

CITY OF ORLAND GOVERNANCE POLICY

1. SCOPE

The successful operation of a municipality requires that standards be established to define the roles, responsibilities and expectations of the Governing Board, Commissions and staff in the operation of the organization. These standards will promote communication, understanding and trust among members of the City Council, the public and City staff concerning their roles, responsibilities and expectations, and public participation in the process. In general, policies governing the Council shall equally apply to various City-created Boards, Committees, and Commissions operating at the pleasure of the Council.

2. PURPOSE AND INTENT

This policy establishes rules of decorum for Council, Commissions and staff interaction and procedure for orderly conduct of City Council/Commissions meetings, special meetings, and study sessions. Due to the informal nature of workshops, study sessions and joint meetings, the presiding officer may deviate from these rules; however compliance with the Brown Act shall be maintained.

The establishment and periodic review of this policy will help protect free speech and civil discourse and facilitate the orderly, efficient conduct of productive, issue-based City Council/Commission meetings.

3. COUNCILMEMBERS BEHAVIOR AND CONDUCT

The Orland Governance Policy expresses standards of ethical conduct expected for members of the Orland City Council, Boards and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of Boards and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Orland Governance Policy are brought to their attention.

City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (either within the City of Orland or with inter-government agencies) or have official travel restricted. Serious infractions of the Orland Governance Policy could lead to other sanctions as deemed appropriate by Council.

Councilmembers should point out to the offending Councilmember infractions of the Orland Governance Policy. If the offenses continue, then the matter should

be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

4. CLOSED SESSIONS

Consistent with Government Code Section 54954.2, the Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law to consider or hear any matter which is authorized by State law to be heard or considered in closed session.

The general subject matter for consideration shall be expressed in an open meeting before such session is held. After closed session the legislative body must reconvene to open session and may be required to disclose action taken, if any.

The legislative body in a closed session can consider only matters covered in its agenda description. City Council Members shall keep all written materials and verbal information provided to them on matters that are confidential under law in complete confidence to ensure that the City's position is not compromised. No mention of information in these materials should be made to anyone other than Council Members, City Attorney, or City Manager, unless one of the aforementioned is precluded or a subject thereof.

If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, a proposed or pending claims or litigation, and/or employee negotiations, all contact with the other party should be by the designated representative handling the negotiations or litigation. A Council Member should not have any contact or discussion with the other party or its representative(s) involved concerning the negotiation during this time and shall not communicate any discussion conducted in closed sessions. All public statements, information, press releases, should be handled by the designated representation or spokesperson.

Government Code Section 54963 (a) - (f) outlines the injunctive relief and disciplinary actions that may be imposed on those who divulge confidential closed session discussions, without first receiving authorization from the legislative body.

5. BOARD AND COMMISSION MEMBERS BEHAVIOR AND CONDUCT

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board and Commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective Board or Commission, the City clerk, the City Attorney, the City Manager, and the City Council. Written reprimands administered by the Mayor shall not be included in packets for public meetings and shall not be publicized except as required under the Public Records Act.

The City Council may impose sanctions on Board and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures, including hard copies to numerous public facilities and posting online. Any Report to Council addressing alleged misconduct by a Board or Commission member shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board or Commission member conduct. Should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council and develop an investigation plan.

The results of any investigation shall be reviewed by the Mayor and Council to determine the next appropriate action.

6.0 PRESIDING OFFICER

The terms "Presiding Officer," "Mayor" and "Chair" shall be used interchangeably within this manual.

The Mayor shall be the Presiding Officer at all meetings of the Council. In the absence of the Mayor, the Vice Mayor shall preside. In the absence of both the Mayor and Vice-Mayor, the Council shall elect a temporary Presiding Officer to serve until the arrival of the Mayor or Vice Mayor or until adjournment.

6.1 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Councilmembers. He/she shall not be deprived of any rights and privileges of any Councilmember by reason of his/her acting as presiding officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting.

