

RESOLUTION NO. 4370

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD ADOPTING
AMENDED "CITY OF SOLEDAD CITY COUNCIL RULES, POLICIES AND
PROCEDURES"**

WHEREAS, the City Council has previously adopted a set of "City of Soledad City Council Rules, Policies and Procedures" ("RPP's") to provide regulations and guidance to elected officials with respect to Council duties and operations; and

WHEREAS, on May 20, 2009, the Council considered and discussed a variety of changes to the RPP's that were deemed either necessary or appropriate in order to address Article IV – Committees.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Soledad that the City Council hereby adopts the amended "City Council Rules, Policies and Procedures," a copy of which is attached hereto as Exhibit "A." These newly adopted RPP's are meant to supersede and supplant the previous RPP's in their entirety.

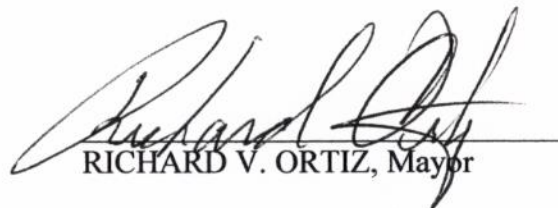
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Soledad duly held on the 3rd day of June, 2009, by the following vote:

AYES, and in favor thereof, Councilmembers: Richard J. Perez, Juan Saavedra, Patricia Stephens, Mayor Pro Tem Martha Camacho, Mayor Richard Ortiz

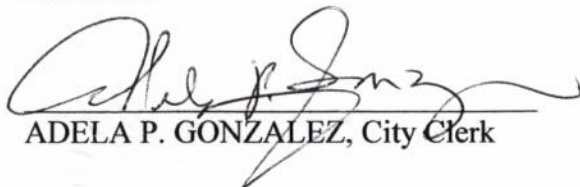
NOES, Councilmembers: None

ABSENT, Councilmembers: None

ABSTAIN, Councilmembers: None


RICHARD V. ORTIZ, Mayor

ATTEST:


ADELA P. GONZALEZ, City Clerk

CITY COUNCIL RULES, POLICIES AND PROCEDURES

CITY OF SOLEDAD

ARTICLE I

GENERAL

Section 1. Scope

(A) Definition. These Soledad City Council Rules, Policies and Procedures shall govern the Soledad City Council and all of its affiliated subcommittees. This document is also designed to describe the manner in which councilmembers should treat one another, city staff, constituents, and others they come into contact with in representing the City of Soledad.

(B) Delegation. The City Council may delegate certain powers to the Mayor. No assignment, referral or delegation of authority by the Council shall preclude the Council from exercising the authority required to meet its responsibilities for operation of the City. The Council shall retain the right to rescind any such delegation.

Section 2. Powers

The Council shall have and exercise the powers set forth in California Government Code Sections 37100 et seq. and 37200 et seq.

Section 3. Purpose and Organization

(A) Purpose and Organization

(1) Purpose

The City is organized and operated pursuant to California Government Code Section 36800 et seq. The general functions of the City Council are to:

(a) Promote the development, maintenance and improvement of the City and related facilities as well as the protection of the City's natural, residential, industrial and commercial environments. Such efforts shall include promotion of the City of Soledad's Mission Statement, which provides:

“The City of Soledad is committed to serving our community and improving the quality of life while celebrating our heritage and diversity.”

(b) Oversee organized methods of efficient financial management.

(c) Attract a staff of highly qualified and competent employees and provide these employees with a clean, safe, working environment and opportunities for professional growth.

(2) Organization

(a) Council

The Council shall consist of five (5) members, an elected Mayor and four (4) council members, each of whom shall be a registered voter residing in the City. Members shall be elected by the registered voters residing in the City, pursuant to California Elections Code Section 32100, et seq. The terms shall be set in accordance with California Government Code Section 36503. An employee of the City may not be a Council member.

(b) City Manager

Pursuant to Chapter 2.08 of the Soledad Municipal Code, the Council is authorized to appoint a City Manager who shall, under the direction of the City Council, act as the administrative head of the City. The qualifications of the City Manager shall meet the requirements established by the Council. The duties of the City Manager shall be those set forth in Section 2.08.060 of the Soledad Municipal Code, as may be amended from time to time.

