiations;

License applications by persons with criminal records;

Real estate negotiations;

Pending litigation;

Closed sessions are attended by the City Council, City Attorney (as required), appropriate management staff, and occasionally by a special consultant or attorney depending upon the matter under discussion. Closed sessions are not open to the public. Matters discussed during closed session are confidential and may not be discussed with anyone outside of the closed session or during a public meeting. Violations of the closed session confidentiality requirement could put the City in a perilous position with respect to litigation and represent a violation of the law for the person violating the confidentiality requirement.

If any final decisions are made in the closed session meeting, the agency must reconvene in open session where it may be required to report the specific votes and actions taken by the agency.

5.3.5 Emergency Meetings

When an emergency, including but not limited to an earthquake, flooding, or fire occurs, an emergency meeting may be called by the City Council with a one-hour notice to its members and local news media.

The City Council may not meet in closed session during an emergency meeting. Except for the 24-hour notice requirement, the special meeting requirements set forth in section 5.3.2 of this document shall apply in emergency meetings.

5.3.6 Budget Workshops

Every year, the City Council holds budget workshops to review funding allocations for the goals and objectives outlined by the City Council.

Requirements set forth in section 5.3.2 shall apply to Budget Workshops.

5.4 MINUTES AND RECORD KEEPING

The minutes serve as a source of information for the Council and for the public. Meeting minutes are required to include the following information:

- Members present;
- Motions, proposals, resolutions, orders, ordinances, and other items of business and their disposition;
- Results of all votes and, in the case of a roll call vote, the vote of each member by name.
- The minutes of the City Council meetings shall be kept by the City Clerk and shall be recorded in a file kept for that purpose with a record of each particular type of business transacted by the Council set off in paragraphs with subheadings.

The minutes may include a record of the names of persons addressing the Council during public comment, and a brief statement of the subject to which their remarks related.

Minutes of the City Council are “Action Based” minutes, and do not include a verbatim transcript, only motions and votes are shown on the record. Such minutes shall be submitted to the Council for approval and/or correction in draft form at a subsequent meeting.

It is the policy of the City Council that only members of the Council and the City Clerk have the authority to make revisions to the minutes subject to a majority vote of the City Council.

Council Members having only typographical corrections to the minutes are encouraged to provide such corrections to the City Clerk directly and need not wait to submit such corrections at a meeting. As a time saving measure, even full correction items may be written ahead and passed to the City Clerk before the meeting. All changes/corrections to the minutes require Council approval.

The City Clerk is responsible for recording, preparing, and filing Council minutes. Minutes of Council meetings are available for review in the City Clerk's office.

5.5 AGENDA

The City Clerk is responsible for preparation of the City Council agenda and is responsible for the actual gathering and copying of the agenda packet.

The agenda is a listing and synopsis of each business item the Council will consider during its meeting.

The City Clerk makes the agenda available at every regular meeting.

The agenda and relevant background materials are available at City Hall on Friday before the scheduled Monday Council meeting.

5.5.1 Placing Items on the Agenda

In order to facilitate the orderly conduct of the business of the citizens of Etna, the City Clerk, shall set the agenda, reviewing same with the Mayor. Each member of the Council shall be provided with a copy of the City Council agenda in accordance with the provisions as outlined in the Brown Act. In order for this to occur the City Clerk shall provide deadlines for the submittal of written staff reports to be used in the preparation of the City Council agenda.

Council Members may, at a regularly scheduled meeting, request items to be placed on future agendas during the Council meeting by Council consensus. The Council Member referring the item may provide a brief description of the subject to be printed for the agenda packet, sufficient to inform the City Council and public of the nature of the item.

The City Council, after considering the referral, may either refer the matter to the City Clerk to schedule as a future City Council agenda item or they may, by concurrence of the majority, advise to not place on a future agenda.

5.5.2 Order of Agenda Items

The agenda format for the Etna City Council regular meetings (first and third Mondays) may be prepared to include, but not limited to the following categories and/or sub-categories, not necessarily in the order herein reflected:

- Closed Session (as needed)
- Call to Order/Flag Salute Roll Call
- Public Comment
- Report of Disbursements
- Consent Calendar
- Regular Business Items (Old and New)/Public Hearings

- Department Head Reports
 - Clerk
 - Law Enforcement
 - Public Works
 - Fire Department
 - Ambulance
- Council Reports and Communications
- Correspondence
- Review and Update Priority List/Tasks
- Adjournment

5.6 AGENDA ITEMS

5.6.1 Call to Order

The Mayor will call the meeting to order at 7:30 p.m. and ask that audience members turn off pagers and/or cell phones while in the Council Chambers.