6.2 QUESTION (MOTION) TO BE STATED

The Presiding Officer shall verbally restate each motion immediately prior to calling for the vote. Following the vote, the Presiding Officer shall announce whether the motion was carried or was defeated. In cases where the action of the Council may be unclear for those in the audience, the Mayor shall summarize the action of the Council before proceeding to the next item of business.

6.3 SIGNING OF DOCUMENTS

Subject to Council policy or direction, the Mayor shall sign ordinances, resolutions and contracts approved by the Council at meetings at which he/she is in attendance. In the event of his/her absence, the Vice-Mayor or elected Presiding Officer shall sign all such documents adopted and approved by the Council.

6.4 MAINTENANCE OF ORDER

The Mayor is responsible for the maintenance of order and decorum at all times. No person shall be allowed to speak who has not first been recognized by the Chair. All questions and shall be addressed to the Chair.

7.0 RULES, DECORUM, AND ORDER: Public Meetings

7.1 POINTS OF ORDER

The Presiding Officer shall determine all Points of Order subject to the right of any Councilmember to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" In this event, a majority vote shall govern and conclusively determine such question of order.

7.2 DECORUM AND ORDER - COUNCILMEMBERS

a. Every Councilmember desiring to speak shall address the Chair and, upon recognition by the Mayor, shall confine himself/herself to the question under debate.

b. Every Councilmember desiring to question the administrative staff shall address his/her question to the City Manager or City Attorney who shall be entitled to either answer the inquiry himself/herself or to designate a member of his/her staff for that purpose.

c. A Councilmember, once recognized, shall not be interrupted while speaking unless called to order by the Mayor, unless a point of order is

raised by another Councilmember, or the speaker chooses to yield to questions from another Councilmember.

d. If a Councilmember is called to order while he/she is speaking, he/she shall cease speaking until the question of order is determined. If ruled to be not in order, he/she shall remain silent or shall alter his/her remarks so as to comply with rules of the Council.

e. Councilmembers shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

f. Any Councilmember may move to require the Mayor to enforce the rules and the affirmative vote of a majority of the Council shall require him/her to so act.

g. Ex-Parte Communications – An ex parte communication is a communication made outside the Council Chambers between a Council or Commission member and any person in the public concerning a quasi-judicial proceeding under consideration by the Council or Commission. When a Board or Commission member has had an ex parte communication, the member shall state for the public record: (a) the nature of that communication, (b) with whom the ex parte communication was made, and (c) a brief statement as to the substance of the communication.

7.3 DECORUM AND ORDER - EMPLOYEES

Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council. The City Manager shall insure that all City employees observe such decorum.

Any staff member, including the City Manager, desiring to address the Council shall first be recognized by the Chair. Questions may be addressed to the Chair, or as appropriate through the chair to any one individual Councilmember or public member.

7.4 DECORUM AND ORDER - PUBLIC

The City Council, elected by the public, must be free to discuss issues confronting the City in an orderly environment. Any person making impertinent and/or slanderous remarks of any persons or who becomes boisterous, aggressive, threatening, rude, or otherwise disruptive of the proceedings while addressing the Council or subordinate Commission or while attending a Council or Commission meeting shall be removed from the room, if the Presiding Officer so directs the sergeant at arms, and such person may be barred from further audience before the Council or Commission subject to certain limitations required by law (e.g. The Brown Act).

7.5 ENFORCEMENT OF DECORUM

The City Manager has appointed the Chief of Police as ex officio sergeant at arms of the Council. The Chief shall carry out all orders and instructions given him/her for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions, it shall be the duty of the Chief of Police or his/her representative to remove any person from the Council Chambers or place him/her under arrest or both as authorized by the law.

7.6 PERSONAL INTEREST

No Councilmember, prevented from voting by personal interest, shall remain at the Council dais during the debate and vote on any such matter. In the event of such conflict, the Councilmember shall state for the record the grounds and leave the Council dais during debate and vote on the issue.

7.7 LIMITATION OF DEBATE

No Councilmember shall be allowed to speak more than once upon any one subject until every other Councilmember choosing to speak has spoken. Clarification in, the form of a question, or making a suggestion shall be allowed.

