



City Council Protocols

Section: **City Council**

Adopted/Approved: **July 8, 2024**

Last Amended: January 11, 2021

1. PURPOSE

The purpose for establishing City Council Protocols is to provide an effective environment for the City Council to provide leadership. These protocols may be amended by a majority vote of the Council Members and should be reviewed on a regular basis to ensure that the document remains helpful to the Council in providing a framework for effective leadership.

The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the Council Members when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

2. STATUTORY REQUIREMENTS / REGULATORY GUIDELINES

Certain state laws and other established regulations exist which govern various responsibilities of the City Council. This protocol manual is not intended to duplicate or repeat any existing statutes or regulations. City Council Members are encouraged to familiarize themselves with these statutes and regulations as any discrepancies with state law will result in state law taking precedence.

2.1 The Brown Act

The Ralph M. Brown Act is a law which provides that all meetings of a legislative body, whether meetings of the City Council or its appointed commissions and committees, shall be open and public and all persons shall be permitted to attend. Notices of such regular meetings must be made 72 hours prior to the meeting. Notice of Special Meetings requires only 24-hour notice and emergency meetings may be called with less time for notification. A "meeting" takes place whenever a majority of the members of the body are present at the same time and location and any item within the subject matter jurisdiction of the body is heard, discussed, deliberated, or acted upon. The Brown Act also prohibits "serial meetings" which are a series of meetings or communications, either in person, or by other means between individual members of the legislative body outside a properly noticed meeting in which ideas are exchanged among a majority of a legislative body regarding an item of business that is within the subject matter jurisdiction of the legislative body.

2.2 Political Reform Act

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding Conflicts of Interests and Campaign Receipts and Expenditures.

2.3 Solvang City Code

The Municipal Code of the City of Solvang consists of those codified ordinances of general municipal regulations and laws, and may be referred to as the Solvang City Code.

2.4 The Public Records Act

The Public Records Act gives every person the right to inspect and obtain a copy of any identifiable public record and requires the City to disclose public records upon request except in limited circumstances. In adherence to the Public Records Act, in 2023 the City adopted a document retention & destruction schedule of which all persons engaged in the business of the City shall be knowledgeable.

2.5 Rosenberg's Rules of Order

The Solvang City Code states that all procedural matters not otherwise provided for in or controlled by state law or by any ordinance, resolution, rule, or regulation of the City shall be governed by Guidelines established by the League of California Cities Rosenberg's Rules of Order. However, no ordinance, resolution, or other action of the City Council shall be invalidated, or the legality thereof otherwise affected by the failure or omission of the City Council to observe or follow such rules.

3. COUNCIL ORGANIZATION

3.1 Newly-Elected Members

Newly elected Council Members will be sworn into office generally at the first regular Council meeting in December following a regular municipal election (even years). Immediately upon election (even before being sworn into office), newly elected Council Members are subject to the provisions of the Brown Act.

3.2 Selection of Mayor and Mayor pro tem

The Solvang Charter states, the Mayor shall be elected at the general election on a general ticket from the City at large. The term for Mayor shall be two years.

The term for the Mayor pro tem shall be one year, commencing at the first meeting in December of each year. The first criteria for selection of the Mayor pro tem shall be that Council Member who has served at least one year on the Council and has not previously served as Mayor pro tem. If more than one Council Member has not previously served as Mayor pro tem, then from such Council Members, the Council Member with the greatest seniority in terms of consecutive years of service shall be selected. A Council Member shall have the right to decline the position if they so choose. If there is still more than one Council Member eligible according to seniority, the Council Member who received the highest number of votes for the most recent election of each Council Member eligible by reason of seniority shall be selected as Mayor pro tem. However, no Council Member shall serve more than one term as Mayor pro tem until all of the Council Members have served or declined to serve.

3.3 Duties of Mayor and Mayor pro tem

The Solvang Charter states, the Mayor shall preside at the meetings of the Council and perform such duties consistent with the office as may be imposed by the Council or by the vote of the people. The Mayor shall be entitled to vote, and must vote when present, except as prohibited by State Law, but shall possess no veto power. As presiding officer of the Council, the Mayor will faithfully communicate the will of the Council majority to the Administrative Officers in matters of policy. If the Mayor is absent or unable to act, the Mayor pro tem shall serve until the Mayor returns or is able to act.

