

REPORT TO CITY COUNCIL

DATE: OCTOBER 13, 2010

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: KIMBERLY M. RODRIGUES, CITY CLERK

SUBJECT: REVIEW OF PROPOSED AMENDMENTS TO CITY COUNCIL NORMS

In accordance with the *Agoura Hills City Council Norms*, the City Council is charged with taking appropriate, necessary, and timely action to maintain the City of Agoura Hills as a leading, well-managed, and innovative city in the forefront of desirable California cities.

To accomplish the above-stated responsibilities, and as guidance for the orderly governance of the City, the Agoura Hills City Council adopted the *City Council Norms* of behavior and protocol. Except for those norms that are based on law, these norms are voluntary and non-binding. They are set forth to clarify what has become, over time, successful procedure or best practices for the conduct of civic affairs within our City.

At the request of the City Council, the Norms Committee, consisting of Councilmember Kuperberg and Mayor Pro Tem Schwarz, were asked to review the *City Council Norms* and recommend modifications, as necessary. The committee reviewed and analyzed the *City Council Norms* comprehensively, considering what may be lacking, as well as how to enhance what is already in place. Moreover, the Committee discussed proper ways to enforce the guidelines and ultimately agreed that these are professional protocols and not punitive. Any violations will be addressed in a professional manner between Councilmembers.

Councilmember Kuperberg and Mayor Pro Tem Schwarz met several times with the City Manager and City Clerk and are recommending the addition of the following proposed amendments (Attachment A) to the *City Council Norms*. All proposed amendments are highlighted in yellow.

The City Attorney has reviewed, and has no objection to, the language of the proposed amendments.

RECOMMENDATION

The City Council discuss the proposed amendments from the Committee and direct staff to amend the norms, as appropriate, and bring back the revised *City Council Norms* for formal Council approval on October 27, 2010.

CITY COUNCIL NORMS

BEHAVIOR AND PROTOCOL
ADOPTED BY THE
AGOORA HILLS CITY COUNCIL



Amended by City Council on:

October 2010

CITY OF AGOURA HILLS

City Council Norms

The Agoura Hills City Council is charged with taking appropriate, necessary, and timely action to maintain the City of Agoura Hills as a leading, well-managed, and innovative city in the forefront of desirable California cities.

It is the overall responsibility of the City Council a) to gather information and knowledge; b) to take counsel; c) to keep a long-range perspective; d) to hold itself to the highest standards of ethical and professional conduct in the performance of its duties without regard to personal advantage; e) to be free of favoritism; f) to listen carefully to the public; and g) to conduct a reasonable and reasoned period of discussion prior to making decisions.

To accomplish the above-stated responsibilities, and as guidance for the orderly governance of the city, the Agoura Hills City Council has adopted the following "norms" of behavior and protocol. Except for those norms that are based on law, these norms are voluntary and non-binding. They are set forth here to clarify what has become, over time, successful procedure or best practices for the conduct of civic affairs within our City.

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GENERAL

1. The Council participates in regional, state and national programs and meetings which serve the best interests of the City of Agoura Hills.
2. The Council provides policy direction to the City Manager. The City Manager, through city staff, implements Council policy. The Council does not interfere with the operating decisions of the city, which are the responsibility of the City Manager.
3. The City Manager keeps each Councilmember fully, and equally, informed as to all matters of importance to the city, including agenda items, financial conditions, needs of the city, citizen concerns, staffing needs, and urgency items.
4. The Council endeavors not to burden the City Manager or staff with demands for individual time or attention on matters that the City Manager can better handle with general communications to the Council as a whole.
5. The Council looks to the City Manager, staff, commissions and committees for advice on city policies and legislative actions.
6. The Council complies with all laws relating to open meetings, public records, and conflicts of interest.
7. The Council encourages citizen participation in the development of City policies.
8. The Council desires the public to be fully informed about decisions that impact them, and encourages public comment as policies are set.
9. The Council makes adequate provision for the training and continuing education of the Council, commissions, and city staff.
10. All Councilmembers may receive or review any documents shown or provided to any other Councilmember.
11. Councilmembers inform the City Manager as far in advance as possible of when they will be out of town or otherwise unavailable to conduct city business.

