

**REPORT TO THE  
CITY COUNCIL**  
*City of Salinas, California*

DATE: April 28, 2015

FROM: Joe Gunter, Mayor  
Christopher A. Callihan, City Attorney

SUBJECT: **CITY COUNCIL RULES OF PROCEDURE AND GUIDELINES FOR PUBLIC DECORUM (REVISED)**

**RECOMMENDATION:**

It is recommended that the City Council adopt a Resolution revising its rules of procedure for Council members and guidelines for public decorum at Council meetings.

**DISCUSSION:**

On December 11, 2012, the City Council updated its rules of procedure for Council members and guidelines for public decorum at City Council meetings. The December 2012 update clarified the norms and expectations, general conduct, conduct during meetings, conduct with City Manager and staff, and the procedures for placement of items on the City Council's agenda. The action to update and to establish clear rules and procedures is consistent with how cities across the State are working to maintain decorum during City Council meetings as a means to increase efficiency and productivity. The City Council's action at that time was in part driven by recommendations made in the November 10, 2010 organizational assessment conducted by Avery & Associates (Avery Report) to provide recommendations to improve the effectiveness of the City organization. One of the Avery Report recommendations was to define a Council referral process related to requests of Staff "that is focused and disciplined requiring the Council as a whole to approve and weigh requests against existing work priorities." Establishment of a referral policy was recommended to ensure that the "Council [has] a better process to review and limit individual council member requests for new staff work."

On February 17, 2015, the Mayor and Council member Lutes requested the City Attorney review the then existing Rules of Procedure and Guidelines for Public Decorum (Rules of Decorum) and to meet with a Subcommittee of the City Council (comprised of the Mayor, Council member Lutes, and Council member De Le Rosa) regarding revisions to the Rules of Decorum. Following discussions among the City Council Subcommittee, including a meeting held on April 9, 2015, the City Council Subcommittee provided direction to the City Attorney to revise the existing Rules of Decorum as follows (revisions are shown in Track Changes format on the attached, proposed Resolution):

1. Presentations. It is recommended that presentations should be limited to three per Council member per calendar year with one presentation per City Council agenda. This would mean a total of twenty-one presentations, in total, for a calendar year. Presentations are limited to ten minutes each. The limitation on the number and the length of presentations is designed to improve the efficiency of City Council meetings, with a focus on those items on which the City Council is asked to take action.
2. Use of the City Seal and City Logo. City Code sections 1-10, et seq., establish the expectations and the limitations regarding the use of the City Seal. To hold City Council members accountable for their adherence to those expectations and limitations, a provision is recommended to be added to the Rules of Decorum to make it clear the City Council's expectations with respect to the use of the City Seal and City logo.
3. Censure. It is expected that the City Council members will adhere to the Rules of Decorum and that violations of the Rules of Decorum would result in some consequence. To address this concern, the Rules of Decorum are recommended for revision to include a provision that a Council member who is found to have violated the Rules of Decorum can be publically censured by the City Council. Such an action would require a majority vote of the full seven-member City Council and would result in a public hearing before the City Council during which the censure hearing would occur.
4. General Conduct. The purpose of the Rules of Decorum is to provide guidelines for the City Council to conduct its business in an orderly, consistent, respectful, and fair manner. The provisions are therefore not intended to limit the legal authority of the City Council, but rather to reinforce the expectation that Council members are expected to treat each other, the staff, and the general public with dignity and respect. Anything short of that is not acceptable. Revisions are recommended to reinforce this expectation.
5. City Council/Manager Form of Government. Salinas City Code section 2-4 prohibits City Council involvement or interference with administrative matters including, but not limited to, personnel matters involving City employees. That section of the City Code provided, in part, that "Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager." A revision to the Rules of Decorum is recommended to remind the City Council of this limitation and to reinforce the boundaries between the City Council and the City Manager in Salinas's form of government.
6. Compliance with Ethics Training and Required Reporting. On October 7, 2005, AB 1234 was signed into law and requires that if a local agency provides any type of compensation, salary or stipend to, or reimburses the expenses of a member of its legislative body, that local agency's officials must receive training in ethics. (Govt. Code section 53235) The City of Salinas has codified this requirement at Salinas City Code section 2A-1(b). Proof of completion of the training requirement must be submitted to the City Clerk. This training is not optional; because the City of Salinas provides its

Council members with a salary this training is a mandatory obligation imposed upon all City Council members.

Similarly, the Political Reform Act prohibits a public official from using his or her official position to influence a governmental decision in which he or she knows or has a reason to know he or she has a financial interest. (Govt. Code section 87100) To help identify potential conflicts of interest, the law requires officials to file forms called Statement of Economic Interests, also known as Form 700's. Form 700's must generally be filed on an annual basis by no later than April 1, 2015. As with AB 1234 training, filing of a Form 700 is a mandatory obligation and not an option.