(c) City Attorney.

The Council is authorized to appoint a City Attorney who shall provide legal advice to the City Council and legal services and representation to the City as a whole. The City Attorney shall serve at the pleasure of the City Council.

(d) Staff.

The City Manager shall be responsible for maintaining a suitable staff to conduct the business of the City. The Council has approval powers over the size and organization of the staff.

Section 4. Council Member Duties and Responsibilities

(A) Duties of the individual Council members include, but are not necessarily limited to:

- (1) Attendance at Council meetings.
- (2) Attendance at meetings of committees to which the member is assigned.
- (3) To relate community input to the Council.
- (4) Representation of the City in a positive and effective manner in public forums.
- (5) As appropriate, to be politically active on behalf of the City and its interests and needs.

(6) Becoming knowledgeable about City operations and services so that Council members can effectively question reports of the City Manager, staff and consultants and evaluate the answers.

(7) Participation in annual evaluation of the City Manager, conducted according to established procedures.

(8) Participation in orientation and training programs for new Council members.

(9) Participation in City workshops, including, but not limited to, annual budget and strategic plan workshops.

(10) Attendance, and where appropriate, representation at area and regional meetings. Said duty shall include responsibility for notifying the Council, Mayor or City Manager if unable to attend a meeting where representation is required so that an alternate can be notified or appointed to represent the City.

(B) Create necessary committees and subcommittees, and thereafter consider and approve or disapprove the elected Mayor's nominations and proposed appointments for various members on Council committees, subcommittees and all other subcommittees, boards and commissions.

(C) Vacancies

Where the office of a Council member, including the Mayor, becomes vacant during his/her term, the vacancy may be filled for the unexpired portion of the term by appointment by the majority of remaining Council members within thirty (30) days of the vacancy. Alternatively, the Council may call for a special election to fill the vacancy in accordance with Government Code Section 36512.

(D) Compensation

Council members may receive a salary in accordance with California Government Code Sections 36516 and 36516.5 and shall be allowed reimbursement for actual and necessary expenses incurred in the performance of their duties. The elected Mayor may draw a salary in addition to that established for council members if approved by the electorate or by an ordinance adopted by a majority of the Council.

(E) Conflict of Interest

Council members shall be required to follow the current Conflict of Interest Code adopted by the State of California.

ARTICLE II

MEETINGS

Section 1. All regular Council meetings shall be held in the City Hall in the City of Soledad, and shall be open to the public.

Section 2. Regular meetings

Regular meetings of the Council shall be held ~~monthly on the first and third Wednesday of each month, at 6:30 P.M.~~ in accordance with a schedule adopted by resolution of the City Council. Any person may request that a copy of the agenda of any meeting of the Council be mailed to that person. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The Council may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the Council taken at the meeting for which the agenda or agenda packet was not received.

Section 3. The Council may from time to time, by majority vote, change the time and place of a regular meeting. The Council may at their option start the closed session of a regular meeting before 6:30 P.M., in an effort to begin open session proceedings on time. Such closed sessions will be noticed on the agenda.

Section 4. Special Meetings

Special meetings of the Council may be called at any time by the Mayor, or at the written request of a majority of the members of Council delivered to the City Clerk. Written notice of such special meetings shall be given to each Council member and to each local newspaper of general circulation and radio or television stations requesting notice in writing. The notice shall be delivered personally or by any other means and shall be received at least twenty-four (24) hours before the time of the meeting. The notice shall specify the time and place of the meeting and the business to be transacted; no other business shall be considered at said meeting. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. The waiver may be given by telegram. Written notice may also be dispensed with as to any member who is present at the meeting at the time it convenes. The call and notice shall be posted at least twenty-four (24) hours prior to the special meeting in a location that is freely accessible to the public.

Section 5. For regular and special meetings of the Council, a quorum shall be three (3) of the Council members.

Section 6. All actions of the Council shall require a majority of three (3) of the Council members.

Section 7. Any meeting, regular or special, whether or not a quorum is present, may be adjourned from time to time by the vote of a majority of the members present. Less than quorum may adjourn from time to time. The Mayor is given the authority to cancel a regular meeting if there are no public hearings or business items scheduled to be conducted at the meeting. Written

notice of cancellation shall be given to each Council member and to each local newspaper of general circulation. The notice of cancellation shall be delivered personally or by any other means and shall be received at least twenty-four hours before the scheduled meeting time. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. The resulting adjourned meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

Section 8.