ELECTIONS

Campaigning can sometimes be the cause of a serious breakdown of communications and trust between Councilmembers. The heat of a campaign may cause resentments and bitter feelings after the election is over. It is not in the best interest of the public for these feelings to take expression on the dais or during the conduct of other routine city business by members of the council. To minimize the potential for such a breakdown, it is best for participants in a campaign, whether candidate or supporter, to abide by some ground rules of fairness.

1. It is never fair to misrepresent the facts of a candidate's record, or to make other assertions that are simply not true or accurate in fact.
2. If a Councilmember decides to actively support the opponent of a fellow Councilmember, it is a matter of courtesy to advise that Councilmember personally at an appropriate time before going public.
3. Campaign dirty tricks, such as disrupting an opponent's event, trashing signs, or removing flyers delivered door to door, must never be permitted or condoned.
4. These Ground Rules can be summed this way: Tell the truth yourself. Don't allow others to promulgate falsehoods on your behalf. Treat your opponent and his followers with respect. Do not allow your followers to violate the integrity of the process.
5. Councilmembers agree to abide by the *Provisions of the Code of Fair Campaign Practices*, whether they are a candidate or not. *The Provisions of the Code of Fair Campaign Practices*, as found in Chapter 5 of Division 20 of the California Elections Code, is incorporated by reference herein.

SELECTION OF THE MAYOR

Although the selection of Mayor is completely within the discretion of the majority of the City Council, every effort should be made to allow each member of Council to serve as Mayor in a fair manner. To that end, and to allow the voters of the City the knowledge that they can affect this process, the Council intends for the top vote getter in the most current election to be placed first in the positional queue, after the members already in rotation from the previous election, with the top vote getter positioned first, the next top vote getter positioned second, and so on. First-time elected Councilmembers and incumbents will take their place in the rotation based on the number of votes received in the election.

1. Insofar as possible, Councilmembers take turns as Mayor and Mayor Pro Tem.
2. The rotation has traditionally been based on the order of finish in the elections, with the top vote getter taking the first turn, the next in line taking the second, and so on. The rotation spans two alternate year elections so that the third finisher in a three-person race may be the fifth in line.
3. In accordance with this rotation, the Mayor and Mayor Pro Tem are nominated at the first Council meeting following each general election for City Council, and are selected by a vote of their peers on the Council. They serve for a one-year term. In the customary rotation, the Mayor Pro Tem is nominated to serve as Mayor at the end of the Mayor's one-year term.
4. The Mayor and Mayor Pro Tem are peers of and serve at the pleasure of the other Councilmembers.
5. The Mayor assumes the center chair on the dais and oversees the seating location of the other Councilmembers.
6. If the election is canceled, the order of the rotation of the appointed candidates will be determined by lottery. The appointees will perform a random drawing (i.e., draw numbers) at the first Regular City Council meeting, following the City Council Reorganization Meeting.

~~**Change to be effective in 2009:** At the regular City Council meeting of January 11, 2006, the motion by Councilmember Edelston to approve the following amendment(s) to the City Council Norms, to be effective in election year 2009, was seconded by Mayor Weber and approved on a roll call vote of 3-2, with Mayor Pro Tem Kuperberg and Councilmember Schwarz voting no.~~

- ~~1. Insofar as it is possible, each Councilmember should have a fair and equal opportunity to serve as Mayor and Mayor Pro Tem.~~
- ~~2. The outgoing Mayor will follow [1] those already in the rotation and [2] first-time elected Councilmember(s).~~

SELECTION OF THE MAYOR, continued...