7.8 DISSENT AND PROTESTS

Any Councilmember shall have the right to express dissent from, or protest to, any action of the Council and request that the reason be entered into the minutes. In matters where no action is being required any member may request, through the Presiding Officer, a poll of the entire Council to insure that any direction being given in such cases is consistent with the will of the majority of those present.

8.0 ADDRESSING THE COUNCIL

8.1 MANNER OF ADDRESSING THE COUNCIL

An "Oral Communications" period will appear on the Agenda of each Council meeting, allowing all citizens an opportunity to express a view on items under the Council's jurisdiction.

All items on Council agendas which are public hearings, as provided by law, provide interested citizens an opportunity to express their views. Testimony will be taken after the public hearing is opened by the Mayor or Presiding Officer.

Public members attending Council meetings and desiring to comment on any agenda item may sign up on that item's signup sheet. When that item is announced by the Presiding Officer, he/she will call in order of sign up on that agenda item. Once all individuals have been called that signed up the presiding officer will ask if there are any further comments from the public. Once the public has been completed its comments on the agenda item there shall be no further comments from the public unless the Presiding Officer or a Councilmember,

through the Chair, calls upon a specific individual. When the Council begins deliberation, there shall be no public comment.

Any person desiring to address the Council shall proceed to the podium during the time provided to do so and wait to be recognized by the Mayor. After being recognized, the speaker shall be requested to state his/her name and address for the record. Remarks shall be limited to the question under discussion. Persons should not approach the podium at other times unless directed by the Chair.

All remarks and questions shall be addressed to the Chair and not to individual Councilmembers, staff members or other persons

8.2 TIME LIMITATION

To ensure fair and equal treatment of all who appear before the Council, and to expedite City business, persons will be permitted to speak once for up to three (3) minutes each during the Oral Communications period. This time limit may be extended for good cause by the Mayor, or at the request of any Councilmember through the Mayor. At the Chair's discretion, a limit on the total amount of time for public comments during Oral Communications and/or a further limit on the time allotted to each speaker during Oral Communications may be set in order to facilitate consideration of a topic, to allow for greater numbers of the public to comment, or to allow completion of a meeting with a lengthy agenda within a reasonable period of time.

Persons addressing the Council on a public hearing matter will be permitted to speak once for up to five (5) minutes each during the public hearing. For the same reasons identified above, the Council may also set a further time limit on each speaker and/or set an overall time limit on comments on a particular public hearing matter. Notwithstanding the foregoing, the property owner, the applicant, an appellant, and the spokesperson for an organized group of persons residing and/or owning property within the noticed area of the property which is the subject of the public hearing, may, in the Council's discretion, be permitted to speak longer than five (5) minutes on a public hearing matter.

8.3 ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After a motion has been made, no person shall address the Council without securing permission from the Chair.

9.0 CITY COUNCIL RELATIONSHIP WITH CITY COMMISSIONS AND COMMITTEES AND COUNCIL MEMBER REPRESENTATION TO OTHER AGENCIES AND GROUPS

Members of the City Council may, from time to time, discuss topics of interest with their respective appointees to various City Boards and Commissions. It is important for Commissions and Committees to make informal, objective recommendations to the City Council on items before them.

Individual Councilmembers should have the right to attend meetings but are cautioned about becoming involved in the meeting's discussions.

City Council representatives serving on a local Board or committee shall abstain from voting on any issue if it will later be submitted to the City Council for consideration.

If a member of the City Council represents the City before another governmental agency or organization, the Councilmember should first indicate the majority position or opinion of the Council. Personal opinions and comments may be expressed only if the Councilmember clarifies that these statements do not represent the position of the City Council.

10.0 CITY COUNCIL/COMMISSION RELATIONS WITH CITY STAFF

City Staff should avoid debate with Council during a public meeting.

Mutual respect shall be shown during public session from both Councilmembers and staff regarding their roles and responsibilities.

City staff shall acknowledge the Council as having the final authority to make policy decisions. The City Council shall acknowledge staff as implementing and administering the Council's policies.

