

## **RESOLUTION NO. 23-131 C.S.**

### **A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY**

#### **ADOPTING A CITY COUNCIL GOVERNANCE POLICY**

WHEREAS, it is an adopted value driver of the City Council to foster a local government that is transparent and collaborative, and solicits, welcomes, and appreciates input from all;

WHEREAS, it is prudent to develop and adopt governance policies to ensure mutual understanding among the members of the City Council; communicate expectations clearly for the benefit of Councilmembers, staff, and public; and demonstrate professionalism and transparency in the conduct of the City's business;

WHEREAS, the Mayor and City Council held a detailed discussion on August 15, 2023, and provided direction regarding the following governance topics: Agendizing of Council Items by Individual Councilmembers; Appointing Members to Boards, Commissions, and Committees; Councilmember Participation at Conferences, Trainings, and Events; Letterhead Use by Councilmembers; Strategic Planning and the City Staff Work Program; and City Manager and City Attorney Annual Performance Evaluations;

WHEREAS, on October 11, 2023, the Mayor and City Council considered additional governance topics and provided direction regarding the following governance topics: Reconsideration of Previous Council Decisions; Councilmember Interactions with Labor Unions when Negotiations are Pending; Ex Parte Contacts in Quasi-Judicial Proceedings; and the Meeting Management matters of Remote Public Comments, Public Comments for Items Not on the Agenda, and City Council Comments;

WHEREAS, to facilitate free speech and maintain meeting efficiency, reasonable regulations are hereby established regarding the amount of time available for speakers to comment and the overall amount of time allotted for public comment for items on the agenda and items not on the agenda;

WHEREAS, on January 2, 2002, the Council adopted by minute action a policy on Reconsideration of Previous Council Decisions and it is the Council's intent to continue to abide by it, and it has been incorporated into the Council Policy on Governance that is attached as Exhibit A;

WHEREAS, the Council adopted Resolution No. 15-009 C.S. on January 20, 2015, approving policies relating to the following governance topics: Appointments to Outside Agencies and Committees, Ex Parte Contacts in Quasi-Judicial Proceedings, Council Meetings (Questions for Staff), Communication with Staff, and the "Council Comments" portion of Council regular meetings;

WHEREAS, the policies adopted by Resolution No. 15-009 C.S. are appropriate, it is the Council's intent to continue to abide by them, and they have been incorporated into the Council Policy on Governance that is attached as Exhibit A;

WHEREAS, the City Council wishes to rescind its policy on Appointments to Boards, Commissions, and Committees, which was approved by minute action on June 4, 2019;

WHEREAS, the City Council wishes to rescind its policy on the process for Agendizing of Council Items by Individual Councilmembers, which was approved by minute action on January 22, 2020;

WHEREAS, the direction provided on August 15, 2023 and October 11, 2023 is incorporated into the Council Policy on Governance that is attached as Exhibit A; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 (CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that the above recitals are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that:


1. It hereby adopts the City Council Policy on Governance which is attached hereto and incorporated by reference as Exhibit A.
2. All other prior Council resolutions, including but not limited to Resolution No. 15-009, and policies, including but not limited to those adopted by minute action described in the recitals, in conflict with this resolution, or that are expressly incorporated into this resolution, are hereby rescinded.

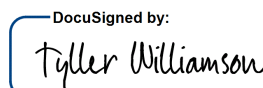
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 7th day of November, 2023, by the following vote:

AYES:	5	COUNCILMEMBERS:	Barber, Garcia, Haffa, Smith, Williamson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:

DocuSigned by:  
  
City Clerk thereof

DocuSigned by:  
  
Mayor of said City



## City Council Policy: Governance

### PURPOSE:

To set forth standards and requirements to ensure that the City Council, staff, and public can easily understand the processes by which the City's business is conducted, to foster a local government that is transparent and collaborative; and solicits, welcomes, and appreciates input from all.

### POLICY:

#### A. Agendizing of City Council Items by Individual Councilmembers.

1. A Councilmember may submit an agenda report to the City Clerk's Office outlining a request to agendize a matter of business on a future agenda. This agenda report should, in 350 words or less, describe what, how, and why the matter of business should be considered by the City Council. The City Clerk's Office will add the item to an upcoming agenda.
2. At the Council Meeting where the request is considered, the Councilmember who submitted the request will deliver a verbal report consistent with the agenda report. This verbal report should not exceed three minutes. The City Council may ask questions pertaining to whether the item should be agendized (e.g., the required amount of staff time, the priority level to be assigned to the item, etc.).
3. Public comment will be received.
4. In deliberating the request, the sole issue to be determined is whether the substantive issue warrants being heard at a future date. A majority vote is not required, instead, the motion will pass with two "yes" votes.

