



Special City Council Meeting Agenda

Saturday, January 24, 2026 at 8:00 AM

33 Church Street, Sutter Creek, CA 95685

The Agenda can be found on the City's Website: www.cityofsuttercreek.org

The City of Sutter Creek City Council Meeting will be available in person and LIVE on YouTube at <https://www.youtube.com/@CityofSutterCreek>.

You can also watch the meeting on Zoom (please note Zoom participation is only available for viewing).

Join Zoom Meeting.

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Meeting ID: 475 352 5385

Passcode: 672416

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672416# US (Washington DC)

Unless stated otherwise on the agenda, every item on the agenda is exempt from review under the California Environmental Quality Act ("CEQA") per CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code Section 21065.

1. Call to Order and Establish a Quorum for Regular Meeting
2. Pledge of Allegiance to the Flag
3. Public Forum

At this time, the public is permitted to address the City Council on items not appearing on the agenda. Comments may not exceed 5 minutes. In accordance with State Law, however, no action or discussion may take place on any item not appearing on the posted agenda. The City Council may respond to statements made or questions asked or may request Staff to report back at a future meeting on the matter. The exceptions under

which the City Council may discuss and/or take action on items not appearing on the agenda are contained in Government Code §54954.2. Public comment on any item listed below shall be limited to five minutes, unless additional time is permitted by the Mayor/Council.

4. Administrative Agenda

A. Council Annual Priorities

Recommendation: Review existing priorities and discuss changing/editing/adding for 2026

Late Report

B. Operations and Performance Management Discussion, Focus on Public Works

Recommendation: Review and discuss operational challenges and performance metrics as presented by staff.

Late Packet

C. Planning Commission and DRC Appointments and Terms

Recommendation: Receive Informational Item on Council Members' Planning Commission and Design Review Committee (DRC) appointments and terms

D. Review of Council Procedures and Protocols

Recommend motion to approve or motion for staff to make changes and bring it back for adoption at a later date.

5. Adjournment

The next regularly scheduled meeting is Tuesday, February 2, 2026 at 6:00 PM.

COUNCIL ANNUAL PRIORITY SETTING 2026

Welcome

AGENDA

- Council Priorities for 2026
- Operational Goals for Day-to-Day Activities, Focus on Public Works
- Planning Commission and DRC Appointments for 2026
- Review of Council Protocols and Procedures

ANNUAL PRIORITIES

pri·or·i·ty • [prī'ôrədē] *noun* - the fact or condition of being regarded or treated as more important

2024 & 2025 PRIORITIES

1. Developing a comprehensive plan to maintain and improve roadways and executing against it
2. Running the city with a sustainable budget which considers revenue generation and cost cutting through efficiencies and innovation.
3. Addressing Sutter Creeks wastewater treatment needs including collection , treatment and disposal.
4. Nurturing economic development including tourism and local employment.

Last year Council decided to maintain the 2024 priorities in 2025

2024 & 2025 Priorities	Progress Made
Plan to maintain and improve roadways	<ul style="list-style-type: none"> ● Passed Measure P ● Established Oversight Committee ● Paving at least one road a year ● CIP Published
Budget, revenue generation, cost cutting, innovation.	<ul style="list-style-type: none"> ● Additional revenue from Measure P ● Labor agreements for three years ● New ERP and improved financial management ● Long term financial forecast process put in place ● Nexus study complete (to Council Feb 2)
Wastewater	<ul style="list-style-type: none"> ● Major I/I repairs completed ● WWTP Design-Build Agreement completed and started ● Working in positive manner with Lone & CDCR ● REMAINING WORK: Completion of ARSA dissolution, completion of Pinewood/Martell line, Detailed funding plan
Economic development Tourism support, local employment	<ul style="list-style-type: none"> ● Working with Business Association, Visitor Center ● Robust event schedule ● Entrepreneurship grant ● REMAINING WORK: Continue to seek job creation opportunities, Columbia College satellite campus.

PROCESS OF CREATING PRIORITIES

- **Definition of a Council Priority:**

A Council priority is defined as 1 to 3 topics that will receive unusual and significant attention during the year.

- **Purpose of Establishing Council Priorities:**

The establishment of Council priorities will assist the Council and staff to better allot and utilize time for discussion and decision making.

- **Proposed Values:**

Council should also distinguish between values and goals.

- **City Priorities:**

Should not remain a priority for more than three years

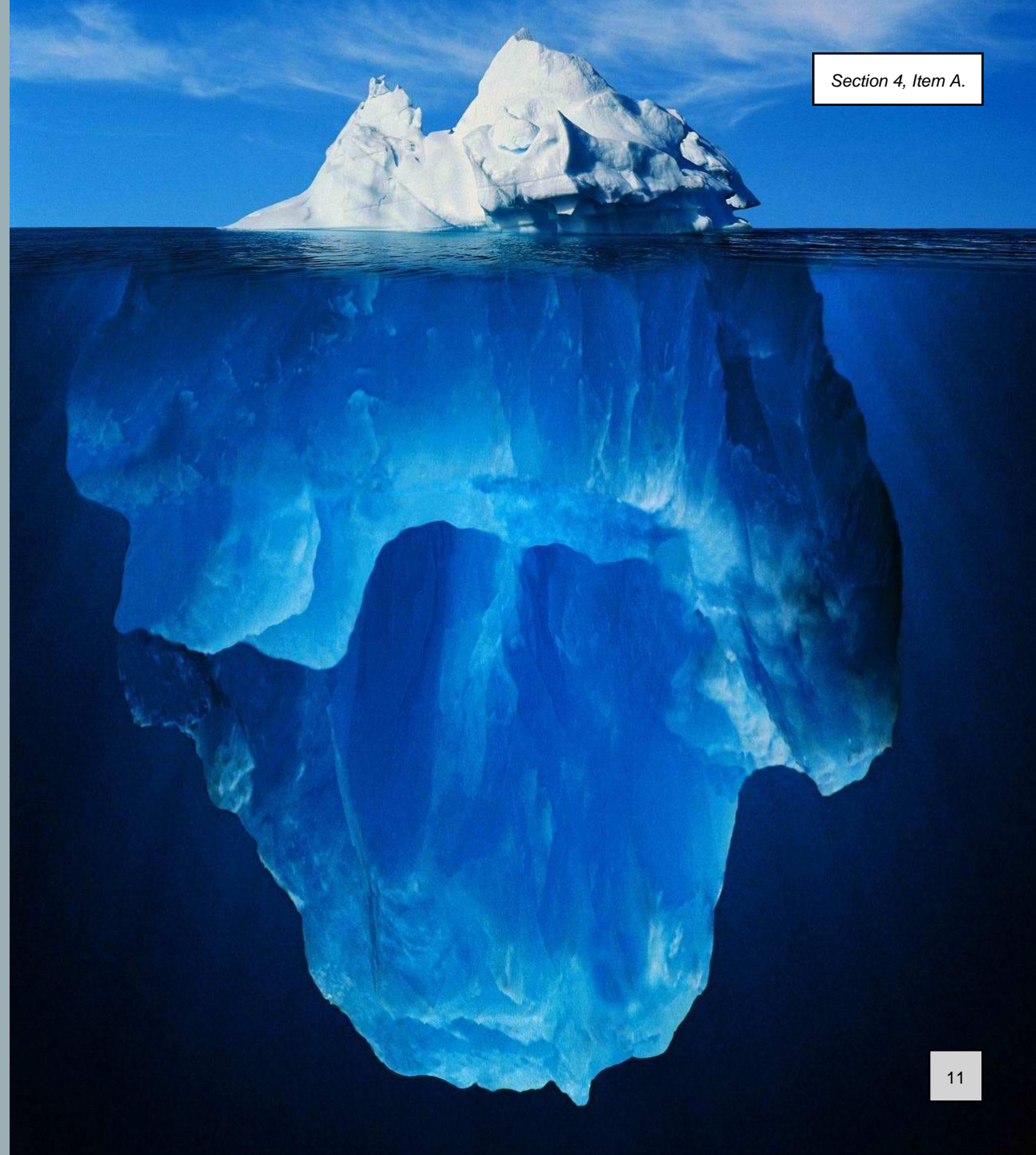
Once largely planned and budgeted a priority can be demoted to ongoing work.