3.4 Representation at Ceremonial Functions

The Solvang Charter states, the Mayor shall be recognized as the official head of the City for all ceremonial functions. The Mayor may, at his/her own discretion, ask another Council Member to represent the Council at any function.

The City Council has developed guidelines for issuing resolutions of commendation; proclamations; and certificates of commendation for the City Manager to utilize in developing these recognitions for groups or individuals who directly benefit the City of Solvang or its citizens.

3.5 Seating Order

In the absence of a consensus by Council Members at the time of the Council reorganization, the Mayor shall have the prerogative to designate the seating order for the Council dais. This seating arrangement can be overruled by a majority of the Council.

4. COUNCIL ADMINISTRATION / PROFESSIONAL DEVELOPMENT

4.1 Council Compensation and Benefits

Council compensation and benefits are established by City ordinance.

4.2 Reimbursement of City-Related Expenses

Council Members shall receive reimbursement for actual and necessary expenses directly related to their duties as City Council Members in accordance with Assembly Bill 1234 (2005). Mileage reimbursement shall be at the IRS approved rate. Meals and hotels shall be made in accordance with those rates provided to City employees.

4.3 Professional Development

The Council shall establish an annual budget for conferences, meetings, and training. Council Members shall attend these functions at his/her own discretion for purposes of improving his/her comprehension of and proficiency in municipal affairs and/or legislative operations.

4.4 New Council Member Training

New members are provided with a City Council Members Basic Guide which gives an overview of the City operation as a whole, briefly describing the Council processes, City departments, City affiliated organizations, City utility providers, as well as established City Council goals. The new member is introduced to City staff and provided a tour of City facilities. Newly elected Council Members are encouraged to meet on a regular basis with the City Manager to develop a complete understanding of City operations. They are also encouraged to meet with the City Manager to ask questions and to discuss the City Council agenda packet when it is distributed. Also offered is the opportunity to attend The League of California Cities' training for new Mayors and Councilmembers.

5. COMMISSION AND COMMITTEE APPOINTMENTS

5.1 Commissions and Committees As Regulatory and Advisory Bodies

City commissions and committees are established by ordinance and codified in Title 2 of

the Solvang City Code. City commissions and committees serve as advisory bodies to facilitate public input and citizen participation in the determination of public policies. This is accomplished by formulating recommended courses of action and policy to the City Council with whom final determination rests. The Planning Commission and the Design Review Committee are regulatory bodies, having authority to make final determinations in applicable circumstances that are appealable to the City Council. The Measure U Citizens' Oversight Committee is purely advisory to the City Council.

5.2 Commission and Committee Appointments

Commission and Committee terms and procedures for appointment are established by City ordinance and codified in Title 2 of the Municipal Code. Those seeking appointment must submit a Commission/Committee Application. Those commissioners or committee members, whose terms have expired, must submit a new application for reappointment, as terms are not automatically renewed.

5.3 City Council Contact with Commissions, Committees or their Members

The purpose of establishing City Committees and Commissions is to include the community in the City decision-making process. It is important for Commissions and Committees to be able to make objective recommendations to the City Council on items before them. Although City Council members do individually appoint members to Committees and Commissions (which in the case of the Planning Commission are then ratified by the entire City Council), City Council members are discouraged from meeting with that appointee for the purposes of discussing City matters within the subject matter jurisdiction of the Committee or Commission. Any attempt to strongly influence the position of a Commission, Committee, or their members on any item may prejudice or hinder the Council member's role in reviewing the Commission's or Committee's recommendation as a member of the City Council. Members of the City Council should not attempt to influence or publicly criticize Commission or Committee recommendations, or to influence or lobby individual Commission or Committee members on any item under their consideration.

5.4 Appointments to Outside Committees

Council Members are requested to serve on various boards and committees for outside agencies. Annually, in December of each year, the City Council shall review the list of current assignments and make recommendations for appointment of City Council members, subject to approval by the majority of the Council.