#### B. Appointing Members to Boards, Commissions, and Committees ("Council-Appointed Bodies")

1. **Maddy Act Report.** Each December, the City Clerk's office will prepare and publish to the City website a Local Appointments List ("Maddy Act report") in compliance with [Government Code section 54972-54973](#).
2. **Appointment Procedures.**
  - a. **Expiring Regular Terms.**
    - i. The City Clerk's office will notify each member of a Council-appointed body prior to the expiration of their term and advise them to submit a new application in order to be considered for a new term.
    - ii. Advisory body liaison staff will provide to the City Clerk's office a factual report on potential re-appointees, which will include attendance records, participation information, and whether special eligibility requirements, if applicable, are met.
  - b. **Outreach for All Vacancies.**
    - i. The City Clerk's Office maintains an email list of residents interested in learning about vacancies on Council-appointed bodies. Residents may subscribe to the list anytime by following the link at <https://monterey.org/subscribe>. Email notifications are sent to this list to solicit applications for every vacancy, whether it is an expiring

## EXHIBIT A

regular term or an unscheduled vacancy. The City Clerk's office may advertise more broadly via social media and other avenues to reach more residents.

- ii. The City Clerk's office will post a printed copy of the vacancy notice in the agenda posting case and online at the City website in compliance with [Government Code section 54974](#).

c. **Applications, Interviews, Recommendations, and Appointments.**

- i. Following the noticed application deadline or priority review cutoff date, the Mayor will conduct applicant interviews. The appointed Vice-Mayor will serve as an alternate in the instance of any conflict that does not allow the Mayor to perform the interviews.
- ii. The City Clerk's office will assist the Mayor in arranging and scheduling interviews with the applicants. The Mayor will be provided with all applications and factual reports to assist in evaluation of the applicants.
- iii. The Mayor will interview the applicants and formulate recommendations based on each applicant's interests and skills, Councilmember district representation, and the specific needs of the body at the time of appointment.
- iv. The Mayor's appointment recommendations will be published in the City Council agenda packet, together with all applications and factual reports.
- v. Appointments will be made at the City Council meeting by majority vote of the City Council. The Council is encouraged to consider Councilmember district representation in making the appointment.

C. **Appointments to Outside Agencies and Committees.** Councilmembers serve the City on outside agencies in roles that fall into Voting Member or Liaison/Observer capacities. Annually, the Council reviews and makes appointments to the boards of outside agencies, and to City committees. Throughout the year as they attend these outside board meetings, Councilmembers can report back to the entire Council or staff with a summary or during "Council Comments" on the Council agenda.

D. **City Manager and City Attorney Annual Performance Evaluation.** The evaluation of the City Manager and City Attorney are to be conducted annually, and are facilitated and proctored by a third-party consultant.

E. **Communication with Staff.** Charter section 4.7 requires the Mayor and Councilmembers to deal directly through the City Manager or City Attorney, who will direct questions, requests, issues, and concerns to appropriate staff members. Elected officials cannot commit staff time and resources outside of public meetings without a majority vote.

Elected officials receive personal contacts, communications, and emails from the public, which is a vital role in open government and transparency. In reply to a request or issue, it is recommended that the Councilmember explain that their concerns will be passed on to the City Manager. Through the City Manager, staff keeps the Council and the public informed on progress. This aligns with the City Charter, allows the Council to be responsive to the public, and refers public requests to the appropriate staff.. This form of communication lets the public know that its concerns have been heard, and that the City is responding.

These procedures also apply to Board Members and Commissioners.

F. **Council Comments.** The City Council agenda states:

**COUNCIL COMMENTS**

Councilmembers may ask a question for clarification, make a brief announcement, or make a brief report on their activities. In addition, Councilmembers or the City Council may provide a referral to staff or other resources for factual information., (G.C. 54954.2(a)(3)).

This is an opportunity, for example, to express appreciation, note upcoming community activities and events, report on meetings of outside agencies, and report on any trainings or conferences attended.