(A) At least seventy-two (72) hours before a regular meeting the City Clerk of the Council, or designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. No action shall be taken on any item not appearing on the posted agenda. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132). The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting. The agenda should also include information regarding how, to whom and when a request for translation services may be made by a person who requests assistance in addressing the Council or understanding council discussion and actions at a given meeting.

(B) Notwithstanding subdivision (a), action may be taken on items of business not appearing on the posted agenda under any of the following conditions. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the Council that an emergency situation exists, as defined by Section 54956.5 of the Government Code;

(2) Upon a determination by a two-thirds vote of the Council, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that the need to take action arose subsequent to the agenda being posted as above provided;

(3) When the item was posted pursuant to the foregoing provisions of this section for a prior meeting of the Council occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which the action is being taken.

(C) Prior to each council meeting, the City Manager shall arrange a list of such matters to be included on the Council's meeting agenda, including all ordinances, resolutions, reports, communications, contracts, documents or other matters. Assistance in this regard may be provided by the Mayor, City Clerk and City Attorney. Prior to agenda posting, any council member may request that the City Manager place a given item on an agenda. Upon receipt of such a request, said item shall thereafter be placed on the next available meeting agenda, unless

otherwise directed by the requesting council member. The authority of a single council member to have an item placed on a pending agenda shall not apply to matters on which the Council has already taken action or removed from formal consideration for a specified or indefinite time. In such instances, a council member must obtain the consent of a majority of the Council at a noticed meeting prior to having a given matter agendaized for consideration, consideration on an expedited basis, or reconsideration. With respect to a matter on which the Council has already considered and taken action on the merits, reconsideration can only be proposed by a council member who voted with the majority vote on said matter.

Section 9. The abstention of a member from voting on an item at a meeting at which a quorum is present shall constitute consent on the part of the abstaining member(s) that the matter be determined by the vote of the other members present and not abstaining, subject to Section 6. In the event of one abstention, with or without cause, and a subsequent tie caused by a two-vote-in-favor/two-vote-against vote of the remaining council members, the involved action shall be deemed to have failed for lack of an affirmative vote of the majority of council members.

Section 10. The Mayor, or in the absence of the Mayor the Mayor pro tempore, shall call meetings to order and shall act as the presiding officer thereof. In the absence of both the Mayor and the Mayor pro tempore, a chairperson elected by the members present shall call meetings to order and shall act as the presiding officer thereof.

Section 11. Public Meetings

All regular, special and adjourned meetings of the Council shall be open to the public unless otherwise provided by law. Members of the public who desire to present oral comments to the Council shall observe the following:

- (A) Prior to speaking, the intended speaker shall identify his/herself and provide an address for the City's future reference.
- (B) The duration of the oral comments shall not exceed three (3) minutes without the prior consent of the Mayor of the Council.
- (C) The time for oral comments may not be donated or extended to a speaker from other members of the public in attendance.
- (D) Oral comments shall be addressed only to the members of the Council.
- (E) The Mayor shall have the discretion to reasonably limit the number of speakers and the duration of the oral comments on each agenda item.

Section 12. Minutes

A record of all proceedings of all public meetings of the Council shall be kept on file.

Section 13. Rules of Debate

(A) Presiding Officer May Debate and Vote. The Mayor or Mayor Pro Tempore or such other member of the Council as may be presiding may move, second and debate from the Chair, subject only to such limitations of debate as are by these rules imposed on all members

and shall not be deprived of any of these rights and privileges of a Councilmember by reason of his/her acting as the presiding officer.

(B) Getting the Floor - - Improper References. Every member desiring to speak shall address the Chair, and, upon recognition by the presiding officer, shall confine oneself to the question under debate, avoiding all personalities and indecorous language.

(C) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a member, while speaking, be called to order, he/she shall cease speaking until the question of order be determined, and, if in order, he/she shall be permitted to proceed.

ARTICLE III

OFFICERS

Section 1. The officers of the Council shall be the elected Mayor and Mayor Pro Tempore.