NEW 2026 PRIORITIES

- Priorities #1 Roads and #2 Budget have made strong progress. Now largely focused on execution.
- Recommend Keeping Priorities #3 WWTP and #4 Economic Development.
- Additional Priorities from discussions throughout the year
 - Beautification
 - High performing City team
 - Housing and / or Commercial Development
 - Code Enforcement
 - Safety improvements
 - Other?
- **Five Minutes to Brainstorm list**

KEY DEPARTMENT OPERATIONAL GOALS 2026

REGULAR DAILY ACTIVITIES ARE
90% OF STAFF TIME
STRATEGIC PRIORITIES ARE
REMAINING 10%



OVERVIEW OF DEPARTMENTAL GOALS

- Purpose is to give Council a sense of what each department is focusing on
- I am working with each department head to refine goals based on overall city priorities and feedback
- Looking for Council input on high level goals, useful metrics
- Ideally metrics are generated as part of doing the work to make reporting efficient
- This is NOT a focus solely on dollars. Want to stay out of the weeds. Focus on performance and achieving top goals (we know money is an issue)
- Want to spend most time discussing PW, our largest department
(and we have had a lot discussion about the Police Department through the ad-hoc already)

LEGAL DEPARTMENT OBJECTIVES

Objective	Metric & Metric Target
1. Effectively and efficiently provide legal advice to City	<ul style="list-style-type: none"> • Create/review/edit legal agreements as needed • Avoid costly lawsuits • Advise Council and City Manager on legal options as issues arise • Fulfill role as City Attorney in staff reports and at Council meetings • Update Council on changes to legal environment on state and federal level. • Manage legal costs/hours to city budget
2. Help with Labor issues	<ul style="list-style-type: none"> • Feedback on labor disputes • Turnaround drafts on agreed schedule • Share best practices from other cities
3. Complete dissolution of ARSA and oversee wastewater improvements from legal perspective	<ul style="list-style-type: none"> • Complete new agreements with AWA and Amador City • Oversee final dissolution of the JPA • Advise on developer negotiations for wastewater contributions

ENGINEERING DEPARTMENT OBJECTIVES

Objective	Metric & Metric Target
1. Provide Service at a High Level of Quality and Responsiveness	<ul style="list-style-type: none"> • Parcel Map Review - Provide comments to City Staff within 10 business days. • Code Enforcement – Make contact with property owner within 5 business days. • Permits – Review plan checking of building permit and encroachment permits within 10 business days.
2. Manage Projects On Time and Budget	<ul style="list-style-type: none"> • Provide detailed project scopes to create quality and uniform bid results to limit project to 2 change orders. • Provide design cost estimates prior to project design & construction management estimates prior to construction. Ensure 95% of projects do not go over budget. • Ensure 100% of projects are completed on or before the scheduled completion date to eliminate construction cost overruns.
3. Enable the City to Obtain Grants/Funding	<ul style="list-style-type: none"> • Assist the City with seeking grant/funding opportunities by providing exhibits and cost estimates a minimum of 10 days before grant/funding application is due.

PLANNING DEPARTMENT OBJECTIVES

Objective	Metric & Metric Target
<p>1. Provide efficient, transparent, and consistent development review (HE Program 22/Program 23)</p>	<ul style="list-style-type: none"> • Process applications in a timely and predictable manner while maintaining clear standards and high-quality outcomes. • Update handouts, applications, and flow charts for developers and property owners to refer to • Proactively monitor and follow up on stalled projects, including quarterly check-ins with applicants to identify issues, provide guidance, and facilitate progress.
<p>2. Educate the community on Accessory Dwelling Units (HE Program 4/ Program 23)</p>	<ul style="list-style-type: none"> • Revised ADU Ordinance per HCD • Conduct ongoing community education on ADUs, including informational materials and public engagement
<p>3. Educate/Communicate Housing Law changes to the community, including City Council and Planning Commission</p>	<ul style="list-style-type: none"> • Provide biannual updates to the Planning Commission and City Council regarding housing policies and laws • Contribute biannually to the newsletter regarding the “HCD Happenings” • Add helpful links to the Planning website
<p>4. Promote High-Quality Design and Community Character</p>	<ul style="list-style-type: none"> • Protect historic, scenic, and culturally significant resources. <ul style="list-style-type: none"> - Update Tree Ordinance - Update STR Ordinance

FINANCE DEPARTMENT OBJECTIVES

Objective	Metric & Metric Target
1. WWTP Funding Push	<ul style="list-style-type: none"> Collaborate with Schneider, City Manager, Public Works Director, and all 3rd party groups to compile financing data and strategies that would best work for Sutter Creek to fund a new Wastewater Treatment Plant
2. Economic Development Strategizing	<ul style="list-style-type: none"> Work with Project Manager and City Manager to best leverage the California Jobs First grant to boost economic development efforts in Sutter Creek by encouraging entrepreneurship Assist City Manager with brainstorming ideas regarding economic stimuli to boost revenue generation in city limits
3. Normal Operations – High Quality Work	<ul style="list-style-type: none"> Push to digitize resident forms (building permits, planning applications, etc) Improve reporting capabilities in Tyler for Council and public Continue timely processing of payments, AP, AR, and quick turnaround of permits based on type (turnaround window depends on scope of project submitted)

POLICE DEPARTMENT OBJECTIVES

Objective	Metric & Metric Target
1. Achieve Sustainable and healthy staffing levels	<ul style="list-style-type: none"> ● Maintain full staffing ● Increase reserve officers by +1 ● Track health and wellness
2. Improve service levels to the community	<ul style="list-style-type: none"> ● Maintain or improve response time ● Report on mutual aid to / from COSC monthly ● Propose Improved Security Camera plan within Budget ● Conduct one table top emergency response exercise
3. Improve efficiency	<ul style="list-style-type: none"> ● Return non-emergency phone calls within 48 hours ● Complete 100% required training requirements and 1 optional course per officer ● Increase sergeant field time to 75%, if non-sworn clerk can be hired
4. Funding	<ul style="list-style-type: none"> ● Explore additional revenue opportunities, including expanding coverage area, and fundraisers

PUBLIC WORKS DEEP DIVE

2025 PUBLIC WORKS OBJECTIVES and RESULTS

Objective	Metric and Metric Target	Results
1 Respond to Citizen issues in a timely manner	Improve Response time to resident. Initial response should be less than one day, and solve of issue within one week (MMS to verify dates)	<ul style="list-style-type: none"> ● 84 issues ● 71 complete ● 90% within one week
2 Reduce and or eliminate SSO's.	Amount of Wastewater that has spilled. Tracked in CIWQS over time as to number of spills and quantity (severity of spill). Target to reduce quantity of WW spilled by 20% year over year. Target to arrive onsite within one hour	<ul style="list-style-type: none"> ● 17 spills ● 5 spills that were reported to CIWQS (over 100 gallons) ● Met goal in all instances
3 Improve/Maintain Streets/sidewalks	Improving roads by resurfacing and or removing storm water issues improves the longevity of our critical infrastructure. Potholes increase places for water to seep under existing pavement. Each day a pothole is open add more instability to the road. Potholes to be remediated within 5 days. Public survey on roads to determine if situation is getting worse?	<ul style="list-style-type: none"> ● 24 pothole days (Jeff drives and fills with one truck load approx 2 times per month)

2025 ADDITIONAL MAJOR ACCOMPLISHMENTS

Objective	Metric and Metric Target	Results
I/I Fixed	140 Eureka Street 200 feet, 46 Gopher Flat 150 feet, Miscellaneous sewer project (7 areas) totaling 230 feet of 4-inch, 1,144 feet of 6-inch, and 1,978 feet of 8-inch pipe replaced. Also installed 6 manholes and 2 cleanouts	<ul style="list-style-type: none"> ● 3,702 feet replaced ● 6 manholes ● 1 CO installed
Henderson	All open-cut sections completed, Cleaning (75% done), Pier Repair completed (major safety concern). Remaining work to complete underdrain Cost will remain unchanged (possible 10% overage) added Pier repair to project. CIPP or spray may be cheaper than original slip lining	<ul style="list-style-type: none"> ● 80% complete
Parks	Upgrade at Minnie Provis park entrance, Jan 2025 planted wildflowers at gateway	<ul style="list-style-type: none"> ● Park done by Duck Race
Facilities	Janitorial, cleaned restrooms every day in 2025, city offices cleaned every week (admin offices both sets, PD, Monteverde, Grammar School), mop auditorium, Rentals plus meetings require setup multiple times per week, HVAC, Roof, Paint	<ul style="list-style-type: none"> ● 100+ room setups ● 365 days of restroom cleaning
Administration	State filings, purchasing, bidding, capital project planning, engineering and regulatory coordination, managing budget	<ul style="list-style-type: none"> ● Purchases ● Bids ● Contracts