5.6.2 Public Comment

Members of the public are entitled to speak on matters of municipal concern not on the agenda, during consideration of that portion of the meeting agenda entitled "Oral Comments from the Public" when that item is called by the Mayor. Each person is entitled to speak on any non-

agenized item only once at any meeting. Speakers addressing the City Council will be limited to five minutes per speaker, or such a time as the presiding officer prescribes. Brief questions by Council Members for clarifications may be posed and answered, and Council Members may make requests that items be placed on future agendas as described in 5.5.1 of this document, but in accordance with State Law, no substantive discussion may take place unless and until the matter properly appears on the agenda.

5.6.3 Presentations, Recognitions, Proclamations

Presentations, recognitions and proclamations shall be scheduled as necessary in recognition of persons or groups, for the promotion of an event or service or general information items to the Council. Requests for Presentations must be submitted to the City Clerk in advance of the agenda deadline. The City Clerk shall request approval from the Mayor as to the appropriateness and scheduling of such presentations. Upon approval by the Mayor, the City Clerk will then coordinate the presentation with the requesting party in order to schedule the item on any given agenda. The requesting party determines whether or not he/she will be present for acceptance of such presentation and if not present, the item will be placed under the Consent Calendar of the agenda.

5.6.4 Report of Disbursements

This topic is on the agenda to satisfy the annual audit requirement demonstrating that the City council is made aware that the financial obligations of the city are being paid on a regular and routine basis.

5.6.5 Consent Calendar

Those items on the Agenda which are considered to be of a routine and non-controversial nature by the City Clerk shall be listed on the Consent Calendar. These items so listed shall be approved, adopted, and accepted by one motion of the Council. For example, final reading and adoption of ordinance, various resolutions approving agreement, minor budgetary items, status reports, and routine City operations.

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

At the request of any Council Member a Consent Calendar Item shall be considered separately in the order of the agenda following approval of the remaining "Consent Calendar".

No vote: When a Council member wishes to pull items simply to register a dissenting vote, Council member shall inform the presiding officer that they wish to register a dissenting vote without discussion. These items will be handled along with the rest of the Consent Calendar, and the City Clerk will register a "no" vote in the minutes.

5.6.6 Regular Business Items/Public Hearings

Regular Business items are those reports brought forth for Council consideration and/or approval that are not public hearings.

Typically public hearings are scheduled as near the beginning of the agenda as possible.

Public Hearings can be legislative or quasi-judicial and may be required on certain items as prescribed by the municipal code or by state or federal law. Legislative decisions generally involve fundamental policy questions of jurisdiction-wide concern; legislative decisions also can involve changes in existing law to govern future situations. Public hearings usually require adoption of an ordinance, resolution or other action by the Council.

Public Comment will be sought on each regular business item and public hearings. Once a

public hearing/public comment has been closed it is inappropriate for the public to speak except to answer an inquiry of a Council Member addressed through the Mayor. However, a public hearing may be re-opened by a majority approval by the Council to hear new information.

5.6.7 City Clerk's Report

The City Clerk's Report portion of the meeting agenda provides an opportunity for the City Clerk to report on items of interest, status reports on significant projects, updates on events or meetings they participated in, and provide acknowledgement to citizens or individuals. The City Clerk's Report can be presented in Staff Report format.

5.6.8 Council Reports and Communications

The purpose of this time is to allow Council Members the opportunity to provide a brief update or share information regarding a particular matter.

Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from individuals and reports on meetings attended and other items of community interest. This time is not intended for action items.

Council Members shall govern themselves as to the length of their comments. The Mayor has the responsibility to assist Council Members in keeping their comments brief.

State law provides that Council can take action only on such matters that have been properly noticed in advance of the meeting, unless special circumstances are found to exist. Formal action or approval on non-agenized items is not allowed.

5.6.9 Public Comment (before Closed Session)

Members of the Public may be heard on any item under the Closed Session. Speakers addressing Council will be limited to five minutes per speaker, or such a time as the presiding officer prescribes. Be advised that, by law, neither the City Council nor the Board is able to discuss, deliberate or take action on issues presented during Closed Session Oral Comments.

5.6.10 Closed Sessions (as needed)

The Brown Act requires all council action to be discussed and taken in open session, except for specified and limited exceptions such as personnel matters, real property negotiations, and pending or threatened litigation.

ALL MATTERS DISCUSSED IN CLOSED SESSION ARE CONFIDENTIAL.

Closed Sessions are held at the end of the regular Council meeting and, if needed, can be continued to the next regular meeting.

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

5.6.11 Adjournment

Adjournment of a meeting is customarily by motion of the City Council or can be accomplished by unanimous consent and the Mayor simply declares the meeting adjourned. A motion to adjourn to another time can be done similarly, but is debatable only as to the time to which the meeting is to be adjourned.