Section 2. Election of Mayor Pro Tempore

(A) After each general municipal election at which council members are elected, the Council shall, at the meeting at which council members are sworn in and seated for new terms, elect the Mayor Pro Tempore from among its members.

(B) The Mayor Pro Tempore shall be elected for a period of two (2) years and shall serve until a successor is elected or a vacancy occurs.

Section 3. Duties

(A) Mayor - Generally

(1) Preside over all meetings of the Council. The Mayor shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, call for the vote, and announce the decision of the Council. The Mayor may make or second any motion and present and discuss any matter as a member of the Council.

(2) Sign as Mayor and execute in the name of the City, warrants, contracts, conveyances, and other written instruments which have been authorized by the Council unless this authority is otherwise delegated to another individual or individuals.

(3) The Mayor shall be recognized as the official head of the City at all meetings and/or functions at which a City representative is necessary or has been requested, and for all ceremonial purposes. Notwithstanding the foregoing, any member of the Council may be designated by the Mayor or the Council to fulfill formal and/or ceremonial duties.

(B) Mayor Pro Tempore - Generally

(1) The Mayor Pro Tempore shall, in the event of death, absence or other inability of the Mayor, exercise all the powers and perform all the duties of the office of the Mayor until the Mayor is able to resume such duties, or in the case of a vacancy, until the vacancy is filled pursuant to Article I, Section 4.(c) of these Rules..

Section 4. Vacancies and Removal of Mayor Pro Tempore

(A) Vacancy in the office of Mayor Pro Tempore shall be filled by Council election as soon as is reasonably possible.

(B) The Mayor Pro Tempore may be removed by vote of four (4) Council members for failure to perform the duties of the office or for malfeasance in the office.

ARTICLE IV

COMMITTEES

Section 1. The Council has the authority to create necessary committees and subcommittees, and thereafter the Mayor has the authority to nominate and appoint the various members of Council committees, subcommittees and all other subcommittees, boards and commissions, either in accordance with statutory requirements, or where no such requirements exist, with the approval of the majority of the council members. All open positions and/or vacancies on committees, subcommittees, boards and commissions shall be advertised in a newspaper of local jurisdiction and by other means deemed appropriate by City Staff. All applicants shall be required to complete an application for a given position, stating position qualifications and providing a "statement of interest."

Section 2: The Office of the City Clerk maintains a current list of City Council Committee List which includes appointments to (1) Outside Agencies, Boards and Commissions, (2) Standing Committees, (3) Liaison appointments to outside local organizations, and (4) Ad-Hoc Committees. The list includes meeting dates and times. The Clerk coordinates all appointments to these positions.

Section 3: Committee descriptions:

- a) **Standing Committee. Standing committees generally serve on an advisory capacity to the City Council on a wide range of matters. Standing committees may be established to have decision-making responsibilities as determined by the City Council. Members serve for a minimum of two year terms and rotation is not required. Standing committees have regularly scheduled meeting dates/times or meet on an as needed basis.**
- b) **Liaison Committee. Members appointed to a Liaison Committee are generally non-voting members with the local organization and serve as liaison between the City Council and the local organization. Members serve in advisory capacity for a minimum of two year terms. Rotation is not required.**
- c) **Ad-Hoc Committee. Ad-Hoc Committees are established on an as needed basis for the purpose of addressing particular issues that will not require standing committees. When formed, the Ad-Hoc Committee's role and specific task will be specified by the Council and also the duration. Appointments to Ad-Hoc Committees are made for a specific duration, most of which will not exceed one year. Some Ad-Hoc committees may continue on an**

on-going basis due to the infrequency of meeting dates. Ad-Hoc Committees will be abolished and removed from the Committee List when their task has been completed. Ad-Hoc Committees may be reviewed on an annual basis for realignment with Council priorities as necessary.

Section 4: If a standing committee is formed of two of the five members of the council, a third Councilmember may attend the meetings but may not participate in any manner in the meeting.

A third member can not attend and ad hoc committee meeting.

ARTICLE V

GENERAL PROVISIONS

Section 1. Indemnification

Council members shall be indemnified by the City to the full extent permitted by law against all claims, liabilities and expenses incurred as a result of an action by the Council, except in the instance of willful misconduct in the performance of duties as a councilmember or officer.