PUBLIC WORKS DAY-TO-DAY RESPONSIBILITIES

Focus Area	Main Operational and maintenance duties for each focus area
1) Collections Systems	<ul style="list-style-type: none"> ● SSMP cleaning ● Respond to spills (contain and cleanup) ● Implement Fats Oil Grease (FOG) program ● Mark Underground Service Alerts requests for sewer ● Daily Pump station check
2) WWTP	<ul style="list-style-type: none"> ● Twice Daily rounds (morning and evening) ● Waste sludge (average 3 times a week) ● Collect weekly samples ● Maintenance and repair of process equipment ● Submit monthly reports to water board
3) Disposal piping and reservoirs (ARSA)	<ul style="list-style-type: none"> ● Daily rounds take ½ day, drive entire pipeline ● Adjust flows into reservoirs ● Weed and rodent abatement ● Fix sprinklers (cows break constantly) ● Spray field irrigation (spring and summer) ● Submit weekly reservoir reports to water board

PUBLIC WORKS DAY-TO-DAY RESPONSIBILITIES

Focus Area	Main Operational and maintenance duties for each focus area
4) Roads/Sidewalks	<ul style="list-style-type: none"> ● Pothole elimination ● Paint stripping and curbs throughout town ● Clear brush from road
5) Storm Drains	<ul style="list-style-type: none"> ● Remove leaves from sidewalks ● Prepare for storms, clear clogged drains ● Maintain/Clear tributaries and creeks (supervise Cal Fire crews)
6) Facilities and Parks	<ul style="list-style-type: none"> ● Cleaning of facilities and restrooms ● Repair of facilities ● Maintenance of parks ● Setup and tear down of facilities for public meetings and rentals ● Maintain grammar school (grounds and interior) ● Weed abatement
7) Public Areas	<ul style="list-style-type: none"> ● Mainstreet, Roadsides, Creek, Events, Plaza, Pool, Cemetery, Landscaping

SIGNIFICANT PW SEASONAL TASKS

Month/Season	Main Operational and maintenance duties for each focus area
Late Winter/Early Spring	Spray for weed abatement
March/April) till late fall	Manual spray field Irrigation lower ARSA reservoirs
Spring / FALL?	Creek and Tributary Cleaning
Spring / Fall?	Paint can be applied to curbs and roads (temperature dependent)
Winter	Repair potholes - frequent after storms.
Winter (pre-storms)	Clean storm drains, leaves
November and January	Christmas decorations (week to prep/install, one day to remove), support road closures

Public Works Challenges

- Balancing workload
 - Capital projects (require project planning, execution, and closeout)
 - Day-to-day needs
- Handling Unforeseen Emergencies
- Communication - A lot of work is invisible to the community, underground or in remote areas
- Expectations
 - Private citizens requesting work on private property
 - Misunderstanding role (not in charge of water agency for example)
- Staff Skill Set
 - Each team member has strengths and weaknesses
 - Providing training for Wastewater Certification
 - Can improve on communication with public

Next slides attempt to illustrate the Challenge

TIME ALLOCATED TO DAILY TASKS

Category	Task	Hours per month	Seasons	Category	Task	Hours per month	Seasons
Facilities	Room Setup (with ARSA)	24	All	Streets	Pothole patching	20	All
Facilities	Mop (auditorium/bathrooms)	16	All	Streets	USA ticket Marking	32	All
Facilities	Janitorial (bathrooms)	46	All	Streets	Roadkill removal	8	All
Facilities	Admin offices cleaning	40	All	Streets	Cleaning/Trash pickup	24	All
Facilities	Grammar School cleaning	12	All	Stormwater	Grate cleaning/Leave pickup	120	F and W
Facilities	Monteverde store cleaning	6	All	Streams/Creek	Crew oversight	80	Replaces Grate cleaning (S and Su)
Facilities	Repairs	48	All				
Parks	Minnie Provis - cleanup / litter?	48	All	Wastewater	Daily operations	112	All
Parks	Bryson - cleanup / litter?	12	All	Wastewater	Compliance and Reporting	10	All
Parks	Gateway - cleanup / litter?	12	All		Monthly Reports		
Parks	Miners Bend - Cleanup	6	All	Collection System	Jetting of lines - priority ones, annual ones	10	All
Parks	Eureka Minehead - Cleanup	8	All	Collection System	SSO cleanup	15	All
ARSA	Inspection	112	All				
ARSA	Compliance and reporting	20	All				

Staffing Capacity vs Daily Task Load

Staff	Capacity per month	Demand Category	Demand House per month
WW Staff	2 FTE (320 hours per month)	WWTP	122
ARSA Staff	1 FTE (160 hours per month)	Collection System	25
PW Staff	2.5 FTE (396 hours per month)	ARSA	132
		Facilities	192
Total Staff hours	5.5 FTE (876 hours per month)	Parks	158
		Streets	84
		Stormwater	80
		Total Demand hours	793

90% of Capacity is Used by Daily Task Load

TIME ALLOCATED TO SEASONAL TASKS

Category	Task	Hours per month	Seasons
Parks	Minnie Provis - mowing	36	Summer
Parks	Bryson - mowing	24	Summer
Parks	Miners Bend - Mowing	12	Summer
Pool	Daily operations / Chlorine	56	Pool Season
Pool	Operations/ pumps	28	Pool Season
Extra hours	Summer Tasks	156	Summer
Monthly Demand		793	90% of FTE
Summer Demand		949	110% of FTE

Requires decreasing some daily responsibilities to cover workload when handling seasonal tasks / emergencies

EXAMPLE DRIVER OF OVERTIME

Category	Task	Hours per task	Period
One time Tasks			
Main Street	Christmas lights prep/install	60 each	Nov and Jan
Project Based Time			
Streets	Construction oversight	120/month	During project
ARSA	Sprayfield operation	280/month	Spring/Summer

With new work schedule (7 day coverage) extra projects outside of day to day that require 2 or more people will require overtime

2026 PUBLIC WORKS OBJECTIVES

Objective	Metric and Metric Target	Results
1 Respond to Citizen issues in a timely manner	Improve public perception of PW. Look into public SW app to report notices and see real time updates to tickets. Highlight public works more through city communication channels	Complete tickets within one week
2 Improve all WW services.	Decrease collection spills Improve plant operations Maintain ARSA Advance WWTP design	Reduce number and quantity of spills
3 City Improvements	Improve public spaces - buildings, parks, public areas.	Complete 2 community surveys - June, Nov

COUNCIL ANNUAL APPOINTMENTS

Planning Commission and Design Review Committee

- Municode is clear council each council member appoints a planning commissioner annually, with defined terms
- DRC terms are not defined. Appointment is by recommendation as openings occur
- All current DRC members agreed to serve another year.
- Is Council interested in staff bringing an item to define a process, term and qualifications for DRC?
- Balance of getting people to serve and keeping these bodies vibrant

COUNCIL PROTOCOLS AND PROCEDURES

COUNCIL PROCEDURES

- Procedures themselves suggest an annual review
- Staff has no suggested changes for this year
- Any Council suggestions ?



STAFF REPORT

TO: THE HONORABLE MAYOR AND CITY COUNCIL MEMBERS

MEETING DATE: JANUARY 24, 2026

FROM: PAM CARONONGAN, CITY CLERK

SUBJECT: PLANNING COMMISSION AND DESIGN REVIEW COMMITTEE APPOINTMENTS AND TERMS - MADDY ACT LIST

RECOMMENDATION

Approve the Planning Commission and Design Review Committee (DRC) appointments and terms (also known as the “Maddy Act List”) for the City of Sutter Creek.

BACKGROUND AND DISCUSSION

The Local Appointments List (also known as the Maddy Act List), is a public list that local government bodies must create by December 31st of each year. The List details the following:

- All boards, commissions, and committees within the City.
- Expiration of terms for all members listed.
- Required qualifications for each committee, board, or commission.

The Maddy Act List, as mandated by Government Code Section 54972, is designed to increase transparency and inform residents of opportunities for civic engagement in the form of serving on a City board, commission, or committee.

ENVIRONMENTAL CONSIDERATION

The action of developing the Maddy Act List is “not a project,” can be seen with certainty that there is no possibility that this activity has a significant effect on the environment, and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (also known as the CEQA General Rule).

BUDGET IMPACT

None.

ATTACHMENT

1. Maddy Act List as of December 31, 2025 / January 2026.



OFFICE OF THE CITY CLERK

Maddy Act - Local Appointments List - as of December 31, 2025

Pursuant to Government Code § 54970, 54972 & 54973, notice is given of the following appointments for the City of Sutter Creek Boards, Committees, or Commissions for which the City of Sutter Creek Mayor/City Council has appointing power. Any unscheduled vacancy will be noticed pursuant to state law.

DESIGN REVIEW COMMITTEE - (Meets Monthly on the first (1st) Monday at 5:00 P.M.)