The recommended revisions to the Rules of Decorum place an importance on Council member compliance with the mandatory duties imposed upon them under AB 1234 and Government Code 87100, for example, and make it clear to the public the expectation that Council members must comport their service on the City Council in an ethical manner. To that end, it is recommended that the Rules of Decorum be revised to withhold a Council member's salary if they are out of compliance with mandatory training or reporting, including AB 1234 ethics training and reporting on Form 700's.

The Subcommittee discussed one other item which is not included among these six recommended revisions to the Rules of Decorum: reorganization of the City Council agenda items. As the City Council is aware, the order of the agenda has been changed recently in order to determine whether the public's business can be managed more effectively. That process is expected to continue for the next several meetings in an attempt to identify the most efficient and effective order of agenda items. Once an order is determined, it may necessitate an amendment to the City Code to reflect changes to the order of items on the City Council agenda.

**ISSUE:**

Shall the City Council approve a resolution revising its rules of procedure and guidelines for public decorum at City Council meetings?

**FISCAL IMPACT:**

No direct impact to the City General Fund is anticipated with the City Council's consideration of and approval of the proposed Resolution; however, continued improvements in organizational effectiveness and use of staff time is expected.

**TIME CONSIDERATIONS:**

There are no time considerations associated with the City Council's consideration and approval of the proposed Resolution.

**ALTERNATIVES:**

The City Council could choose not to approve the proposed Resolution and otherwise direct staff how to proceed.

**CITY COUNCIL GOALS:**

The City Council's revision of the existing guidelines for public decorum and order at City Council meetings and establishment of rules of procedure and order of business for Council members are consistent with and support the City Council's goal of promoting an Effective, Sustainable Government.

**CONCLUSIONS:**

Distribution:  
City Council  
City Manager  
City Attorney  
Department Directors

Back Up Pages:  
Resolution

**RESOLUTION NO. \_\_\_\_\_ (N.C.S.)**

**A RESOLUTION OF THE SALINAS CITY COUNCIL ESTABLISHING RULES OF  
PROCEDURE AND ORDER OF BUSINESS FOR COUNCIL MEMBERS AND  
ESTABLISHING GUIDELINES FOR PUBLIC DECORUM AND ORDER AT CITY  
COUNCIL MEETINGS**

WHEREAS, it is the intent and desire of the City Council to conduct its business in an orderly and fair manner; and

WHEREAS, the City has a duty to proceed with the business of government in an efficient and orderly manner; and

WHEREAS, the City Council desires to establish uniform norms and procedures—applicable to the City Council and to the City’s Commissions, Board, and Committee—in order to accomplish these goals; and

WHEREAS, Rule 3(c) of the City Council Rules set out in Section 2-1 of the Salinas City Code authorizes the City Council to “from time to time, by resolution, adopt such other rules as are not inconsistent with the charter or the rules [set out in Section 2-1]; provided, however, that no such rules shall unreasonably limit citizen’s participation at council meetings”; and

WHEREAS, the City Council finds that the Rules of Procedure and Order of Business and the Guidelines for Public Decorum and Order and City Council Meetings implemented pursuant to this Resolution are not inconsistent with the City Charter or with the City Council Rules set out in Salinas City Code section 2-1 and will not unreasonably limit the public’s participation at Council meetings; and

WHEREAS, the Rules of Procedure and Order of Business implemented pursuant to this Resolution are intended to be in addition to, and not in the place of, the City Council Rules set out in Salinas City Code section 2-1.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF SALINAS that the following Rules of Procedure and Order of Business and Guidelines for Public Decorum and Order at Council Meetings are hereby adopted and shall govern all proceedings and business of the City Council and the City’s Commissions, Board, and Committees, as described herein, subject to the expectations and the deviations provided for in such rules.

**SECTION 1.**

**RULES OF PROCEDURE AND ORDER OF BUSINESS**

**A. General Norms and Expectations.**

1. City Council will work for the common good of the residents of Salinas.

2. City Council will assure fair and equal treatment of all persons, claims, and transactions coming before the City Council and its various Sub-Committees and Commissions.
3. Council Members acknowledge that attendance at meetings of the City Council is a part of their official duty. Council Members shall make a good faith effort to attend all such meetings unless unable. Council Members will notify the City Clerk or the City Manager if they will be absent from a meeting.