Any concerns by a Councilmember over the behavior or work of a City employee should be directed to the City Manager privately to ensure the concern is resolved. In cases where the Council is charged with the direct oversight of a City employee, as outlined either by the Orland Municipal Code (OMC) and/or individual employment or service contracts, reviews would normally be conducted in a closed session with the participation of the full Council.

All written informational material requested to be prepared for individual Councilmembers shall be submitted by staff to all Councilmembers. This does not apply to conflict of law information and certain personal questions regarding Councilmember rights addressed to the City Attorney.

Councilmembers should not attempt to coerce or influence staff in the making of appointments, awarding of contracts, the selection of consultants, the process of development applications, and the granting of City licenses or permits. The Council should not attempt to change or interfere with the operating policies and practices of any City department. This provision, however, shall not limit the ability of Councilmembers to request information from City staff.

Mail that is addressed to the Mayor and City Council shall be circulated by the City Clerk to the City Council. The City Clerk shall not open mail addressed to individual Councilmembers.

A councilmember should not direct staff to initiate any action or prepare any report that is significant in nature or initiate any project or study without the approval of a majority of the City Council.

11.0 CITY COUNCIL TRAVEL POLICY

11.1 TRAVEL BUDGET PLANNING

Council and City Manager will identify before the start of each fiscal year what travel events are planned and what expense is expected for the Council for the upcoming fiscal year, with intention to balance available resources between members of the Council with respect to the requirements of their responsibilities. Travel by any member exceeding the budget by 10% requires Council approval.

11.2 COUNCIL APPROVAL

For travel and related expenses, generally, outside of 11.1. Council members do not travel out of Northern California at the City's expense without specific Council advance approval. Meetings and events within 75 driving miles distance (each way) do not generally include reimbursable overnight accommodations. Overnight accommodations are not reimbursable for the night before the first day nor the night of the conclusion of events without advance Council approval. Exceptions may be considered for evening business events and other unusual situations; the Council can approve exceptions within budget.

12.0 NOTE: THE BELOW IS NOT PART OF THE GOVERNANCE BUT ONLY INFORMATION ON PUBLIC ADDRESSING AGENDA ITEMS (SEE 7.1 PARAGRAPH 3)

California Government Code Section 54954.3

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54954.3

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

13.0 COMMISSIONER SELECTION PROCESS

13.1 City Clerk will follow these steps for filling vacancies on City Commissions:

1. City Clerk informs Council of pending or current vacancy, seeks direction as to timing for filling the vacancy.
2. City Clerk publishes notice inviting applications and sets closing date.
3. City Clerk determines qualifications and completeness of applications. Commissioners desiring to be considered for reappointment need only indicate their interest to the City Clerk. Applications on file may be used for future appointment and reappointment in lieu of a new application.
4. If two or more applications are received, City Clerk schedules an interview panel consisting of:
 - Mayor
 - Council Commission Liaison
 - City manager or a city department head
 - Current commission chair
 - Other community member[s] as appropriate for the commission.
5. Candidates are invited but not required to be present for the interview.
6. If five or more candidates apply, the Clerk may conduct a narrowing process with input from selection committee members.
7. Clerk provides all applications to the entire Council (subject to reduction from step 6), with interview committee's recommendation.
8. Mayor makes appointment at a City Council meeting, with Council confirmation by majority vote.
9. If the Council does not confirm the appointment, Mayor appoints another candidate pending Council confirmation, until the position is filled.
10. Commissioner is sworn in, if applicable, immediately or at next commission meeting.

14.0 CITY REPRESENTATION

14.1 City staff will handle requests for a City representative at ceremonial events/meetings; the Mayor will normally serve as the designated City representative. If the Mayor is unavailable, the Vice Mayor would be asked to serve as substitute; if the Vice Mayor is unavailable, the request will go to another member of Council designated by the Mayor. Invitations received at City Hall are presumed to be for official City representation.

14.2 Invitations addressed to individual Councilmembers at their homes are presumed to be for unofficial or for personal consideration, unless otherwise indicated then the individual is expected to represent the City of Orland in a formal capacity.