The City Council established a design review committee (DRC) to make determinations and/or recommendations to the community development director and the planning commission with respect to a project's level of compliance with the design standards. The design review committee shall consist of five members appointed to three-year overlapping terms by the city council. All meetings of the committee shall be conducted in accordance with the open meeting laws of the State of California and such rules of procedure as the committee may establish for the conduct of its business.

APPOINTMENT	INCUMBENT	APPOINTMENT DATE	TERM EXPIRATION (if applicable)
Chair	Peters, Susan	January 1, 2024	December 31, 2026
Vice Chair	Otto, John	January 1, 2024	December 31, 2026
Committee Member	Baracco, Sandi	January 1, 2024	December 31, 2026
Committee Member	Brown, Sharyn	July 21, 2025	December 31, 2026
Committee Member	Lopez, Shirla	July 21, 2025	December 31, 2026

PLANNING COMMISSION - (Meets Monthly on the first (1st) Monday at 6:00 P.M.)

The City Planning Commission shall consist of five voting members, who shall be residents of the City. Each City Council member shall appoint one Commissioner, who shall serve at the pleasure of the Council Member and for the duration of that Council Member's term, unless earlier terminated by the appointing council member. Council Members shall make their appointment annually in the first regular City Council meeting of the calendar year. No city officer, employee, or official, including council members, shall be appointed as a commissioner.

APPOINTMENT	INCUMBENT	APPOINTMENT DATE	TERM EXPIRATION (if applicable)
Chair	Kirkley, Michael	January 1, 2026	December 31, 2026
Vice Chair	Baggett, Thomas	January 1, 2026	December 31, 2026
Commissioner			
Commissioner	Mulvey, Lucy	January 1, 2026	December 31, 2026
Commissioner	Trudgen, Robert	April 21, 2026	December 31, 2026



TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
MEETING DATE: JANUARY 24, 2026
FROM: CITY MANAGER
SUBJECT: COUNCIL PROCEDURES
TYPE: ACTION ITEM

RECOMMENDATION: Recommend the City Council discuss procedures and protocols and adopt the Council Procedures attached. Council should review these producers annually as part of the priority setting meeting.

Recommend Approval or Request for staff to make changes and bring it back for adoption

BACKGROUND:

This agenda item provides time for Council members to discuss council procedures for the 2024 year. This item provides a forum to discuss how the Council prefers to work as a team during 2024 ensuring productivity, collegiality, and efficiency. Ultimately, new items brought up during this discussion may be referred for further vetting and additional updates.

DISCUSSION:

BUDGET IMPACT

None

COUNCIL PROCEDURES MANUAL FOR THE CITY OF SUTTER CREEK

1.0 Introduction

The City of Sutter Creek staff and City Attorney have prepared a procedures manual to assist the City Council by documenting currently accepted and best practices. Through agreement of the City Council and staff to be bound by these practices, the effective administration of City Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectation and practices can be clearly articulated to guide Council Members in their actions. It is anticipated that this Procedures Manual will be reviewed regularly and may be revised from time to time.

2.0 Overview of City Documents

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

2.1 Municipal Code: The Municipal Code contains laws and regulations adopted by ordinances. The code establishes the offices of the City Council, Mayor Pro Tempore, and other City officers. The Municipal Code is available from the City Clerk.

2.2 California Government Code: The State Government Code contains many requirements for the operation of city government. Many of these requirements are also replicated within the municipal code to ensure there is broad awareness of such requirements. Sutter Creek is a “general law” city, which means it is organized in accordance with provisions of the State Government Code. Also described within the government code is the Council-City Manager form of government. Basically, this form of government prescribes that a city council’s role is to establish policies and priorities, while the role of the City Manager is to oversee the operations of the city government.

2.3 Annual Budget: The City’s annual budget provides a description of city services and the resources used to provide services. The document contains both a broad overview of the budget as well as descriptions of programs and services organized for convenience by department. The City operates on a July 1 through June 30 fiscal year.

2.4 General Plan: The General Plan is comprised of a number of elements, such as land use, transportation, open space and housing, in accordance with State requirements, and provides a policy framework for various land use and planning matters that fall within these areas.

2.5 Orientation of New Council Members

It is important that members of the Council have an understanding of the full range of services and programs provided by the organization. As new members join the City Council, the City Manager coordinates with staff to provide tours of City facilities and meetings with City employees. New Council Members are also encouraged to attend the League of California Cities New Council Member training seminar.

2.6 League of California Cities Guide

A publication that provides additional useful information is the *Mayors and Council Members Resource Guide* published by the League of California Cities. The Guide contains general information on the role and responsibilities of city Council Members and on the specific requirements and laws that govern Council actions. The Guide is available from the City Clerk.

3.0 Sutter Creek City Council: Powers and Responsibilities

3.1 City Council Generally

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

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tem have some additional ceremonial and administrative responsibilities, as described below, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the Council is upheld. Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Council Members who held a minority opinion on an issue.

The City Council has occasionally debated whether it should take positions of a broader nature or limit itself to purely municipal functions. Historically, Sutter Creek City Councils have chosen to not take positions on issues outside of their immediate authority to effect. The Propensity of the City Council to involve itself in such issues reflects the personalities and outlooks of the members who make up the two-year Council sessions.

Limitations are imposed on a Council member's ability to serve on appointed boards of the city. State law expresses that no member of the Council shall serve as a voting member of any city board, committee, or commission, whether composed of citizen volunteers, city employees, or a combination of both. This is not construed as prohibiting members of the

Council from serving on committees or subcommittees of the Council itself, or of agencies representing other levels of government. In fact, Council Members are strongly encouraged to report to the Council on matters discussed at subcommittees and other regional or state board/agency/group activities in which they have been involved.

1.5 Core Responsibilities

- A. Demonstrate honesty and integrity in every action and statement
- B. Comply with both the letter and spirit of the laws and policies affecting the operation operations of government.
- C. Serve as a model of leadership and civility to the community
- D. Inspire public confidence in Sutter Creek government
- E. Work for the common good, not personal interest
- F. Prepare in advance of Council meetings and be familiar with issues on the agenda
- G. Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- H. Participate in scheduled activities to increase Council effectiveness
- I. Review Council procedures, such as these Council Protocols, at least annually
- J. Represent the City at ceremonial functions at the request of the Mayor
- K. Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations
- L. Respect the proper roles of elected officials and City staff in ensuring open and effective government

3.2 Role of Mayor & Mayor Pro Tempore

3.2.1 Mayor: As reflected in the Municipal Code, the Mayor is to preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the Council or by vote of the people. The Mayor does not possess any power of veto. As presiding officer of the Council, the Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the city for all ceremonial purposes.

The Mayor, unless unavailable, shall sign all ordinances, and other documents that have been adopted by the City Council and require an official signature, except when the City Manager has been authorized by Council to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore's signature may be used.

Traditionally, the Mayor has also been assigned by the City Council to consult and

coordinate with the City Manager in the development of agendas for meetings of the City Council. The scope of such review focuses on the timing of business items and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the Council or the introduction of new items not otherwise part of the Council's identified priorities or staff's work plan. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full City Council. The staff maintains a "tentative" Council Calendar that programs when matters will likely be considered at future meetings.

3.2.2 Mayor Pro Tempore: The City Council has specified that the Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability. The Mayor Pro Tempore shall serve in this capacity at the pleasure of the City Council. The Mayor Pro Tempore title is often abbreviated to Mayor Pro Tem; and a more common and contemporary title of Vice Mayor may be substituted as well.

3.3 Appointment of City Manager, City Attorney

The City Council appoints two positions within the city organization: the City Manager and City Attorney. Both positions serve at the will of the City Council. The City Manager is an employee of the City and has an employment agreement that specifies certain terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City. For the past several years, the City Attorney has been a member of a law firm specializing in municipal law and has not been a City employee, but rather has provided legal services under contract.

3.4 Role in Disaster

The City Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the Council may be directed by the City Manager/Emergency Services Director to assemble wherever appropriate, to provide policy guidance and to receive information in an emergency. Should the City Council not be available during an emergency, state law specifies a hierarchy as to who may serve in place of the City Council.

3.5 Appointment of Advisory Bodies

The City has a number of standing advisory bodies. These procedures apply to all appointments to standing advisory bodies.