~~3. The order of first-time elected Councilmember(s) should be based on the order of finish in the election, with the first-time elected Councilmember receiving the most votes taking the first term, the next in line taking the second, and so on.~~

~~4. Once a Councilmember's position in the rotation is established, it does not change based upon the future order of election results.~~

~~5. Existing #3~~

~~6. Existing #4~~

~~7. Existing #5~~

MAYOR'S ROLE

1. The Mayor represents the City, is the official spokesperson, and presides over all City Council meetings.
2. The Mayor, as well as each Councilmember, recognizes the unique role of representing the City, and takes great care to insure that this always takes precedence over representing oneself or one's own personal agenda.
3. It is the Mayor's prerogative to make Council committee assignments from choices provided by Councilmembers. The Mayor accommodates Council choices whenever possible.
4. The Mayor informs the Council via the Council "Reading File" by copying any correspondence sent under the Mayor's signature which relates to city business.
5. The City Manager, in consultation with the Mayor, sets the agenda for each Council meeting.
6. The Mayor **may place** an item on the agenda if requested by any Councilmember. However, if the Mayor feels that the item is inappropriate for Council consideration, or is an issue on which the Council has already declined to act, the Mayor discusses that matter with the requesting Councilmember and City Manager in an effort to resolve the issue. If the Mayor prefers not to place the item on the Agenda, **a Councilmember may bring the item forward at any public City Council Meeting, under *Approval of Agenda or Council Comments*, and request, with consensus by a majority of the Council, to place the item on the next agreed upon meeting agenda for Council consideration.**
7. At a public meeting, the Mayor has discretion to move agenda items and/or to take them out of order to accommodate the needs of the Council or the public.
8. In the absence of the Mayor, the Mayor Pro Tem performs the duties of Mayor.
9. The Mayor is obliged to act as a facilitator during public meetings. He insures that all views are heard and that the meeting progresses in an orderly and timely fashion. He provides an equal opportunity for each Councilmember to be heard.
10. The Mayor is expected to be an advocate for his views, just as other Councilmembers are, but he does not take advantage of his status on the dais to coerce or to advocate in excess of what is allowed to other Councilmembers. His role as a facilitator should not be compromised by his role as an advocate.

MAYOR'S ROLE, continued...

11. If a Councilmember, or sub-committee, brings an issue forward to the council, it is appropriate for the Mayor to give that member or committee members the opportunity to speak first on that particular issue.

CITY COUNCIL PREPARATION

1. Councilmembers avoid surprising their colleagues or staff. To the maximum extent possible, Councilmembers advise the City Manager in advance of issues or questions they intend to bring up at the public meeting. This refers to issues and questions that the staff would not normally anticipate or have researched for that particular meeting. Getting minor questions resolved with staff prior to a public meeting will shorten meetings and move the agenda forward in a timely manner.
2. Councilmembers are prepared for Council or committee meetings, which includes having read all agendas and supporting documentation prior to the meeting.
3. A “Reading File” is kept in the Council office to circulate informational material, including the minutes and reports of all city commissions, boards and committees. Councilmembers review that file on a regular and timely basis, and “check off” items they have read so that staff may cull old materials and keep the file current.
4. Councilmembers stay abreast of regional issues affecting neighboring cities, counties, or the operations of other districts or agencies.

PUBLIC MEETINGS

1. Public hearings and discussion items at Council meetings proceed generally in the following order:
 - a. City staff presents a report of the item under consideration.
 - b. Councilmembers have an opportunity to ask questions of staff for clarification or to gather additional information.
 - c. Councilmembers disclose any ex parte communications that they have had with applicants outside of the public hearing.
 - d. Public testimony is taken, either by formally opening a public hearing, or by receiving testimony from affected parties or members of the public who wish to be heard.
 - e. At the close of public testimony, the Mayor allows staff to respond to any public testimony which staff wishes to supplement or regards as inaccurate or in need of clarification.
 - f. The Mayor allows other Councilmembers to speak first, and then summarizes or provides the final comments before asking for a motion or direction to staff on the item.
 - g. The order of Council comments is at the discretion of the Mayor, but any Councilmember may request to go first. If the item under consideration was studied first by a committee of the Council, members of the committee would be expected to lead off the discussion.
2. Any Councilmember may request a continuance of an item on the agenda if that Councilmember needs more time to become fully informed and able to render a decision. However, a continuance need not be granted if a majority of the Council deems it necessary to render a decision at the agendaized time.
3. If a Councilmember is ill or away for any agenda item of special interest to that Councilmember, the item may be continued or tabled at that Councilmember's request, subject to any applicable statutory time periods, and only if such delay would not be adverse to the City's best interest. However, Councilmembers should not request a continuance without justifiable reason. Bear in mind that the public may attend expecting discussion or action on the issue, staff has prepared reports, and there may be staff or consultants present just for that item. Councilmembers should coordinate with the city manager about future agendas and their own schedule to avoid missing items that may be of particular interest to them.