5.7 TYPES OF COUNCIL ACTIONS

5.7.1 Ordinances

Requirements of Ordinances

Except as hereafter provided, no ordinance shall be adopted by the Council on the day of its introduction, nor within one week thereafter, nor at any time other than at a duly assembled meeting. If an ordinance is altered after its introduction (except for the correction of typographical or clerical errors), it shall be adopted at a meeting held at least one week after the date of such alteration.

At the time of introduction or adoption of an ordinance the title need only be read, unless reading of the ordinance in full is requested by any member of the council.

Ordinances are the laws of the municipality. City Councils are given the power to pass ordinances by Government Code Section 37100 as long as those ordinances are not in conflict with the laws and Constitution of the State of California or the United States.

Regular ordinances may only be adopted at a regular City Council meeting or an adjourned regular City Council meeting.

Approval of an ordinance requires a first reading or introduction and a second reading and adoption, with at least five days between readings (except an urgency ordinance). The passage of an ordinance requires the affirmative votes of at least three Council Members.

A notice of intent to adopt with an ordinance summary is posted in three public places at least five days prior to adoption and a Notice of Adoption with an ordinance summary is posted within 15 days of adoption.

An ordinance becomes effective 30 days after adoption. The 30-day time frame is known as a referendum period. A referendum period is required by state law and is a time frame in which any citizen can file a petition challenging the legality of a recently adopted ordinance. An ordinance is an action that can be repealed or amended only by a subsequent ordinance.

- *First Reading*
Typical motion: "I move to introduce and hold the first reading of Ordinance xxxx-xxx, and read by title only.

The Mayor confirms the motion and the second, and then reads the ordinance title before calling for the vote.

- *Second Reading*
Typical Motion: "I move to hold the second reading and adopt Ordinance xxxx-xxx, and read by title only"

The Mayor confirms the motion and the second, and then reads the ordinance title before calling for the vote.

A second to any motion must be received before a motion may be voted on.

An ordinance requires a roll call vote.

5.7.2 Urgency Ordinances

Any ordinance declared by the Council to be necessary as an emergency measure for preserving

the public peace, health or safety and containing a statement of the reasons for its urgency, may be introduced and adopted at the same meeting if passed by at least three affirmative votes.

In matters deemed by the City Council to warrant immediate action to preserve peace, public safety or health, an emergency ordinance may be passed immediately upon introduction at either a regular or special meeting, and can be effective immediately.

5.7.3 Resolutions

Definition:

As a rule, it can be said that legislative acts of the City Council (rules of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by “resolutions.” The term “resolution” in its general sense will denote any action taken affirmatively via a vote of the Council, other than one taken by ordinance, which is memorialized in a separate document (Etna City Code). In Etna, however, two methods of action are in general use to accomplish such non-ordinance actions:

Resolution in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence and preserved in a separate set of books. Such “resolutions” are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document to facilitate such future reference and research.

A resolution expresses the policy of the Council on directing certain types of procedural or administrative actions. It requires only one reading and may be changed by subsequent resolution.

A resolution is also required to award contracts and authorize expenditure of funds.

- *Typical Motion:* “I move to adopt Resolution xxxx-xx and read by title only. The Mayor confirms the motion and the second, and then reads the resolution title before calling for the vote.

A second to any motion must be received before a motion may be voted on.

A resolution may be adopted by consent calendar vote, a roll call vote or a voice vote.

5.7.4 Proclamations

A proclamation is a public declaration of the Council’s endorsement of something such as a special event or happening. Such a public announcement usually is made at the request of the organization sponsoring the event or happening and not for functions of a personal nature including but not limited to, a birthday or anniversary.

5.7.5 Minute Orders

These ordinarily indicate majority approval for a procedural action. Minute orders are usually used for disposition of business items on the agenda. Minute Orders apply to items in which action was taken by the council other than a resolution or ordinance.

5.7.6 Public Hearings

A public hearing is the open consideration of an issue within a regular meeting of the City Council, for which special public notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present information, offer support or objection for the subject under consideration. Public hearings are required for such items including but not limited to, zoning changes, annexations, and fees or

rates.

A public hearing may be continued or re-continued to a subsequent meeting following the same procedures set forth in section 5.3.3 of this document.

6. CITY ORGANIZATION

6.1 CITY CLERK

The City Clerk, hired by the City Council, is responsible for the overall administration of the City in response to the policies and programs established by the City Council. The City Clerk is responsible for forecasting the program and service needs of the City and its related financial, personnel, and capital improvement requirements.