In addition, resident committees and task forces are occasionally appointed by the City Council to address issues of interest. A task force or other ad hoc body is a body created by Council for a specific task. Council subcommittees, when used, are to help the Council do its job. Committees ordinarily will assist the Council by preparing policy alternatives and implications for council deliberation. Council subcommittees will normally not have direct dealings with staff operations. Council subcommittees may not speak or act for the Council. Subcommittees will be used sparingly and ordinarily in an ad hoc capacity. This policy applies to any group that is formed by Council action, whether or not it is called a subcommittee. Unless otherwise stated, a subcommittee ceases to exist as soon as its task is complete. The Council may assign, and specify the role of, one or two Council Members to the task force (if more, it becomes a de facto Council meeting). Unless otherwise specified, Council Members have all the rights, and only the rights, of ordinary citizens with respect to task forces and other ad hoc bodies.

Note that both appointed advisory bodies and ad hoc committees are usually subject to the open meetings laws commonly known as the Brown Act.

3.6 Council Relationship with Advisory Bodies

The City Council has determined that Council Members should not lobby commissioners for particular votes. It is inappropriate for a Council Member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer, or to advocate a particular policy perspective. However, Council Members may attend meetings as residents and request that commissioners consider certain issues during their deliberations or in unusual instances as Council Members to reflect the views of the Council as a body. If attending a board or commission meeting, identify your comments as personal views or opinions. Council Members should take caution, however, in attending commission meetings to avoid concerns regarding prohibited “serial meetings” under the Brown Act and especially when a matter may subsequently be appealed from the commission to City Council.

Council Members choosing to attend commission or committee meetings also should be sensitive to the fact that they are not participating members of the body. Council Members have the rights, and only the rights, of ordinary citizens with respect to Commissions – including the right to write to and speak to the Commission during public comment periods. Council members should make a point to clearly state it is an individual opinion and not a representation of the

feelings of the entire City Council.

3.7 Role of Commission Liaison

Members of the Council are assigned to serve in a liaison capacity with one or more city commissions. The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, members may elect to attend commission meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission chair on a regular basis.

Members should be sensitive to the fact that they are not participating members of the commission, but are there rather to create a linkage between the City Council and commission. In interacting with commissions, Council Members are to reflect the views of the Council as a body. Being a commission liaison bestows no special right with respect to Commission business.

Typically, assignments to commission liaison positions are made at the beginning of a Council term in January. The Mayor will ask Council Members which liaison assignments they desire and will submit recommendations to the full Council regarding the various committees, boards, and commissions which City Council Members will represent as a liaison. In the rare instance where more than one Council Member wishes to be the appointed liaison to a particular commission, a vote of the Council will be taken to confirm appointments.

4.0 City Council Meetings

4.1 General Procedures

The City hereby adopts a modified version of Roberts Rules of Order.

4.1.1 Presiding Officer: The Mayor is the presiding officer and acts as chair at Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro Tempore serves as presiding officer.

4.1.2 Seating arrangement of the Council: The Mayor Pro Tempore is seated immediately next to the Mayor. The Mayor, with the approval of the individual Council Members, shall establish the seating arrangement for regular Council meetings.

4.1.3 Quorum: Three-fifths of the Council Members constitute a quorum for the transaction of business.

4.2 Meeting Schedule

Regular meetings are usually held in the Community Building, 33 Church Street, on the first and third Monday of each month at 7 p.m., with study and closed sessions generally being convened earlier, as needed, or at the end of the meeting at the conclusion of public business.

When the Monday on which a Council meeting would normally be held is a federal or state holiday, the Council meeting is held on the next Tuesday.

On occasion, the Council meeting may hold a meeting in an alternative location. Other meetings throughout the year may be cancelled as well. Council Members should inform the City Manager as soon as possible if they intend to be out of town on a set meeting date. On occasion, arrangements may be made in order for Council Members to remotely participate in Council meetings by telephone conference call when out of town.

4.3 Special Meetings

Special meetings may be called by the Mayor or by three members of the City Council. Written notice must be given to the City Council and to the media 24 hours prior to a special meeting. No business other than that officially notice may be discussed.

4.4 Public Comment:

At all regular and special meetings, public comments must be permitted before or during consideration of any item appearing on the agenda. Public comment is appropriate on any matter within the jurisdiction of the City Council.

4.5 Meeting Notices and Minutes:

Notice requirements of the Brown Act are complied with for all meetings; minutes of the meeting are taken by the City Clerk or designee and made available for public inspection.

4.6 Development of Agenda

A copy of the draft agenda is transmitted to the Mayor for review on the Tuesday one week prior to the meeting. Staff is required to submit reports for a Monday Council meeting to the City Clerk by noon on Wednesday of the week preceding the meeting. All agenda materials are available after 5:30pm on the Friday before the Monday Council meeting.

The ability to schedule new agenda items depends on the nature of the item itself, other agenda subjects that are already scheduled and the amount of time available.

4.7 Placing Items on Agenda

4.7.1 City Council: A Council Member may request an item be considered on a future agenda and, upon agreement of a majority of Council, staff will prepare a staff report if formal Council action is required. Council Members may make this request verbally during a meeting or may submit a written memo. Up to two council members may sign such a memo. Normally, the process involves two steps: initial consideration of the request by the full Council at the soonest possible regularly scheduled meeting; and, if a majority agrees, the matter is then scheduled for further consideration on an upcoming meeting agenda once staff has had the ability to analyze staff and fiscal impacts.

4.7.2 Members of the public: A member of the public may request that an item be placed on a future agenda in accordance with the policy the City Council has adopted for

considering such requests. Members of the public may request consideration of an agenda item by obtaining a copy of this policy and a request form from the City Clerk. The Mayor shall have discretion to approve or deny the request. If the Mayor denies the request, the member of the public making the request may appeal to the City Council to consider the request during the public comment portion of the next regular City Council meeting. If any member of the Council wishes to hear the request, it shall be considered at the next regular meeting. If no member of the Council indicates a willingness to hear the matter, the matter shall not be heard.

4.7.3 Emergency and Non-Agendized items: Emergency and non-agendized items may be added to an agenda only in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, after the agenda is posted an item arises that the Council would like to act on. Non-agendized items may be added to the agenda only if the Council makes findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a 4/5 vote; if less than five members of the Council are present, the findings require a unanimous vote of those present.

4.8 Notification and Advertising

The City attempts to well publicize matters of significant neighborhood or community public interest that appear on a City Council agenda, as well as all matters where advertising is required by law. Advertisements and notifications are intended to inform all interested individuals.

4.9 Order of Business

The City Council establishes the order of business for meetings through the adoption of this policy on meeting procedures. Closed sessions are generally held prior to the start of the regular City Council meeting at 7:00 p.m. Following determination of a quorum by the City Clerk, the Pledge of Allegiance, and any ceremonial matters, the consent calendar is considered. Thereafter, regular business matters are considered, following City Manager, Council Member, and Commission reports. Workshops, if held, are usually held at the end of a meeting, but from time to time may be held prior to the regular Council agenda, such as at 6:00 p.m.

4.9.1 Closed Sessions (*closed to the public*): The ability of the City Council to conduct sessions not open to the public is restricted by state law to ensure open proceedings. Certain defined circumstances exist wherein a city council may meet without the public in attendance. Such circumstances include:

Real Property: The purchase, sale, exchange or lease of real property with the City's negotiator; the real property and the person(s) with whom the City may negotiate, along with the matters under negotiation, must be announced in open session prior to the closed session (*Cal Govt Code §54956.8*).

Litigation: Pending or significant exposure to litigation or the decision to initiate litigation; for pending cases, the litigation title must be identified in open session prior to the closed session unless the Council states that to do so would jeopardize its ability to conclude existing settlement negotiations or effectuate service of process.

Compensation: Salaries and benefits of employees; Council meets in closed session to review its position and instruct designated representatives (*Cal Govt Code §54957.6*).

Personnel: A closed session is held to discuss the appointment, employment, evaluation of performance, or dismissal of public employee, or to hear a complaint against the employee unless the employee requests a public hearing (*Cal Govt Code §54957.6*).

It is critical to stress that there shall be no disclosure of closed session confidential information. Members of the Council, employees of the City, or anyone else present shall not disclose to any person, including affected/opposing parties, the press, or anyone else, the content or substance of any discussion which takes place in a closed session without Council direction and concurrence. Whenever possible, written reports received for closed session items will be turned in at the end of the meeting.

Typically, closed sessions will be scheduled prior to the public portions of the meeting or at the end of the meeting after public business has been concluded. This is done so public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain. On occasion, during the course of a regular meeting, an issue arises that requires the Council to adjourn to a closed session on the advice of the City Attorney.

4.9.2 Consent Calendar: Those items on the Council agenda that are considered to be of a routine and non-controversial nature by the City Manager are placed on the “Consent Calendar.” These items shall be approved, adopted, accepted, etc., by one motion of the Council. Typical consent calendar items include the final reading and adoption of ordinances, various resolutions approving agreements, awards of contracts, minor budgetary adjustments, meeting minutes, status reports, and reports of routine city operations.