Section 2. Execution of Contracts

By a vote of three (3) Council members, the Council, except as otherwise provided in these rules, policies and procedures, may authorize the City Manager or designee, to enter into any contract, to execute any contract, or execute any instrument in the name of and on behalf of the City.

Section 3. Fiscal Year

The fiscal year of the City shall commence on the first day of July of each year and shall end on the last day of June of each year.

Section 4. Audit

The affairs and financial condition of the City shall be audited annually by a Certified Public Accountant selected by the Council, and a written report of such audit and the appropriate financial statements shall be submitted to the Council for consideration and approval. Additional audits may be authorized as may be considered necessary or desirable by the Council.

Section 5. Revision

The Council Rules, Policies and Procedures should be reviewed at least every two (2) years and revised as necessary.

Section 6. Amendment

These Rules, Policies and Procedures may be amended at any noticed regular or special meeting of the Council by majority of three (3) Council members. All proposed changes must be introduced at a regular meeting, and then acted upon at a subsequent regular meeting at least five days after introduction.

Section 7. Adoption

Adoption of the Rules, Policies and Procedures shall be by a majority of three (3) Board members, at any properly noticed meeting of the Board.

Section 8. Office

The principal office of this organization is located at Soledad City Hall, 248 Main Street, Soledad, California, 93960.

ARTICLE VI

POLICIES AND PROTOCOL RELATED TO CONDUCT

Section 1. Ceremonial Events

Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will ordinarily serve as the designated City representative. If the Mayor is unavailable, the Mayor will recommend which Council Member should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Council Members and Commissioners at their homes are presumed to be for unofficial, personal consideration.

Section 2. Closed Session Confidentiality

Council Members and Commissioners may not disclose confidential information, as defined in Government Code Section 54963, that has been acquired by being present in a closed session authorized by Government Code Sections 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the City Council specifically authorizes disclosure of that confidential information. Any councilmember making an unauthorized release of such information shall be subject to the provisions and sanctions as provided in Government Code Section 54963.

Section 3. Avoid Conflicts

In keeping with their role as stewards of the public interest, councilmembers shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City.

Avoid even the appearance of conflict between public duties and personal interests and activities. If elected or appointed officials have personal or financial interests in matters coming before them, they shall disqualify themselves from making, participating in the making of, or seeking to influence any decision respecting such matter.

Because of the value of the independent advice of boards, commissions, and other advisory bodies to the public decision-making process, members of Council and all appointed officials shall refrain from using their positions to advocate for or to unduly influence the deliberations or outcomes of official proceedings of boards, commissions, and other advisory bodies.

Section 4. Confidential Information

Councilmembers shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without property legal authorization, nor use such information to advance their personal, financial or other private interest.

Section 5. Use of Public Resources

Councilmembers shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

ARTICLE VII

COUNCIL CONDUCT

Section 1. General

The Council is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and future of the community. In all cases, this common goal should be acknowledged even as councilmembers may “agree to disagree” on contentious issues.

Section 2. In Public Meetings

(A) Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, councilmembers to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

(B) Honor the role of the Chair in maintaining order. It is the responsibility of the Chair to keep the comments of councilmembers on track during their public meetings. Councilmembers should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair’s action, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

(C) Avoid personal comments that could offend other councilmembers. If a councilmember is personally offended by the remarks of another councilmember, the offended councilmember should make notes of the actual words used and call for a “point of personal privilege” that challenges the other councilmember to justify or apologize for the language used. The Chair will maintain control of this discussion.

(D) Demonstrate effective problem-solving approaches. Councilmembers have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

(E) Refrain from passing written notes during Council meetings. Councilmembers should refrain from passing written notes to one another, the City Manager or City Attorney during Council meetings. All councilmember communications during Council meetings should be made aloud.

(F) Avoid engaging in gossip. Councilmembers should avoid engaging in gossip among or about other councilmembers, staff members or members of the community.

Section 3. In Private Encounters

(A) Continue respectful behavior in private. The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

(B) Be aware of the insecurity of written notes, voicemail messages, and e-mail. Technology allows words written or said without much forethought to be distributed wide and far. All written notes, voicemail messages and e-mail should be treated as potentially “public” communication.

(C) Even private conversations can have a public presence. City officials are always on display – people around them they may not know will monitor their actions, mannerisms, and language.