PUBLIC MEETINGS, continued...

4. If any Councilmember becomes aware of an unexpected issue that may be brought up by a member of the public at a Council, commission or committee meeting, that Councilmember will, as a courtesy, inform the other Councilmembers and the City Manager.
5. Councilmembers are expected to attempt to persuade their colleagues to their point of view through reasoned debate, but also to accept the Council's ultimate decision graciously and as final. Councilmembers should not place the City Manager or staff in the position of having to deal with minority positions which do not further established Council policy.
6. A time limit (usually three minutes) for speakers before the City Council is enforced at the discretion of the Mayor.
7. The Mayor requests speakers to direct their comments to the Council and not to the audience or to the TV cameras.
8. When a large number of citizens come to a meeting to protest or voice concern over a particular issue, the Mayor has the discretion to recess the meeting temporarily to allow Councilmembers to meet with and discuss the issue one-on-one with the concerned citizens. If possible, the Mayor should anticipate such situation and attempt to have the Council meet with the citizens prior to start of the meeting.
9. The Mayor controls the meeting, and discourages personal attacks of any kind from speakers by encouraging them instead to productively address the issues at hand.
10. The Council listens carefully to the speakers, however heated, and does not interrupt or engage in debate with the speakers in a tit-for-tat exchange that does not elicit useful information. The three-minute period belongs to the speaker.
11. Subject to applicable legal deadlines, the Mayor or any Councilmember may move to refer back to staff any agenda item that is deemed to be incomplete or unready for final decision. The same rule applies to the Planning Commission.
12. A Councilmember may suggest a change in procedure if he or she feels it will be helpful for the conduct of a particular meeting, understanding that the Mayor runs the meeting.
13. While unanimity is not required or always possible, the Mayor attempts to find consensus on discussion items.
14. Councilmembers make the reasons for their votes clear to their colleagues and to the public. This is particularly important when the Council is divided on an issue.

PUBLIC MEETINGS, continued...

15. The Mayor, Councilmembers, and all commission and committee members treat everyone with courtesy and respect, avoiding both excessive familiarity and unnecessary formality.
16. Councilmembers make their remarks succinct, to the point, and as brief as possible so as not to tire the audience or to engage in lecturing that becomes tedious to repetitious.
17. Councilmembers avoid repeating remarks already made by others, and simply state agreement with those particular shared sentiments.
18. Direction to staff must be determined by a majority of the City Council and must be clearly identified at the formal City Council meeting. Tacit approval, or lack of disagreement by others, is not considered direction. The Mayor should ensure that the direction staff receives is clear and represents the majority view of the Council (i.e., roll call vote, informal vote, verbal consensus, further comments, or further questions or comments from staff for clarification).
19. Every Council action should be:
 - a. A reasoned decision that was arrived at in a fair way.
 - b. Not to the personal advantage of any Councilmember.
 - c. Free of favoritism;
 - d. Based on information and opinions from a variety of sources, and particularly, from those who would be most affected.
19. Councilmembers do not have private communications, among themselves or members of the public, via cell phones or other electronic communication devices, from the dais during public meetings (*regarding items on the City Council Agenda*).