Council Members may request that any item listed under “Consent Calendar” be removed from the Consent Calendar, and Council will then take action separately on this item. A member of the public may request that an item listed under “Consent Calendar” be removed and Council action taken separately on the item. Items that are removed (“pulled”) by members of the Council for discussion will typically be heard after other Consent Calendar items are approved unless the majority of Council chooses an earlier or later time.

Council Members are encouraged to contact the City Manager’s office prior to noon on the day of a Council meeting day to provide notification of items to be removed from the Consent Calendar. This practice allows the City Manager to notify staff that may need to be

present to respond to removed items. Equally important, it also allows the City Manager to inform staff who do not need to be present at the meeting. Unless contacted in advance of the meeting with sufficient time, the presumption is that staff will not be present.

4.9.3 Public Comment: Following the Consent Calendar, the public is provided time to comment on matters within the City’s jurisdiction not appearing on the agenda. Comments on agenda items should not be heard until the appropriate item is called. Individuals desiring to speak are to address the Council from the speaker podium after giving their name and place of residence. Speaker cards may be required and should be filled out, including the speaker’s actual jurisdiction of residence, and given to the City Clerk prior to Public Comment.

Comments should focus on a specific matter within the Council’s jurisdiction. Members of the public are encouraged to present written comments, preferable in advance of the meeting, as a way to fully communicate their thoughts on agenda or non-agenda items. When written materials are presented, they should be submitted to the City Clerk for distribution and record keeping ahead of time. Comments are typically limited to 5 minutes per speaker so that all have an opportunity to address the Council.

Videos, PowerPoint or similar presentations may be permitted, but only upon approval of the Mayor. Such presentations must be made within the 5-minute time limit permitted for public comment. The Mayor reserves the privilege to further limit such requests as necessary for the effective conduct of the meeting. If permitted to use videos, Powerpoints, or similar presentations, speakers are still to address their comments to the City Council from the podium. The speaker is also responsible for setting up the electronic presentation in advance of the meeting; set-up time shall not be provided once the meeting has begun.

Public comment on regular business items normally follows staff’s presentation of the staff report, clarifying questions from Council Members and Applicant comments as necessary and appropriate. Typically, applicants or appellants are limited to a maximum of 10 minutes. Members of the public generally are limited to 5 minutes.

Members of the public shall generally be permitted to speak only once during public comment or as to a regular business item. The Mayor shall have discretion to permit members of the public one additional opportunity to speak on a regular business item, provided all others wishing to speak have first been provided an opportunity to address the City Council. Members of the public shall address their comments only to the Council. Dialogue with individual Council Members, the City Manager, the City Attorney, or Staff shall generally not be permitted. Should members of the public have questions of the Council or staff, they should state their questions during their allotted speaking time. Generally, all questions asked during public comments should be addressed at the same time, following the closure of public comment. The Mayor, however, shall have discretion to allow questions to be answered during public comment if, in his or her opinion, answering the question at that time would be in the best interests of the Council and public attending the meeting.

4.9.4 Public Hearing: Sometimes the City Council is required by law to hold public hearings. Examples of such hearings include enactment of ordinances, consideration of certain land use applications, adoption of the annual City budget, and adoption of municipal fees

and charges. For such hearings, once the Council has voted to close the hearing, no member of the public shall be permitted to address the Council or the staff from the audience, except at the discretion of the presiding officer (Mayor).

4.9.5 Regular Business Items: Regular items are shown on the agenda and are normally taken in the order listed.

4.9.6 Written Communications: The City Council has established a practice of placing written communication between Members requesting items to be agendaized and select letters sent by agencies to Council Members on the meeting agenda so that this correspondence receives wide distribution. If letters or emails from the public are received on the day of or just before a meeting, copies will be placed at the Council Members' positions on the dais.

4.9.7 City Manager and Council Member Reports: The City Manager and Council member reports provide the Council an opportunity to introduce matters not currently before the Council, including brief announcements, to pose questions of staff and make requests for items to be placed on the agenda at a future meeting. Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from the public, requests to agendaize future items, or announcements of interest to the public.

State law provides that Council can take action only on such matters that have been noticed at least three days (72 hours) in advance of the regular meeting, or 24 hours in the case of a special meeting, unless special circumstances are found to exist (as mentioned above). Formal action or approval on non-agendaized items is not allowed, and such items should be placed on the agenda of the next available regular meeting.

4.9.8 Commission Reports: Commission reports provide an opportunity for designated members of appointed boards to address the Council on matters of importance or to update the Council and community on studies that are underway.

4.9.9 Study Session: From time to time, the Council will hold study sessions. These meetings are normally scheduled either at the end of a Council meeting or at a special time before the regular Council meeting. On occasion, dedicated study sessions may be held instead of a regular meeting on the first Monday of the month. The purpose of study sessions is to give the Council a less formal and more interactive forum to discuss issues in advance of any official action to be taken. Staff often presents policy alternatives and is more directly engaged in the dialogue. Official minutes are not generally kept, but meetings are open to the public when held in the Council Chambers and at the direction of the Council. While general direction may be given to staff or the proponent behind the topic of discussion, no formal action by the Council is taken in a study session.

4.10 Discussion Rules

To assist the City Council in the orderly discussion of items, rules are followed which represent accepted practices for the management of Council meetings.

4.10.1 Obtaining the floor: A member of the City Council or staff shall first address the Mayor and gain recognition. Comments and questions should be directed through the chair and limited to the issue before the Council. Cross-exchange between Council Members and public should be avoided.

4.10.2 Questions to staff: A Council Member shall, after recognition by the Mayor, address questions to the City Manager, City Attorney, department head or designated staff member. If a Council Member has questions on an agenda item, that member should preferably contact staff prior to the meeting in order to allow staff time to research a response for the meeting.

4.10.3 Interruptions: Once recognized, a Council Member is considered to have the floor, and another Council Member may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the Council Member holding the floor shall cease speaking until the point of order or privilege is resolved.

Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.

4.10.4 Discussion: A Council Member should not speak more than once on a particular subject until every other Council Member has had the opportunity to speak. Council Members are encouraged to discuss items during the decision-making process and may ask staff to respond when appropriate. The Mayor normally allows other members to speak first, then will give his/her views and summarize.

4.10.5 Tabling procedure: Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to time and date certain. A motion to “continue” an agenda item has the same effect, but is generally used when a scheduling problem arises or when insufficient time is available to address the matter thoroughly.

4.10.6 Right of protest: A Council Member is not requires to state reasons for a dissenting vote.

4.10.7 Calling for the question: The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A Council Member may move to “call for the question” on an item which is being considered. The motion requires a second, is not debatable, and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable and the City Council must vote on it.

4.10.8 Conducting business at a late hour. All regular meetings of the Council are to end by midnight unless there is a three-fourths vote taken by 11:00 pm to extend the meeting. The motion to extend is to include the title of the items to be considered after 11:00 and a new ending time for the meeting.

4.11 Voting Procedures

When present, all Council Members are to vote. Failure of a seated member to orally express a vote constitutes an affirmative vote.

No ordinance, resolution or motion shall be passed or become effective without an affirmative vote by the majority with a quorum present.

A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected Council Member shall disclose the existence and nature of the conflict and then step down from the dais and leave the Chambers.

Council Members may declare general consensus at the direction of the presiding officer, if there are no negative votes or objections.

Upon request of any Council Member, a roll call vote will be taken and recorded.

A tie vote is equivalent to a motion that has failed. The presiding officer may publicly explain the effect of the tie vote for the audience or may direct a member of the staff to do so.

Reconsideration of an item shall be allowed in accordance with the following Council guidelines. A Member of the prevailing majority when the previous vote was taken must make a motion for reconsideration, which must be seconded and carried. The City Council has determined that any motion for reconsideration should be made at the meeting immediately following that at which the action was taken. No motion for reconsideration will be entertained after this time unless the City Council determines significant new information has arisen which warrants such action.

4.12 Other Guidelines

Other guidelines have been developed to ensure that meetings of the Council are conducted in a civil and professional manner. Council Members and staff shall:

- Work to preserve appropriate civility, order and decorum during all meetings.
- Discourage side conversations, disruptions, interruptions or delaying efforts.
- Inform the Mayor before departing from a meeting.
- Limit disruptive behavior. The Mayor will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the Mayor may call a recess, request the removal of such person(s) from the Council Chambers, adjourn the meeting, or take such other appropriate action. The Council has a policy to discourage applause, booing or other similar behaviors from the public during meetings.