B. General Conduct.

The Mayor and City Council Members shall

1. Make the public feel welcome and not be partial, prejudiced or disrespectful toward the public.
2. Treat each other, staff, and members of the public with dignity, courtesy, and respect, valuing all opinions and being tolerant of new and different idea while encouraging creativity and innovation. In appropriate behavior is derogatory and damages the perception of the City.
3. Avoid negative comments that could offend other Council members during public meetings, in the media, or any other time.
4. Follow through on commitments and be accountable to each other, including the commitment to start and end meetings on times, work from an agenda, and be present, attentive, and prepared.
5. Keep comments clear, concise, and on-topic to maximize opportunities for all to express themselves.
6. Continuously strive to improve how members work as a team.
7. Place clear and realistic demands on staff resources and time when requesting action.
8. At all times be in compliance with all state and locally-mandated ethics and reporting requirements including, but not limited to, AB 1234 ethics training, Form 700 Statement of Economic Interest filings, and Form 460 Campaign Statement filings. Failure to meet the requirements in a timely manner, e.g., failure to submit

the Form 700 Statement of Economic Interest by the statutory deadline shall be considered a violation of this section.

9. Respect the limitations placed on the use of the City Seal and the City Logo (City Code sections 1-10, et seq.)

C. Conduct During Meetings.

City Council Members shall

1. Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments.
2. Inform the Mayor of their desire to speak and be acknowledged by the Mayor before speaking.
3. Work together to preserve order and decorum during meetings.
4. Not delay or interrupt the proceedings or the peace of the City Council, nor disturb any Council Member while speaking, by conversation or otherwise.
5. Attempt to build consensus on an item through an opportunity for dialogue, but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority, and vice versa.

D. Conduct With City Manager and Staff.

Council Members shall

1. Respect and adhere to the City's form of government, which is a Charter City operating under a Council-Manager form of government, with the City Council acting as the legislative body of the City.
2. Speak directly to the City Manager on issues and concerns, in order for the City Manager to address or delegate the matter to appropriate staff.
3. Direct the City Manager to implement the City Council's policy decisions through the administrative functions of the City.
4. Treat staff professionally and refrain from publicly criticizing individual employees or employee groups.

5. Avoid involvement in personnel issues, including hiring, firing, promoting, disciplining, and other personnel matters, except: during City Council Closed Sessions regarding City Council appointed staff including the City Manager and City Attorney; City Council Closed Sessions regarding labor negotiations; and disciplinary matter appeals from Grievance Board decisions as allowed by the Personnel Manual.
6. Discuss directly with the City Manager or City Attorney, as appropriate, any displeasure with a staff member.
7. Request answers to questions on City Council agenda items from the City Manager, City Attorney or Finance Director prior to the subject Council meeting, whenever possible.

E. City Council Agendas—Placing Items on the Agenda.

1. Matters may be placed on an agenda for a regular or special City Council meeting for consideration by the full City Council by the request of the following, subject to the City Manager's discretion as to the preparation of accompanying staff reports and related documents:
  - a. Any two (2) members of the City Council;
  - b. The City Manager;
  - c. The City Attorney; or
  - d. The City Clerk.
2. Any matter requiring a significant amount of staff time (i.e., more than two (2) hours of staff time, as estimated by the department director of the responsible department) may be placed on the agenda for a regular or special City Council meeting for consideration by the full City Council subject to the conditions set forth in number 1, above.
3. Requests from the public to place an item on the agenda for any City Council meeting shall be directed to the City Clerk and are subject to the City Manager's discretion.
4. Proclamations/Certificates. All requests for proclamations and certificates are subject to the approval of the Mayor and will be honored only if the person being honored or a representative from the organization being honored can appear to accept the proclamation or certificate.



5. Presentations to the Council. All requests to make a presentation to the City Council are subject to the approval of the City Manager and Mayor and will be placed under the "Presentation" section of the agenda.

a. Subject to the rule regarding presentations, each Council member may have up to three (3) presentations per calendar year placed on the agenda.

b. Unless otherwise approved by the City Manager and Mayor, only one presentation will be placed on the agenda for each City Council meeting and each presentation shall be limited to ten (10) minutes in length.

F. Compliance with General Norms and Expectations

1. Censure. Upon a majority vote of the full City Council, any City Council member found to be in violation of any provision of this Resolution shall be subject to censure at a Public Hearing held before the City Council.

2. Withholding of Council Salary. Any City Council member who is not in compliance with the requirements described in paragraph B.8 of Section 1 of this Resolution shall have their salary (provided for in Salinas City Code section 2-3.5) withheld until such time as they demonstrate to the City Clerk and the City Manager their full compliance with the requirements of that paragraph.

SECTION 2.