6.2 CITY ATTORNEY

The City Attorney, appointed by the City Council, is responsible for providing necessary legal services and guidance to the City Council

The City Clerk or a City Council Member may contact the City Attorney following notification to the Mayor or Mayor Pro Tem.

The content of any call to the City Attorney will be made available to all of the City Council.

6.3 CITY EMPLOYEES

City employees comprise the majority of City government. They perform the day-to-day functions necessary to provide municipal services. Department managers administer specific functions of City government and are responsible to the City Council.

7. ADVISORY COMMISSIONS AND BOARDS

7.1 OVERVIEW

The City Council is authorized to establish boards, commissions and committees. These boards, committees and commissions shall be organized and governed as stated in the municipal code.

7.1.1 Qualifications

Membership on such bodies shall be representative of the entire community insofar as possible, and members on such boards, commissions and committees shall be willing to serve as a civic responsibility and without compensation. No member of any board or commission shall hold any paid office or employment in the city government, unless, by resolution, such membership is specifically authorized or required. Appointments of qualified non-city residents shall require a four-fifths vote of the council for confirmation. In order to be eligible for appointment to any board or commission, a person shall be a qualified registered elector of the city of Etna, or be the owner of a business located within the city limits. However, in no event shall less than a majority of any board or commission be made up of qualified registered electors of the city.

7.1.2 Temporary committees

The City Council, may appoint from time to time such temporary committees as are deemed advisable to render counsel and advice to the council on any designated matters or subjects within the jurisdiction of the council.

7.1.3 Appropriations

The council shall include in the annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards, commissions and committees.

7.1.4 Appointments – Terms

The members of each such board or commission shall be appointed by the mayor with the approval of the council. The members thereof shall serve for a designated term and until their respective successors are appointed and qualified.

The terms of the commissioners shall be staggered in order to provide continued continuity to the board.

7.1.5 Vacancies

Any vacancies in any board, commission, or committee, from whatever cause arising, shall be filled by appointment by the mayor with the approval of the council. When a vacancy occurs, any appointment to fill such vacancy shall be for the unexpired term.

Any member of a board, commission, or committee may be removed with or without cause by the mayor with approval of the city council.

APPENDIX A

TRAVEL EXPENSE POLICY (Revised 02/02/12)

The City reimburses employees for travel on City business. The following policies are now in effect:

1. Authorization: The City Council must approve, in advance, all overnight travel. Exceptions for “last minute” necessary travel may be approved by the Mayor or responsible commissioner.

The Mayor or commissioner must sign all travel expense reports before they are submitted to the City Clerk for payment.

2. Lodging: Lodging reimbursement rates are the same that are established by the US General Services Administration (GSA). Reimbursement shall only be for what was spent on lodging; receipts are required. Any state or local taxes paid for lodging will be reimbursed.

The City recognizes that at certain conferences or classes lodging cost may exceed Lodging rates. The City Council’s prior approval is required on such occasions.

3. Meals and Incidental Personal Expenses: Meals and incidental personal expenses (ME&I) will be paid using GSA established rates. Three-quarters (3/4) ME&I rate will be paid for first and last days of travel. Rate is determined by where traveler sleeps that night. Receipts are not required. Meals supplied by the event, you are attending, that is paid for by the city thru tuition or class costs are subtracted from ME&I reimbursement rate using GSA cost per meal rate. Meals supplied by lodging establishment that are part of daily lodging rate are not subtracted from ME&I reimbursement rate.

Example: Employee leaves on Tuesday for training in Redding, CA; He/she attends class Tuesday, Wednesday and travels home Thursday. Redding’s 2012 per diem rate is

Lodging:	\$87.00
ME&I:	\$61.00
ME&I for	Tuesday = \$45.75
	Wednesday = \$61.00
	Thursday = \$34.50

Tuesday and Wednesday rate is calculated for Redding since that is where the employee will be spending the night. Thursday rate is calculated for Scott Valley.

Employee is also entitled to two nights lodging at the Redding rate (must show receipts for reimbursement of lodging).

4. Meals: As a general rule, the city does not reimburse employees for meals unless overnight travel is involved. Exceptions may apply.

APPENDIX B

CITY OF ETNA PROCUREMENT RULES (Revised 9/8/15)

Budgeted Items:

- Any one purchase up to \$500: Department Head Approval
- Any one purchase over \$501 to \$1000: Mayor or Commissioner Approval
- Any one purchase over \$1001: Full Council Approval

Unbudgeted Items:

- Full Council approval

Procurement Policy

- \$500 or more: Two Bids (may be phone bids)
- \$5000 or more: Three written bids

Etna Business preference if within 5% of low bid