- Demonstrate Effective Problem-Solving Approaches. Council Members 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. Council Members are role models for residents, business people and other stakeholders involved in public debate.
- Recognize that only the City Council, staff, advisory body chairs or designated representative, and those authorized by the presiding officer shall be permitted to sit at the Council or staff tables.
- Limit breaks of the City Council to 5-10 minutes. The Council has authorized the Mayor to resume the meeting if a quorum exists and other members have not returned from the break within the announced time period.
- Impose time limits on speakers. While the City Council encourages and embraces the need for and right of public participation, it acknowledges that public comments must, at times, be limited. Typically, speakers are limited to five minutes but a shorter time limit may be established as deemed necessary. If needed, each speaker will be thanked for his or her participation.

4.13 Values of Respect: The City Council has also recognized the importance of approaching the public's business in an environment of personal respect and courtesy, which places emphasis on the consideration of policy and avoids personalization of comments. Some guidelines utilized by the City Council include:

- Discussion should focus on policy matters
- Personal criticism of members is inappropriate
- Proper decorum should be displayed as other members express their views
- Treat members of the public equally, applying rules in a fair and consistent manner

4.14 Enforcement of Order: The City Attorney serves as the Sergeant-At-Arms. Any Council Member may request the Mayor to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

5.0 Open Meeting Laws ("The Brown Act")

Operations and procedures of the City and City Council incorporate requirements of the state's open meeting law (commonly referred to as the Brown Act). Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below.

5.1 Overview: The entire city organization conducts its business in compliance with the Ralph M. Brown Act, State Government Code Section 54950. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings.

5.2 Applicability: The Act applies to Council and all commissions, boards, Council appointed subcommittees, and other bodies described in Government Code section 54952. Staff cannot promote actions that would violate the Act.

5.3 Meetings: All meetings shall be open and public. A City Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless city business is discussed.

Serial meetings take place when any member of Council or city staff contact more than two Council Members for the purpose of deliberating or acting upon an item pending before the City Council. This restriction does not apply to the public or media who may contact Council Members. Correspondence that merely takes a position on an issue is acceptable. Note that the Brown Act applies to City Council Members immediately after their election and prior to their swearing in ceremony.

5.4 Agendas: Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.

5.5 Actions: No action can be taken on any item not appearing on the posted agenda.

5.5.1 Exceptions: 1) An emergency situation exists (determined by a majority of the Council). 2) The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by 2/3 vote of the Council; or if less than 2/3 are present, by unanimous vote). 3) The item was continued to another meeting that was scheduled and posted within 5 days of the original agenda.

5.6 Public Input: The public, by law, has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council, at the time the matter is heard. The Mayor has the right to establish a time limit on speakers and the total time allocated for a particular issue. Five minutes per speaker has been standard, but in unusual cases either shorter or longer time periods may be established by the Mayor or the Council.

5.7 Public Disruptions: A portion or all of the public may be removed if willful disruption makes conducting the meeting “unfeasible”; the press may remain unless they participate in the disruption.

5.8 Correspondence: All writings distributed for discussion or consideration at a public meeting are public records.

5.9 Special Meetings: Special meetings may be called by the Mayor or a majority of the Council with strict notification requirements for delivery to the media and Council 24 hours before the time of the meeting.

5.10 Emergency Meetings: Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.

5.11 Other Provisions: The Act provides many other restrictions and requirements; this description is intended merely as a Council summary and overview of the Act, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the City Attorney and/or the City Clerk for more information.

6.0 Council Communications

6.1 Overview

Perhaps the most fundamental role of a Council Member is communication – communication with the public to assess community opinions and needs – communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking as a Council Member. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

6.2 Correspondence from Council Members

Members of the City Council may occasionally be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City’s position on policy matters to outside agencies on behalf of the City Council. Correspondence sent on behalf of the Council is placed on official City letterhead and is signed by the Mayor or City Manager. Individual members of Council may prepare letters to constituents in response to inquiries or to provide requested information. Staff can assist in the preparation of such correspondence. Council Members are required to place on file and to provide copies upon request of any correspondence sent.

On occasion, members may wish to transmit correspondence on an issue upon which the Council has yet to take a position or about an issue for which the Council has no position. In these circumstances, members should use their personalized letterhead and clearly indicate within letters that they are not speaking for the City Council as a whole, but for themselves as one member of Council.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While members who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official Council title, and staff support should not be utilized in order to avoid confusion. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

Council Members may be asked to prepare letters of recommendation for students and others seeking appointment. It is appropriate for individual Council Members to utilize City letterhead and their Council titles for such letters. No review by the full Council is required; however, copies will be kept on file.

6.3 Speaking for “the City”

Similar to written correspondence, when members are requested to speak to groups or are asked the Council’s position on an issue, the response should reflect the position of the Council as a whole. Of course, a member may clarify their vote on a matter by stating, for example, “While I voted against ‘X,’ the City Council voted in support of it.” When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the City Council’s position rather than that of an individual member.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the City Council. When the City Manager is contacted, they too will refer the media first to the Mayor for comment. Similarly, when the City issues a Press Release, the Mayor is consulted in terms of any Council Member quotes or references. The City Manager decides whether staff is available to respond to media requests directly or not.

6.4 Local Legislation, Propositions

The City has been a member of the League of California Cities for many years. Either through the advisories received from these two organizations or as a result of City staff following key legislative bills of importance to the City, the Council is at times requested to take a position or an action on pending state legislation. Unless the Council has previously acted on a similar bill in the recent past, in which the City’s position is clear, the Council has a practice of requiring analysis and discussion of bills prior to taking an official position. The analysis includes a summary of the legislation’s purpose and a listing of those entities both in support of and against the proposed legislation. The City may enter into alliances with other entities to promote common goals.

6.5 Proclamations

Ceremonial proclamations are often requested of the City in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the city can make special recognition of an event (e.g., Recycling Week) or individual. As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations. Individual Council Members do not issue proclamations. Proclamations can be sent to the requestor or presented at a City Council meeting as arranged with the requesting body and at the Mayor’s discretion.

7.0 Interaction with City Staff

7.1 Overview

City Council policy is implemented on a daily basis through staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so that policies and programs may be implemented successfully. The City of Sutter Creek has a long tradition of positive relationships between members of the City Council and staff. To maintain these effective relationships it is important that roles are clearly recognized.

7.2 Council-Manager Form of Government

Like most California cities, Sutter Creek has adopted a City Council-City Manager form of government. The Council appoints a City Manager to implement policy, enforce its laws, to direct the daily operations of city government, and to prepare and monitor the municipal budget. The Municipal Code specifies roles and responsibilities and requires that Council Members work through the City Manager in dealing with City staff unless simply requesting information from department heads or other staff members. The City Manager is responsible to the City Council as a body rather than to individual Council Members.

7.3 Council-Manager Relationship

The employment relationship between the City Council and City Manager reflects the fact that the City Manager is the chief executive officer of the City. The City Manager has an employment agreement with the City Council. Regular communication between the City Council and City Manager is important in maintaining effective interpersonal relations. All dealings with the City Manager, whether in public or private, should be consistent with the authority of the City Manager in administrative and personnel matters. Council Members should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more members of the City Council. Further, Council Members should avoid involving themselves in matters regarding individual City employees or related affairs.

The City Council evaluates the City Manager's performance on a regular basis to ensure that both the City Council and City Manager are in agreement about organizational performance and priority goals that are based on mutual trust and common objectives.

As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects that the final responsibility for establishing the policy direction of the City is held by the City Council. The City Manager communicates with City Council in various ways. In addition to the formal Council meetings, there are periodic briefing meetings with individual Council Members and written memoranda and email. Communication must be undertaken in such a way that all Council Members are treated similarly and kept equally informed. It is also important that the Council provide ongoing feedback, information and perceptions to the City Manager including responses to written communications and surveys requesting feedback.

7.4 City Manager Code of Ethics

The City Manager is subject to a professional code of ethics that binds the City Manager to certain practices that are designed to ensure his or her actions are in support of the City's best interests. Violations of such standards can result in censure.

7.5 City Council-City Attorney Relationship

The City Attorney is the legal advisor for the Council, City Manager and departments. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual members of Council, but the City Council as a whole.

7.6 Roles and Information Flow

7.6.1 Objectives: It is the intent of staff to ensure Council Members have free and easy access to information from the City and to ensure that such information is communicated completely, with candor and without bias. Individual Council Members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Council Members, and to allow staff to execute the priorities given by management and the Council as a whole without fear of reprisal.