6. MEETING GUIDELINES & PROCEDURES

6.1 Meeting Dates

6.1.1 Regular Meetings

Pursuant to the Solvang City Code Section 1-4-2, regular meeting dates shall be held on the second and fourth Mondays of each month at a time set by City Council resolution. Per City Council resolution, regular meetings commence at 6:30 p.m. Wherever possible, the City Manager will endeavor to adjust the content of the agenda to assure that discussions can be made with the Council fresh and not exhausted due to the late hour of the meeting. Pursuant to Solvang City Code Section 1-4-2.F., no regular meeting shall have an agenda item started three hours after the meeting start time unless a majority vote of Council Members approve extending beyond that time or there is a legal requirement for the Council to act on that date.

6.1.2 Adjourned/Special/Emergency Meetings and Closed Sessions

The Brown Act sets forth specific requirements for holding adjourned, special, and emergency meetings and closed sessions.

6.2 Agenda

6.2.1 Agenda Packet Preparation

The City Manager reviews and approves all items for the Council agenda. Agenda packets are compiled, posted, and distributed through the City Clerk's office. The Solvang City Code Section 1-4-3 requires that "barring unforeseen circumstances, the City Clerk shall post and mail copies of the agenda by twelve (12:00) noon on the Thursday preceding the City Council meeting, but in no event not later than seventy-two (72) hours preceding a regular City Council meeting, and twenty-four (24) hours preceding a special City Council meeting. To further enhance transparency, these Council protocols establish that agenda packets will normally be available for the Council at twelve (12:00) noon on the Wednesday prior to the Council meeting. Agenda Items will not be provided to the public until the Council packets are available.

6.2.2 Placing Items on the Agenda

The City Manager determines which items are placed on the agenda and works with the Mayor regarding the timing and order for such items. Council Members may request items to be placed on future agendas. During a meeting, any Council Member may request that an item be placed on a future agenda upon consent of a majority of Council Members present. Staff will prepare a report for a future agenda. If a Council Member requests an agenda item and action is necessary which does not allow for this process to be used, the Council Member shall work with the City Manager and Mayor to place the item before the Council as soon as possible. During public comment periods or by correspondence with Council Members, a member of the public may ask that Council consider an item not on the agenda, and, the Mayor or presiding officer may refer the item to staff to be placed on a subsequent agenda, with or without a staff report.

6.2.3 Order of Agenda Items.

The order of business for meetings of the City Council will be established by a formal item appearing on every agenda.

6.2.4 Presentations

Special presentations shall be scheduled as necessary in recognition of persons or groups, for the promotion of an event or service or for a presentation of material to the public for informational purposes.

6.2.5 Council Comments, Requests, GC Section 53232.3(d) (AB 1234 (2005)) and GC Section 84308 (SB 1439 (2022)) Report Out.

Individual Council members provide verbal reports of meetings attended, campaign contributions made or received, and provide general comments and requests.

CAMPAIGN CONTRIBUTION DISCLOSURE AND RECUSAL – Pursuant to Government Code Section 84308, a City officer who has accepted campaign contributions of more than \$250 in the past 12 months from a party or participant in a City proceeding must disclose the contribution(s) either orally or in writing at the beginning of the proceeding, and must recuse themselves from making, participating in making, or trying to influence the decision. If the disqualifying contribution becomes known during the proceeding, the officer must disclose and recuse as soon as possible and prior to taking part in the decision. Parties also must disclose on the record campaign contributions over \$250 they made to a member of the City Council, Commission, or Committee in the past 12 months. City officers may not solicit or accept campaign contributions of more than \$250 from parties or participants in the 12 months after a decision is made. The \$250 threshold also includes “aggregated” contributions from persons or entities related to the party or participant. City officers should consult the City Attorney’s office if you have any questions about Government Code Section 84308 or other conflict of interest laws.

6.2.6 Consent Items

Those items on the Council Agenda which are considered to be of a routine and non-controversial nature by the City Manager and City Clerk shall be listed on "Consent." These items so listed shall be approved, adopted, accepted, etc. by one motion of the Council and roll call vote.

Council Members may comment on Consent items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration.