CITY COUNCIL INTERACTION AND COMMUNICATION

1. Councilmembers treat each other with the respect and courtesy that is their due as citizens and public officials.
2. Each Councilmember has the responsibility to initiate action to resolve problems cooperatively and as soon as possible, either directly with other Councilmembers or with the City Manager.
3. The Council maintains a respectful decorum, and avoids personal attacks during public meetings, in the press, or at any other time.
4. Council meetings may be informal, but are not casual. Councilmembers should be sensitive to the negative impact that inappropriate conduct has on the public perception of the city. Councilmembers should be mindful of the fact that they are representatives of the city in all their public activities.
5. Councilmembers are flexible and cooperative in filling in for one another at meetings or important functions.
6. Councilmembers do not engage in private discussions in violation of the Brown Act. A Councilmember who feels that a conversation is potentially a violation should express his concern and immediately withdraw from the conversation. Councilmembers are expected to honor such concerns and immediately cease the conversation even if they do not agree that the Brown Act applies in that particular instance.
7. The privacy of non-public conversations between Councilmembers or between Councilmembers and staff should be respected. This is particularly true if the conversation involves matters of personal health, personalities, working relationships, job performance, or other sensitive issues. Divulging the content of personal communications publicly or to the media can have a chilling effect on the working relationships between Councilmembers.
8. If a Councilmember feels that information from a private conversation must be made public, he should first consult the person who confided that information, explain his reasoning, and to the extent possible, allow that person to make his own public disclosure.
9. Personal attacks are always off limits. Councilmembers start with the assumption that other members have the best interest of the city at heart, even if they disagree with their positions.

CITY COUNCIL INTERACTION AND COMMUNICATION, continued...

10. If a Councilmember is planning to write a letter to the editor, or take a position in the media, **or any public setting**, critical of a decision, or critical of fellow Councilmember or members positions on issues, he/she should advise those involved beforehand as a matter of courtesy. Such public comments should stick to the issues under contention and never involve personal attacks.
11.
 - a. Councilmembers shall be mindful when representing views or making comments and if they do not reflect the majority of the City Council, must claim the comments as their own personal view.
 - b. No correspondence shall be sent on City letterhead, unless approved by the City Council.
 - c. A copy of any correspondence, written on City letterhead, shall be placed in the Council read file.
 - d. No City letterhead shall be distributed to the City Council. If a Councilmember wishes to write something, they may submit their draft to the City Manager, and/or his Executive Assistant, to be transmitted to City letterhead. The City Council should always be mindful of staff's time, especially when requesting items not derived from the majority of the Council. The document will be distributed upon signature by the Councilmember and a copy shall be placed in the Council read file.
12. These "Norms" do not, by themselves, carry the weight of law. Councilmembers are expected to abide by them out of a desire to have a well run city that treats its citizens respectfully and with dignity. A governing body that strives to be fair, informed, honest, diligent, dignified, efficient and respectful of others will win the respect and trust of its citizens.
13. If any Councilmember feels that a Norm is being violated, it is appropriate for that member to discuss it individually with the errant Councilmember. If the city manager or staff are involved, it is appropriate to discuss it with the city manager. People may often see events differently, but if they are well intentioned, they should be able to work out the matter and become better "teammates" for having had such a discussion. If this does not resolve the situation, it is appropriate, as a last resort, to bring up the matter within the comment period of a public meeting and ask for the issue to be put on a coming agenda.
14. A principle purpose of the Norms is to establish or uphold procedures and behavior that win the trust of the public by promoting efficient, productive and civil interaction between Councilmembers. Any Councilmember who habitually ignores these Norms should expect to be called to task by his fellow Councilmembers and ultimately by the public.

CITY COUNCIL INTERACTION AND COMMUNICATION WITH STAFF

1. The Council and City Manager work together as a solution-oriented team.
2. Councilmembers feel free to communicate with the City Manager about any city issues, including citizen concerns. However, Councilmembers are also mindful of the City Manager's busy schedule and competing requests for access.
3. Complaints or concerns about any city departments or staff are first taken up with the City Manager. It is not appropriate, in any situation, to critique, ridicule, or complain about other staff to anyone other than the City Manager.
4. Councilmembers may routinely ask department heads for information relative to their department. However, inquiries that require extensive research, or reports that may occupy more than cursory staff time should first be discussed with the City Manager, and may require action or approval by the entire Council.
5. Department heads report to the City Manager. Councilmembers do not insert themselves into or interfere with that chain of command.
6. The Council should expect to be fully and promptly informed by the City Manager or his designee regarding any unusual activities or events of public concern.
7. Councilmembers keep a friendly, professional relationship with staff members, but avoid getting involved with personal matters, operational matters, work assignments or projects with any staff other than the City Manager.
8. It is staff's role to provide factual, objective, and unbiased information to the council and members of the public in its reports. Councilmembers do not interfere or attempt to unduly influence the content of reports being prepared by staff. If a Councilmember disagrees with a staff recommendation, he/she is not obligated to vote for it and is likewise free to attempt to convince his colleagues on the council of his/her position.
9. Councilmembers establish action and budget priorities for the city once a year during the annual budget review process. The council makes adjustments in the budget once a year during the mid-year budget review. Both reviews involve public hearings.
10. Changes from the priorities or budget allocations established during these hearings should be pursued only after very careful consideration because they may involve changes in staff work load and appropriations, and also because the original priorities were established with the benefit of a public hearing.