ARTICLE VIII

COUNCIL CONDUCT WITH CITY STAFF

Section 1. General. Governance of a City relies upon the cooperative efforts of elected officials who set policy and City staff who implement and administer the Council’s policies, ordinances and other applicable laws and regulations. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

(A) Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(B) Positive Workplace Environment. Councilmembers shall support the maintenance of a positive and constructive workplace environment for City employees and for residents and businesses dealing with the City. Councilmembers shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

(C) Limit contact to specific City staff. Questions of City staff and/or requests for additional background information should be directed only to the City Manager, City Attorney,

or Department Heads. The Office of the City Manager should be copied on any request, except those to the City Attorney. Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, councilmembers should ask the City Manager for direction. Materials supplied to a councilmember in response to a request will be made available to all members of the Council so that all have equal access to information.

(D) Do not disrupt City staff work. Councilmembers should be respectful of staff's time and workload by always making an appointment for any discussion or meetings longer than a half hour (30) minutes. Councilmembers must remain mindful of the fact that staff must tend to the day to day business of the city. City staff should not be disturbed while in meeting, on the phone, or engrossed in performing their job functions, in order to meet a councilmember's individual needs.

(E) Never publicly criticize an individual employee. Councilmembers should never express concerns about the performance of a City employee in public or to the employee directly. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

(F) Do not get involved in administrative functions. Councilmembers must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

(G) Check with City staff on correspondence before taking action. Before sending correspondence, councilmembers should check with City staff to see if an official City response has already been sent or is in progress.

(H) Do not solicit political support from staff. Councilmembers should not solicit any type of political support (financial contributions, display of posters, political buttons or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace and never in their official capacity as a city employee.

ARTICLE IX

COUNCIL CONDUCT WITH THE PUBLIC

Section 1. In Public Meetings. Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual councilmembers toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

(A) In order to achieve these goals, councilmembers should:

- (1) Be welcoming to speakers and treat them with care and gentleness.
- (2) Be fair and equitable in allocating public hearing time to individual speakers.
- (3) Engage in active listening.

(4) Ask for clarification, but avoid debate and argument with the public.

(5) No personal attacks of any kind, under any circumstances. Follow parliamentary procedure in conducting public meetings. The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The Chair, subject to the appeal of the full Council, makes final rulings on parliamentary procedure.

Section 2. In Unofficial Settings.

(A) Make no promises on behalf of Council. Councilmembers will frequently be asked to explain an action they have taken or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or action, or to promise City staff will do something specific.

(B) Make no personal comments about other councilmembers. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other councilmembers, their opinions or actions.

(C) Remember that Soledad is a small city. The community is constantly observing councilmembers every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Soledad. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by councilmembers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

ARTICLE X

COUNCIL CONDUCT WITH OTHER PUBLIC AGENCIES

Section 1. Be clear about representing the City or personal interests. If a councilmember appears before another governmental agency or organization to give a statement on an issue, the councilmember must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; and 2) whether this is the majority or minority opinion of his or her respective Council.

If the councilmember is representing the City, the councilmember must support and advocate the official City position on an issue, not a personal viewpoint. If the councilmember is representing another organization whose position is different from the City, the councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

Section 2. Correspondence should be equally clear about representation. City letterhead may be used when the councilmember is representing the City and the City's official position. A copy of official correspondence should be circulated and retained as part of the permanent public record in the City Clerk's office.

City letterhead is not to be used for correspondence of councilmembers representing a personal point of view, or a dissenting point of view from an official Council position.

ARTICLE XI

COUNCIL CONDUCT WITH COMMISSIONS

Section 1. General. Citizens who serve on Commissions become more involved in government and serve as advisors to the City Council or as independent bodies. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

(A) If attending a Commission meeting, be careful to only express personal opinions. Councilmembers may attend any Commission meeting, which are always open to any member of the public; however, they should be sensitive that their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a councilmember at a Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council. Any councilmember may appeal a Commission decision to the City Council as provided by law. A councilmember who makes such appeal may not participate in the decision-making process as a member of the Council hearing the appeal.

(B) Limit contact with Commission members to questions of clarification. It is inappropriate for a councilmember to contact a Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for councilmembers to contact Commission members in order to clarify a position taken by the Commission.