GUIDELINES FOR PUBLIC DECORUM AND ORDER AT CITY COUNCIL MEETING

A. Council Meetings—Public Decorum and Order.

1. Comments. Each person who addresses the City Council shall do so in an orderly manner and shall not make personal, slanderous or profane remarks to any member of the City Council, the City staff or the general public that disrupt the orderly conduct of the Council meeting. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or who engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any City Council meeting, whether from the podium or in the audience may, at the discretion of the Mayor after observance of the procedure for enforcement of decorum described below, be escorted from the City Council Chambers and barred from further audience before the City Council during that meeting. These rules shall be enforced as set forth below in the section entitled "Enforcement of Decorum."

2. Flash Photography. Flash photography that disrupts the orderly conduct of the Council meeting is prohibited, except during City Council recognition of individuals or groups and as may otherwise be permitted by the Mayor.
3. Signs and Placards. No sign or placard shall be held in such a manner as to disrupt the business of the City Council or to block the view of any other person or as to block any entrance to or exit from the City Council Chambers. Signs and placards that are mounted on poles or handles shall not be brought into the City Council Chambers.
4. Standing or Sitting on the Ramp Leading up to the Dais. No person, except City staff or City representatives, shall be permitted to stand or to sit on the ramp leading up to the City Council dais or behind the podium next to the ramp. The ramp shall be considered to start at the point where the railing is attached to the wall.
5. Lobby. Individuals and groups shall refrain from congregating and from talking in the lobby area of the City Council Chambers so as to avoid distracting the conduct of business within the City Council Chambers.
6. Food and Drink. Other than water, food and drink may not be brought into the City Council Chambers.

B. Enforcement of Decorum.

The Chief of Police or his representative shall be ex-officio Sergeant at Arms of the City Council. He/She shall carry out all orders and instructions given him/her by the Mayor for the purpose of maintaining order and decorum in the City Council Chambers. Upon instructions from the Mayor, it shall be the duty of the Chief of Police or his/her representative to eject any person from the City Council Chambers or place him/her under arrest or both.

As set forth in the Brown Act (California Government Code §54957.9), in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the City Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in the section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible or willfully disturbing the orderly conduct of the meeting.

Decorum and order shall be enforced in the following manner:

1. Warnings. The Mayor shall ask that any person violating the rules of decorum be orderly and silent. The warnings shall be in substantially the form described below. If, after receiving clear warnings from the Mayor the person persists in disturbing the meeting, the Mayor may order a brief recess of the City Council to regain order. If the person does not depart the City Council Chambers of his or her own volition, the Mayor may order any law enforcement officer who is on duty at the meeting as Sergeant at Arms to escort that person from the City Council Chambers.
2. Text for Warnings. The Mayor shall deliver the requisite warnings in substantially the following form:

If a member of the public becomes disruptive, warn the person as follows:

“Your behavior in [shouting, interrupting, making undue noise, etc.] is having the effect of disrupting the meeting. You must stop this behavior so that we may continue the business before us.”

If the behavior continues, warn the person again as follows:

“Your behavior is having the effect of disrupting the meeting. You have been asked to stop [shouting, interrupting, making undue noise, etc.] If you do not stop this behavior you will be asked to leave the meeting so that we may continue the business before us.”

If the behavior still continues, make the following statement:

“Your behavior in [shouting, interrupting, making undue noise, etc.] is having the effect of disrupting the meeting. You have been asked to stop this behavior twice. You are hereby advised that your conduct is in violation of the Rules of Order and Decorum of the City Council and California Penal Code §403. I would like a motion to find that this member of the public is violating City Policy, and that his/her activity is intentional and has substantially impaired the conduct of the meeting and that he/she be required to leave the meeting pursuant to California Government Code §54957.9. The meeting will continue only after you have left the meeting room.”

3. Removal. Any law enforcement officer who is serving as Sergeant at Arms of the City Council shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the City Council meeting. Upon instruction of the Mayor, it shall be the duty of the Sergeant at Arms to remove from the City Council meeting any person who is disturbing the proceedings of the City Council. Removal of a disruptive member of the public from the City Council Chambers shall be accomplished by the Sergeant at Arms or other sworn law enforcement officers only.

4. Misdemeanor. Any person who willfully disturbs or breaks up a City Council meeting may be arrested and charged with a misdemeanor, pursuant to California Penal Code §403.
5. Motion to Enforce. If the Mayor fails to enforce the rules set out above, any member of the City Council may move to require the Mayor to do so and, by an affirmative vote of a majority of the City Council, shall require the Mayor to do so. If the Mayor fails to carry out the will of a majority of the City Council, the majority may designate the Mayor Pro Tempore to act as Presiding Officer for the limited purpose of enforcing those rules of decorum.
6. Readmittance. Persons not involved in or who did not cause the disruption to the City Council meeting may be readmitted to the City Council Chambers at the direction and timing of the Mayor.

PASSED and ADOPTED this 28th day of April, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Joe Gunter, Mayor

ATTEST:

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Patricia M. Barajas, City Clerk