CITY COUNCIL INTERACTION AND COMMUNICATION WITH STAFF, continued...

11. Councilmembers should bring forward such requests for deviations from the established priorities only if they involve a degree of urgency that should not wait until the next budget review.

COMMITTEES OF THE COUNCIL

1. Committees of the Council serve the entire Council. Committees are not seen as territorial, but neither do Councilmembers interfere in the committee work of others.
2. The Council endeavors to define the jurisdiction and area of study of each committee so as to avoid conflicts or overlapping issues.
3. Committee members keep the rest of the Council generally informed of their work, which may include the filing of reports, memos or minutes.
4. The Council is available to advise committees by placing items on which a committee needs guidance on the next available Council agenda.
5. Each Council meeting agenda should include an opportunity for the making of committee reports. Whenever possible, any written reports are provided to the Council prior to the public meeting.
6. Committees may recommend a course of action to the Council, but they never supplant the decision-making authority of the entire Council unless authority to take specific action is expressly delegated to a committee by a vote of the Council at a public meeting.
7. Council committees do not have alternate members.
8. Committee meetings are scheduled and proper public notice provided through staff. Councilmembers who wish to call a committee meeting do so by asking the city manager to make the appropriate arrangements. Committees keep the City Manager in the loop. Staff from other agencies should not be involved in Committee meetings unless appropriate staff from our city is also involved.

COMMISSIONS AND BOARDS

1. The Mayor makes nominations to the Planning Commission based on the recommendation of one nominee from each Councilmember. The nominations are then subject to approval by the entire Council. The Planning Commission elects a Chair and Vice-Chair of the Commission from among themselves, which positions shall rotate.
2. The Council is responsible to make its vision for the City clear to all appointed and advisory bodies as policy guidance for those bodies.
3. The Council holds Commissions and boards to the highest standards of ethical and professional conduct in the performance of their appointed duties.
4. Like the City Council, Commissions and boards work for the benefit of the community and never for personal purposes.
5. The Council spells out the role, jurisdiction, authority and prerogatives of appointed bodies.
6. Commissions and boards are expected to make specific recommendations on matters brought before them, and not merely to pass them on to the City Council for final decision.
7. Councilmembers do not dictate the decisions of Planning Commissioners and other board members. Commissioners and board members come to their own conclusions based on the evidence, the city's General Plan, zoning ordinance, and other governing and visioning documents. Substantial weight, however, is given by Planning Commissioners to the recommendations of staff contained in the agenda reports.
8. Planning Commissioners are encouraged to discuss questions or concerns about any agenda items with the Director of Planning prior to Commission meetings in order to be prepared to take action at the public meeting.
9. If a Commission or board chooses to override or reject staff recommendations, it clearly states for the record the specific reasons so that the City Council may have the benefit of its reasoning in the event of an appeal.

CITIZEN COMPLAINTS

1. Upon receiving a complaint from the public, Councilmembers direct that complaint to the City Manager for appropriate staff action and follow up.
2. Councilmembers first insure that they are in possession of all of the facts and both sides of the story before making any statements to the press or to the complaining party as to fault or what action, if any, the City should take.
3. The Council allows staff to handle citizen complaints and does not to attempt a direct resolution of the problem. The Council gives staff time to do their job.
4. A Councilmember who receives a complaint shares that information with other Councilmembers, which may be through the City Manager.