6.2.7 Public Hearings

Public Hearings may be required on certain items as prescribed by the municipal code or by state or federal law. The regular time for public hearings is established by Council resolution. The general procedure for public hearings is as follows:

- a. Staff presents its report. Council Members may ask questions of staff.
- b. The Mayor opens the public hearing.
- c. The applicant or appellant has the opportunity to present his/her comments, testimony, or arguments. Adequate time must be allotted for the applicant or appellant to present his/her case. The Mayor may ask the applicant/appellant in advance the amount of time needed in order to better control the time.
- d. Members of the public may present their comments subject to time limits established by Council.
- e. The Mayor closes the public hearing after everyone wishing to speak has had the opportunity to do so.
- f. Pursuant to SMC Section 1-4-12.E, a public hearing, once closed, cannot be reopened on the date set for hearing, but can be reopened at a subsequent regular or special meeting of the City Council provided the same notice required for the original public hearing is given and proper notice is given to any applicant and persons who have spoken at the previously closed public hearing designating the time and place of such reopened public hearing.

6.2.8 Public Comment and Speaker Time Limits

Pursuant to The Brown Act, public comment will be allowed on items on the Council agenda at the time each item is considered. Public comments shall be addressed to the Chair, presiding officer and the Council, not the audience, and are limited to no more than three minutes each. However the Mayor has the authority to alter this time limit to accommodate a multitude of speakers on a given subject and to set a maximum time limit for each item. Individuals desiring to speak are encouraged to submit a request to speak to the City Clerk listing their name and address, and agenda item/topic under consideration.

Council Members who wish to ask questions of speakers may do so, but only after being recognized by the Mayor. Members of Council shall not engage in debate with a member of the public at Council meetings since these debates seldom resolve concerns and often inflame feelings at a public meeting.

The Solvang City Council desires to have professionally conducted meetings in which differing views and opinions can be honored in a cordial manner. While the Council wishes to honor the public's right to address the Council, it is hoped that such free speech can be undertaken in an orderly way. Certainly, the City Council will model this behavior and the Mayor will ask for the same from the Public as they exercise their rights to free speech. Continued inappropriate behavior or comments from members of the public, including disparaging or slandering remarks to City staff, that disrupt, disturb, impede, or render infeasible the orderly conduct of the meeting, shall be grounds for removal from the meeting provided the Mayor or the presiding officer previously warned the member of the public that their behavior or conduct is disruptive and failure to cease such behavior could result in removal. Council shall not be belligerent or make disparaging commentary toward the speaker. Nothing in this section shall prohibit or discourage orderly criticism of any City decision or policy within the limits of these rules.

6.2.9 Study Session

The Council may hold study sessions from time to time to informally receive information from staff and/or consultants. Final Council action is generally not taken during a study session with the staff being directed to come back at a later date with necessary agenda items to implement the issues and policies addressed in the session.

6.2.10 Closed Sessions

Closed Sessions are regulated pursuant to the Brown Act. All written materials and verbal information regarding closed session items shall remain confidential. No member of the Council, employee of the City, or anyone else present shall disclose to any person the content or substance of any discussion that takes place in a closed session unless authorized by a majority of Council. All public statements, information, and press releases relating to closed session items shall be handled by the designated staff spokesperson unless otherwise directed by the majority of Council.

6.2.11 City Council Comments

The City Council Comment portion of the meeting provides Council Members the opportunity to briefly comment on Council business, City operations, City projects

and other items of community interest. See also section 6.2.5. Council Members shall govern themselves as to the length of their comments but shall generally not exceed five minutes. Individual Council Members may request items to be placed on future agendas during this portion of the meeting. After each request, the City Council shall take action to direct staff as to whether or not staff should put the requested item on a future agenda and devote City resources to such item, and the urgency of the need. In the interest of fully working together as a team, the Council should apprise the City Manager of concerns and or comments prior to the City Council meeting so that staff might be prepared to address the concern or comment at the same Council Meeting.

6.3 Rules of Conduct

6.3.1 Discussion Rules

The Mayor has the responsibility to control the debate and the order of speakers. The Mayor shall call upon all Council Members fairly.

6.3.2 Germane Comments/Time Limit for Council

Council Members shall limit their comments to the subject matter, item, or motion being currently considered by the Council. A determination of relevance shall be made by the Mayor, but may be appealed to the full Council.

6.3.3 Derogatory Comments

Council Members are expected to follow proper rules of decorum and interact with one another with mutual respect and courtesy. Derogatory, snappy, or sarcastic comments toward another Council Member or a member of the public are inappropriate. The Mayor may call for a short recess should a Council Member or member of the public become disruptive or agitated so as to interfere with the normal conduct of business.