(C) Remember that Commissions serve the community, not individual councilmembers. The Mayor appoints, with City Council approval, individuals to serve on Commissions and it is the responsibility of Commissions to follow policy established by the Council. Commission members do not report to individual councilmembers, nor should councilmembers feel they have the power or right to threaten Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Commission appointment should not be used as a political "reward."

(D) Be respectful of diverse opinions. A primary role of Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Commissions, but must be fair and respectful of all citizens serving on Commissions.

(E) Keep political support away from public forums. Commission members may offer political support to a councilmember, but not in a public forum while conducting official duties. Conversely, councilmembers may support commission members who are running for office, but not in an official forum in their capacity as a councilmember.

(F) Inappropriate behavior can lead to removal. Inappropriate behavior by a commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual is subject to removal from the Commission.

ARTICLE XII

COUNCIL CONDUCT WITH THE MEDIA

Section 1. General. Councilmembers are frequently contacted by the media for background and quotes.

(A) The best advice for dealing with the media is to never go “off the record.” Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

(B) The Mayor is the official spokesperson for the Council on City policy. The Mayor is the designated representative of the Council to present and speak on the official City position. If the media contacts an individual councilmember, the councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.

(C) Choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

ARTICLE XIII

SANCTIONS

Section 1. Public Disruption. Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers or Commission meeting room.

Section 2. Inappropriate Staff Behavior. Councilmembers should refer to the City Manager any City staff member that does not follow proper conduct in their dealings with Council Members, Commissioners or other City staff, or the public. If the City Manager find that these allegations are substantiated, these employees may be disciplined in accordance with standard City procedures for such actions.

If violation of this Code of Conduct is outside of the observed behaviors by the Mayor or councilmembers, the alleged violation should be referred to the Mayor. The Mayor should ask the City Manager and/or the City Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor’s responsibility to take the next appropriate action. These actions can include, but are not limited to: discussion and counseling with the individual, recommending sanction to the full Council to consider in a public meeting, and forming a Council ad hoc subcommittee to review the allegation, the investigation and findings, as well as to recommend sanction options for Council consideration. Videotaping of the complaint hearing should be used for a Council ad hoc subcommittee.

Section 3. Councilmembers' Behavior and Conduct. City councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose committee assignments (both within the City of Soledad or with inter-governmental agencies) or have official travel restricted. Serious infractions of this Code of Conduct could lead to other sanctions as deemed appropriate by Council.

Councilmembers should point out to the offending councilmember any infractions of the Code of Ethics or Code of Conduct. 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 Mayor Pro Tempore.

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

ARTICLE XIV

CHECKLIST FOR MONITORING CONDUCT

1. Will my decision / statement / action violate the trust, rights or good will of others?
2. What are my motives and the spirit behind my actions?
3. If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
4. How would my conduct be evaluated by people whose integrity and character I respect?
5. Even if my conduct is not illegal or unethical, is it done at someone else's expense? Will I destroy their trust in me? Will it harm their reputation?
6. Is my conduct fair? Just? Morally right?
7. If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
8. Does my conduct give others reason to trust or distrust me?
9. Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
10. Do I exhibit the same conduct in my private life as I do in my public life?
11. Can I take legitimate pride in the way I conduct myself and the example I set?
12. Do I listen and understand the views of others?
13. Do I question and confront different points of view in a constructive manner?

14. Do I work to resolve differences and come to mutual agreement?
15. Do I support others and show respect for their ideas?
16. Will my conduct cause public embarrassment to someone else?

GLOSSARY OF TERMS

Attitude	The manner in which one shows one's dispositions, opinions, and feelings
Behavior	External appearance or action; manner of behaving; carriage of oneself
Civility	Politeness, consideration, courtesy
Conduct	The way one acts; personal behavior
Courtesy	Politeness connected with kindness
Decorum	Suitable; proper; good taste in behavior
Manners	A way of acting; a style, method, or form; the way in which things are done
Point of order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
Point of personal privilege	A challenge to a speaker to defend or apologize for comments that a fellow councilmember considers offensive
Propriety	Conforming to acceptable standards of behavior
Protocol	The courtesies that are established as proper and correct
Respect	The act of noticing with attention; holding in esteem; courteous regard