7.6.2 Council roles: The full City Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, work loads and schedules, departmental priorities, and the performance of City business. If a Council Member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

Should a Council Member become dissatisfied about a department, he/she should always talk it over with the City Manager, not the department head. Concerns about a department head must be taken to the City Manager only. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with your Council colleagues, practice civility and decorum in all interactions with City staff. Never publicly criticize an individual employee. Criticism is differentiated from questioning facts or the opinion of Staff. All critical comments about staff performance should only be made to the City Manager through private correspondence or conversation.

7.6.3 Access to Information: Individual Council Members as well as the Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The City Manager or appropriate staff will inform council when a critical or unusual event occurs about which the public would be concerned.

To assist the City Manager in his or her ability to monitor the flow of information, requests for information are best tracked if submitted in writing, either in memorandum form or through email. And to ensure proper responsiveness, Council Members are to "cc" both the department

head and the City Manager on all correspondence with staff.

There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for

release until complete and after review by city management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to members of the City Council. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to members of the Council.

City Council Members have a responsibility in this information flow as well. It is critical that they make use of staff reports and commission minutes. Council Members should come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from staff. If a Council Member has questions on an agenda item, that member should preferably contact staff prior to the meeting in order to allow staff time to research a response for the meeting.

7.6.4 Staff roles: The Council recognizes the primary functions of staff as serving the community, executing Council policy and actions and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole or from the appropriate management supervisors. Staff is directed to report to the City Manager any attempts by individual members of the Council to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual Council Members for information or assistance; provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council. If a request by an individual Council Member is determined by the City Manager to take one hour or more of staff time to complete, that request may be included on the formal Council agenda for full Council discussion.

7.7 Dissemination of Information

In Cases where a staff response to an individual Council Member request involves written materials that may be of interest to other Council Members, the City Manager will provide copies of the material to all other Council Members. In making this judgment, the City Manager will consider whether the information is significant, new, otherwise not available to the Council or of interest to the Council.

7.8 Magnitude of Information Request

Any information, service-related request, or revised policy position perceived as necessary by individual Council Members, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual Council Member in writing to the Council as a whole. When raised at a Council meeting, the full Council can decide whether and when to agendaize the request for further consideration. The City Manager will seek necessary clarification as to whether the Council desires staff research or a report prepared; and, if so, the relative priority that should be given to such a request in light of other priorities and potential workload impacts.

7.9 Staff Relationship with Advisory Bodies

Staff support and assistance is typically provided to commissions and task forces. However, advisory bodies do not have authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and City Council. The Members of the commission/board/committee are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with City policies and practices.

Staff support often includes preparation of an agenda and its posting in compliance with the Brown Act. Staff may also prepare reports providing background on the issue, alternatives, a recommendation, and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person may serve as secretary, taking minutes as needed. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

It is important that advisory bodies wishing to communicate recommendations to the City Council do so through approved Council agenda procedures. In addition, if a commission wishes to correspond with an outside agency, that correspondence will be prepared by staff for review by the City Manager and possible approval by the City Council. Individuals who would like staff to perform research or for the commission to review a particular issue must gain the approval for such a request from the full City Council before any work is planned or done. The annual work plan for the City's commission is determined by the City Council at its priority-setting that precedes the adoption of the fiscal year budget.

7.10 Restrictions on Political Involvement by Staff

Local governments are non-partisan entities. Professional staff, as reflected within the principles of the Council-Manager form of government, formulates recommendations in compliance with Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fund-raisers, or other means.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and to general employees.

General employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No City resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities in City uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the City Council in these matters is requested. A Council Member asking staff to sign petitions or similar items can similarly create an awkward situation.

For management staff, the City Manager strongly discourages any involvement in a local campaign even while on personal time. Such involvement could erode the tenet that staff is to provide an equal level of service to all members of the City Council. The City Manager specifically prohibits any political involvement in local campaigns by department heads.

8. Support provided to City Council

8.1 Staff Support

Sensitivity to the workload of support staff members in the City Manager's Office is appreciated. Should requested tasks require significant time commitments, prior consultation with the City Manager is requested.

8.2 Office Equipment

E-mail and other technologies facilitate efficient communication by Council Members. However, their use also raises important legal issues to which Council Members must pay special attention. First, the Brown Act prohibits members from using "technological devices" to develop a concurrence by a majority regarding an action to be taken by the Council. "Technological devices" under the Brown Act include phones, faxes, computer email, public access cable TV and video. Council Members should not use e-mail, faxed or phones for communicating with other Council Members in order to develop a majority position on any particular issue that may come before the full Council. Particular caution is advised when using or responding to email.

Second, be aware that most emails sent by Council Members probably are public records under the Public Records Act. Even though it does not create paper, sending email is more similar to mailing a letter than placing a telephone call. The information in the email is stored on the computer network until deleted, and may continue to exist on the network's back-up systems even after being deleted. As a result, emails can become records of the City maintained in the course of business, and thus available for public disclosure under the Public Records Act.

Finally, the City's email system is intended for the conduct of official business, and not for political reasons.

8.3 Mail, Deliveries

Members of the City Council receive a large volume of mail and other materials from the public, private interests and staff. The City Clerk's Office staff maintains a mailbox for each member. Meeting agenda materials are available for pick up Friday evening at 5:30pm and are posted on the City's website. Members are encouraged to return unwanted reports and documents to staff for distribution to the public or for recycling.

8.4 Financial Matters

8.4.1 Council Compensation

State law and Municipal Code provide for modest compensation to members of the City Council. State law limits an increase in City Council salaries to 5% per year, effective only following the next election after adoption. Currently, Council Members receive a stipend of \$300 per month (the mayor receives \$375 per month).

8.4.2 Expenditure Allowance

The annual city budget may include limited funding for members to undertake official City business. Eligible expenses include travel for attendance at conferences or educational seminars, and the purchase of publications and annual subscriptions. Travel expense reimbursement for meals does not allow reimbursement for alcohol. Donations to organizations are not eligible nor are meals for individuals other than Council Members. Available funds are disbursed on a first come first served basis, with the Mayor and City Manager monitoring expenses during the year.

8.4.3 Expenditure Guidelines

It is important to note that any expense must be related to City affairs. Public property and funds may not be used for any private or personal purpose. Courts have ruled that this prohibition includes personal political purposes. For example, reimbursement could not be allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen.

City budgetary practices and accounting controls apply to expenditures within the City Council budget. Reimbursement requests should be made through the City Manager's Office monthly with receipts. Expenditure records are public information. Questions arising as to the proper application or interpretation of the adopted policy will result in the City Manager conferring with the Mayor.

9.0 Conflicts & Liability

9.1 Conflict of Interest

State laws are in place to prevent an action by a Council Member that would or may constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. At any time a Member believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a member's potential conflict. Laws that regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

There are two primary laws that govern conflicts of interest for public officials in California – the Political Reform Act and Government Code §1090. In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; §1090 prohibits a public official from having an interest in government contracts.

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the City. Once a year Council Members and certain staff are required to file statement of economic interests.

Government Code §1090 is similar to the Political Reform Act, but applies only to City contracts in which a public official has a financial interest. The financial interests covered by §1090 are different from those in the Political Reform Act. A Member having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating §1090 are severe. If a Council Member believes that he or she may have any financial interest in a contract that will be before the Council, the Member should immediately seek advice from the City Attorney or the Member's personal attorney.

There are a number of other restrictions placed on Council actions that are highlighted in the League of California Cities' *Guide*. Such restrictions include prohibitions on secrecy and discrimination as well as assurance that all city funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual Council Members.

9.2 City Attorney Advice

The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest wherever possible. It is critical to note that while the City Attorney can render advice on the interpretation of State laws and regulations on conflict matters, such advice is solely and interpretation of the law. The only authority that can provide binding interpretations on such matters is the State Fair Political Practices Commission (FPPC). Members or the full Council may also solicit opinions on such matters directly from the FPPC; however, such opinions often take time to develop and may not readily respond to urgent matters. It is important to note that the City Attorney does not represent individual members of Council, but the City Council as a whole.

9.3 Conflict of Interest Forms

Annual disclosure statements are required of all Council Members, designated commissioners and senior staff which indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Council Members and the City Manager often serve on the governing board of other agencies as a result of their positions. These agencies also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

9.4 Liability

The City is a large institution offering a variety of services and may occasionally find itself subject to legal actions through lawsuits. For example, those involved in automobile accidents sometimes choose to take actions against a City since the accident occurred on a City roadway. The City must always approach its responsibilities in a manner that reduces risk to all involved; however, with such a wide variety of high-profile services all risk cannot be eliminated. The City belongs to an agency with other governments to manage insurance and risk activities

It is important to note that violations of certain laws and regulations by individual members of the City Council may result in that member's being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment or fraud.