14.3 Councilmembers are not to assume representation of the City without being directed or authorized by the Council when feasible or by the Mayor when lead time is limited.

14.4 City officials are expected to wear appropriate business attire while serving as a representative for the City of Orland. Examples of “business dress” include polo shirts, slacks/trousers, jackets, dress shirts, sweaters, skirts, blouses, dresses, and business footwear. Ties are not mandatory, but encouraged.

15.0 CITY OF ORLAND SOCIAL MEDIA POLICY

Purpose

This policy establishes guidelines for the establishment and use by the City of Orland (“City”) of social media sites (including but not limited to Facebook and Twitter) as a means of conveying City information to its citizens.

The intended purposes behind establishing City social media sites is to disseminate information from the City, about the City, to its citizens and business community and potentially as a means to engage in transparent conversations between the City and its citizens.

The City has an overriding interest and expectation in deciding what is “spoken” on behalf of the City on City social media sites.

For purposes of this policy, “social media” is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include Facebook, blogs, RSS, YouTube, Twitter, LinkedIn, and Flickr. For purposes of this policy, “comments” include information, articles, pictures, videos or any other form of communicative content posted on a City social media site.

General Policy

The establishment and use of any City social media sites are subject to approval by the City Manager or his/her designees.

City social media sites should make clear that they are maintained by the City and that they follow the City’s Social Media Policy.

Wherever possible, City social media sites should link back to the official City of Orland website for forms, documents, online services and other information necessary to conduct business with the City. The City of Orland’s website at <http://www.cityoforland.com> will remain the City’s primary and predominant internet presence.

Designated City staff will monitor content on City social media sites to ensure adherence to both the City’s Social Media Policy and the interest and goals of the City of Orland.

The City reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines must be retained by the City for a reasonable period of time, including the time, date and identity of the poster, when available.

These guidelines must be displayed to users or made available by hyperlink.

The City will approach the use of social media tools as consistently as possible.

All City social media sites shall adhere to applicable federal, state and local laws, regulations and policies.

City social media sites are subject to the California Public Records Act. Any content maintained in a social media format that is related to City business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.

Comments on topics or issues not within the jurisdictional purview of the City may be removed.

Employees representing the City government via City social media sites must conduct themselves at all times as a representative of the City and in accordance with all City policies.

This Social Media Policy may be revised by the City Council at any time.

Comment Policy – *This Section to Be Displayed at Facebook Page*

15.3 As a public entity, the City must abide by certain standards to serve all its constituents in a civil and unbiased manner.

The intended purpose behind establishing City social media sites is to disseminate information from the City, about the City, to its citizens.

Comments containing any of the following inappropriate forms of content shall not be permitted on City social media sites and are subject to removal and/or restriction by the City Manager and/or his/her designees:

1. Comments not related to the original topic, including random or unintelligible comments;
2. Profane, obscene, violent, or pornographic content and/or language;
3. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin;
4. Defamatory or personal attacks;

5. Threats to any person or organization;
6. Comments in support of, or in opposition to, any political campaigns or ballot measures;
7. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
8. Conduct in violation of any federal, state or local law;
9. Encouragement of illegal activity;
10. Information that may tend to compromise the safety or security of the public or public systems; or,
11. Content that violates a legal ownership interest, such as a copyright, of any party.

A comment posted by a member of the public on any City social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City, nor do such comments necessarily reflect the opinions or policies of the City.

The City reserves the right to deny access to City social media sites for any individual who violates the City's Social Media Policy, at any time and without prior notice.

Staff shall monitor the City's social media sites for comments requesting responses from the City and for comments in violation of this policy.

When a City employee responds to a comment in his/her capacity as a City employee, the employee's name and title should be made available, and the employee shall not share personal information about himself or herself, or other City employees.

All comments posted to any City Facebook site are bound by Facebook's Statement of Rights and Responsibilities, located at <http://www.facebook.com/legal/terms>, and the City reserves the right to report any violation of Facebook's Statement of Rights and Responsibilities to Facebook with the intent of Facebook taking appropriate and reasonable responsive action.