- G. **Council Meetings (Questions for Staff).** Questions for the staff are directed to the City Manager, who will assign a staff member to provide answers.
- H. **Councilmember Interactions with Labor Unions when Negotiations are Pending.** An elected official can choose to meet with union officials, as they can with any group of constituents. If a Councilmember meets with union officials, the Councilmember should be clear that they are not speaking on behalf of the City. Also, during labor negotiations, to avoid any action that makes it appear that the City is interfering in the union's relationship with the employees it represents, Councilmembers should avoid meeting with employees outside of the presence of their union representative. If a Councilmember meets with union representatives, any discussions surrounding the negotiations should be disclosed to the City Council.
- I. **Councilmember Participation at Conferences, Trainings, and Events.** The [Purchasing Manual](#) applies to all employees, the Mayor and Councilmembers, and all Board, Commission, and Committee members. The Purchasing Manual states that "all expenses related to travel should be limited to those deemed "reasonable and necessary." In compliance with Government Code section 53232.3(d), Councilmembers will provide brief reports on meetings and conferences attended at the expense of the City at the next regular meeting after such attendance.
- J. **Ex Parte Communications n Quasi-Judicial Proceedings.** To ensure due process and a fair hearing, Councilmembers should avoid taking positions on issues that may come before them in their quasi-judicial capacity until they have considered all the evidence and arguments at the public hearing. Ex parte communications include oral and written information and visual and audio information (e.g., obtained from a site visit). Ex parte communications must be complete, detailed, and disclosed at the start of the hearing or as early in the process as is reasonable.
- K. **Letterhead Use by Councilmembers.** City Council letterhead should be used for letters representing the position of the full Council, except for social items such as thank you letters which can be sent by individual members. Individual Councilmembers should not use City letterhead to do advocacy work (i.e., advance a position on legislation) or write about policy.
- L. **Reconsideration of Previous Council Decisions.** Any Councilmember who voted with the majority may move for reconsideration of any action at the same meeting or at the next regular meeting. Any request for reconsideration at the next regular meeting must be made in writing, must set forth the reasons for the request, and be received by the City Clerk

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before the agenda deadline for the next scheduled regular meeting to ensure Brown Act compliance.

**M. Public Comments for Meetings of the City Council, Boards, Commissions, and Committees.** To facilitate free speech and maintain meeting efficiency, the following is intended to establish reasonable regulations to be enforced fairly and without regard to speakers' viewpoints.

1. Public Comments for Items on the Agenda - Public Appearance and Public Hearings:
  - a. The Mayor or Chair will determine the approximate number of persons wishing to speak at the beginning of each public comment period for Public Appearance and Public Hearing items, and the time estimated to complete the business on the agenda. Based on the number of anticipated speakers in the City Council Chambers and on Zoom, the Mayor or Chair will identify the maximum time allotted for public comment. This will generally be two to three minutes per speaker during a public comment period not to exceed a total of 30 minutes. In exceptional circumstances and when necessary to ensure a full opportunity for public input, the Mayor or Chair may, with the legislative body's consent, adjust the amount of time allowed for public input and/or the time allotted for each speaker. The time limits could be shortened or lengthened. Public speakers who require interpreters shall be given at least twice the time limit for other speakers.
2. Public Comments for All Other Items (including, but not limited to, Consent Items, Closed Session Items, Matters Not on the Agenda, Presentations, Joint Powers Agency Special Meetings, etc.):
  - a. The same rules outlined in Section M(1)(a), above, apply to public comments offered for all items other than Public Appearance and Public Hearing items, except that the maximum time allotted for public comment on each item is a maximum of 15 minutes.
  - b. If a meeting has two sessions, public comment on matters not on the agenda will be received in both the afternoon and evening sessions, and individuals may choose to speak once at either session, but not at both sessions.
3. Disruptive Behavior
  - a. Disruptive behavior is behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. (Government Code section 54957.95.) It can include noncompliance with these established rules of decorum, such as exceeding speaker time limits or speaking out of turn, provided the behavior actually disrupts the meeting.
  - b. As a precondition to removing a disruptive individual, the Mayor or Chair must first warn the individual that their behavior is disruptive and that failure to cease their disruptive behavior could result in removal from the meeting or being muted on Zoom. The individual may then be removed or muted on Zoom if they do not promptly cease their disruptive behavior. A warning is unnecessary if the disruptive individual is using force or makes a true threat of force.
  - c. The occurrence of disruptive behavior via Zoom remote participation will automatically trigger City staff to agendize a discussion about whether to continue to allow remote participation at the next Council meeting.

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- N. **Strategic Planning and the City Staff Work Program.** The City Council reviews the Value Drivers and Strategic Priorities every four to five years. The City Staff Work Program, which outlines specific efforts sorted by Value Driver and Strategic Priorities, is presented to the City Council twice a year in January and August.

Adopted by Resolution No.:

Amended by Resolution No.: N/A

Effective Date: