

# City of Commerce



## CITY COUNCIL HANDBOOK

*City Clerk's Office  
Dated: July 2020*

# I

## LOCAL GOVERNMENT IN COMMERCE



Commerce was incorporated as a city in 1960, governed by a city council. The city, by ordinance, established the Council-Manager form of government. Commerce is a general law city and the City Council is the governing body. The City Council is vested with all the regulatory and corporate powers of a municipal corporation provided for by state law governing general law cities.

### **COUNCIL - MANAGER FORM OF GOVERNMENT**

Under the Council-Manager form of government, citizens elect their representatives, the City Councilmembers, who make decisions which determine the policy of the city.

The City Council is the governing body of the city responsible for establishing policies and programs. The City Council is responsible to the citizens of the community to see that local policies and laws address both short and long term needs, and that citizens receive a return on their tax investment in terms of adequate city services.

While the City Council establishes policies and programs, it is the responsibility of the City Manager to apply and administer those policies to the day-to-day operations of the city. The City Manager oversees the total city operations and is the liaison between the council and the city staff.

### **THE MUNICIPAL CODE**

Since the City of Commerce is a General Law City, as opposed to a Charter City, its City Council must act within the framework of limitations and procedures established by State Law such as the California Government Code and the Elections Code. Local laws are established by ordinance and are compiled in the Commerce Municipal Code.

Team work between the Council and the Manager is a key element of the Council-Manager plan. The pooling of skills is essential to resolve the many complex problems that face the city today. The Council-Manager plan seeks to enhance the effectiveness of local policy-making and municipal operations by bringing together skilled lawmakers, community representatives, and experts in municipal administration and management.

Under the City Manager's direction, staff can provide assistance in analyzing community needs, suggesting action programs, and calculating the costs of proposals. But the Council has the final responsibility for establishing local policies and determining services and budget levels appropriate for the community.

The Municipal Code sets forth the regulatory, penal and administrative laws of general application to the City. These laws are enforceable by the City, and violations thereof can constitute a misdemeanor or an infraction, as well as be subject to administrative and civil remedies.

Other directives and policies of the City Council are recorded in Council Resolutions or by minute

action of the Council.

## **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 advisory bodies, shall be open and public and all persons shall be permitted to attend. Notices of such meetings must be made 72 hours prior to the meeting. A “meeting” takes place whenever a quorum is present and subject matter related to the city business is heard, discussed, or deliberated upon.

## **THE 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.

## **CONFLICT OF INTEREST**

### **GENERAL PROVISIONS OF THE LAW**

The statutes (the Political Reform Act of 1974) provide that certain municipal officers must disclose their "economic interests" periodically on forms provided by the Fair Political Practices Commission (FPPC). These municipal officials are members of the city council (including the mayor), members of the city planning commission, the city manager, the city treasurer, and the city attorney.

Statements of Economic Interests are submitted by these officials to the City Clerk's Office who makes and retains a copy of each statement and forwards the original to the FPPC in Sacramento or with recent online filing implementation could be filed electronically.

In addition, the city is required to determine which of its other officials, commission members, and employees perform duties that involve potential conflicts of interest. The city has adopted a resolution outlining those positions, called "designated employees." These employees are required to disclose their economic interests.

Conflict of interest is a complex issue. Councilmembers should carefully consider and monitor “*gifts*” from any person or organization whether the gifts are financial support, loans, event tickets, meals, etc. Many of these gifts may need to be reported and may present a conflict of interest when considering and/or voting on projects or issues related to the person presenting the gift. Questions relating to conflict of interest should be directed to the City Attorney or the FPPC.

## **FAIR POLITICAL PRACTICES COMMISSION (FPPC) FILING REQUIREMENTS**

Form 700 – Statement of Economic Interest annual filings, due in April, cover the previous calendar year or from the last filing period, as required.



Form 460/470 – Financial Campaign Statement are filed annually in July; or semi-annually in January and July as required by FPPC.

### **ETHICS**

The residents of Commerce expect, and deserve, the best in local government. The high standards begin at the top with the elected City Councilmembers. They should comply with all ethics laws concerning personal financial gain, perks, transparency, and fair processes. "Doing the right thing" will provide positive leadership for the City organization and build trust in the community.