6.3.4 Packing of Audience

It is inappropriate for a Council Member to pack the audience for a specific agenda item.

6.4 Use of City Hall Facilities

The Administrative Services Department is responsible for maintaining a calendar on the use of the City Hall facilities (Council Chamber, Conference Room). Use of the facilities by City commissions, committees, and other advisory bodies shall take precedence over any other agency. Consideration shall be given to other governmental or public agencies subject to application and availability. No events of a commercial nature shall be allowed. When a question arises regarding permission for any public agency to use the facility, the City Manager shall have authority to make the final decision.

7. COMMUNICATIONS

7.1 Processing of Mail

The City Clerk shall open all mail addressed to the Mayor. Mail that is directly related to a particular department shall be copied to that department head. The City Clerk shall not open mail addressed to an individual Council Member unless it is apparent that the mail

was erroneously addressed and was intended for the Mayor.

Mail addressed to the Mayor and City Council shall be distributed by the Office Assistant. Correspondence addressed to the Mayor, which requires a response from staff, shall be copied to all Council Members. Responses to such mail shall also be copied to all Council Members.

Any communications related to a matter pending, or to be brought before the City Council, shall be included in the agenda packet for the meeting at which such item is to be considered. Letters of appeal from administrative or Commission decisions shall be processed under applicable provisions of the City Code or other ordinances.

7.2 Citizen Complaint Process

All complaints directed to the Mayor or City Council shall be sent to the City Manager who will assign a staff member a deadline to respond to the complaint. Copies of the complaint and assignment memorandum will then be provided to each Council Member. Copies of the response shall be provided to the Council when completed.

Council Members are discouraged from responding directly to complaints without coordinating with the City Manager's office to ensure a unified response and to prevent dual efforts in the event another department is already preparing a response.

If a City Council Member receives a complaint and desires that it be addressed by Administration, he/she should present it to the City Manager's office to ensure it gets resolved.

7.3 Requests for Staff Research

Any requests by Council Members for information or research should be directed only to the City Manager who will then assign to the appropriate Staff member. Requests for new information or policy direction will be brought to the full Council at a study session or regular meeting for consideration. Responses to all requests will be copied to all Council Members.

7.4 Use of Official City Letterhead/Correspondence

All Council Member correspondence written with City resources, i.e., letterhead, staff support, postage, etc., will reflect the position of the full Council, not individual Council Members' positions.

7.6 Council/Staff Relationships

City Staff shall acknowledge the Council as policy makers and the City Council shall acknowledge Staff as administering the Council's policies.

7.7 Communications with Staff

A Council Member shall not direct Staff to initiate any action, change a course of action, or prepare any report that is significant in nature. Any action that an individual Council Member wishes to see carried out by Staff should be communicated to the City Manager, who is the sole individual capable of directing Staff of the City either directly or through City department heads.

7.8 Undue Influence on Staff and Commissions

Council Members shall not attempt to coerce or influence Staff or Commissions in the making of appointments, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits. The Council shall not attempt to change or interfere with the operating policies and practices of any City department.

7.9 Complaints Regarding Performance of Staff

Any concerns by a member of Council over the behavior or work of a City employee should be directed to the City Manager privately to ensure the concern is resolved. Council Members shall not reprimand employees directly, nor shall they communicate their concerns to anyone other than the City Manager.

7.10 Handling of Litigation and other Confidential Information

City Council Members shall keep all written materials and verbal information provided to them on matters that are confidential under State law in complete confidence to ensure that the City's position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the City Attorney or City Manager.

7.11 Representing Majority Decision vs. Individual Opinion

If a member of the City Council appears before another governmental agency or organization to give a statement on an issue affecting the City, the Council Member should first indicate the majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Council Member clarifies that these statements do not represent the position of the City Council.

8. NEPOTISM

The Mayor or City Council members shall not appoint as an employee or officer, to receive any compensation from the City, any person who is relative by blood or marriage within the third degree of the Mayor or any one or more of the members of the Council, nor shall the City Manager or any other appointing authority appoint to any such position any relative of his or of the Mayor or any member of the Council within such degree of kinship. Relatives to the third degree include parents, children, siblings, aunts, uncles, nieces, nephews, grandparents and first cousins.