## II YOUR ROLE AS A CITY COUNCILMEMBER

### RESPONSIBILITIES



The City Council is the elected legislative and policy-making body of the city government. The Council is responsible to the citizens for:

- Establishing community-wide goals that address short and long range needs.
- Formulating policies that define a course of action that shape city operations.
- Providing quality services within available resources.
- Acting as a link between the professional staff and local citizens.

City Councilmembers are local leaders. The electorate expects the Council to set the tone and direction for municipal operations. Strategic planning and goal setting are the tools that enable a Council to define their vision and determine methods for accomplishing their goals.

### POLICY AND ADMINISTRATION

A dictionary definition of "policy" states that it is "any plan or course of action designed to influence and determine decisions, actions, and other matters." For a City Council, policy is the business of making decisions about the community. Examples of policy decisions include:

- The adoption of an ordinance regulating businesses operating within the City.
- Approval of land-use policies and implementation procedures.
- Decisions concerning projects which involve federal and state grants, as well as local expenditures.

In theory, the distinction between policy and administration has been that policy is the process of determining what is to be done, while administration is the process of determining how to do it. A policy is what the Council defines it to be. However, the day-to-day operation of the various departments is administration. In reality, a fine line exists between policy and administration. Any issue that is perceived as important or controversial can become a "policy" matter.

The City Council makes final determinations in major decisions, such as: adoption of the budget; acceptance of a new classification and compensation plan; selling a bond issue; or instituting a development project. While the Council has a dominant role in policy matters, the City Manager, staff, and citizens also play a prominent role in the development of policies.

The City Council, City Manager, and staff analyze community needs, identify available resources, and suggest courses of action, but the Council makes the final determination on matters that affect services. The distinction between policy and administration can sometimes be blurred.

Perhaps the best way to prevent conflicts over whether something is policy or administration is for the Council and the Administrative staff to discuss and clarify their respective roles and expectations of one another. The result can be a more effective and harmonious partnership.

### **SERVICES AND RESOURCES**

While the electorate expects high quality local government services at minimum cost, the existing social and economical conditions make this increasingly difficult to achieve. Today's City Council is part of an era that requires a variety of strategies for getting by with less. In a resource scarcity, it may be necessary to consider cutbacks, reallocations, trade-offs, program terminations, and re-thinking what services the City should provide. However, the continued charge is to provide the best level of service with the resources that are available.

### **COMMUNICATION/PUBLIC INPUT**

Elected officials not only represent their constituents and make decisions on their constituents' behalf, but they also have the opportunity to communicate back to the public. The City Council can take a leadership role in promoting two-way communication with the public. Citizens' views can be sought in a variety of ways: public meetings, advisory committees, citizen surveys, and volunteer assistance in city government. Similarly, the City Council can express its view by speaking to local civic groups, and working with the press and other news media to provide accurate and up-to-date information.

### **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 Councilmember should first indicate the majority position and opinion of the City Council. Personal opinions and comments may be expressed only if the Councilmember clarifies that these statements do not represent the position of the City Council.

### **CONSTITUENT REQUESTS**

Members of the City Council will frequently receive requests or complaints. In most cases, Citystaff can resolve these problems. The main thing is for the Councilmember to get the basic information, then pass this on to staff or have the person contact the appropriate staff member directly.

Councilmembers should not contact line staff directly, but may send requests to the administration department staff and the City Manager in order to coordinate proper response. The City Manager will assign the request to the appropriate staff member for response, and that individual will copy the City Manager and department head when responding to any Council inquiry.

Staff's goal is to provide an initial response to the constituent within 24 to 48 hours, or on the first working day following a holiday or weekend, if at all possible. The key to answering constituent requests is to be specific in what the City Councilmember will do, i.e., promise a timely response, look personally at the problem, etc., while avoiding a commitment to "fix anything."

Councilmembers 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. Staff will copy or communicate a response to the City Council.

### **GENERAL POWERS AND DUTIES**

## **CITY COUNCILMEMBERS**

The City of Commerce is governed by a five-member City Council elected to four-year terms on a staggered basis. Councilmembers are elected in the general election in March of even numbered years. Annually, the City Council selects a Mayor and Mayor Pro Tem.

The Councilmembers are elected to provide leadership in setting community goals and in formulating broad-based policies. The City Council is the focal point for identifying and interpreting the wishes of the citizens and translating these into specific programs.

The City Council meets regularly on the first and third Tuesday of each month. The purpose of the City Council is to establish local laws, set policy, reject or approve programs, allocate funds, and provide direction through the City Manager to City staff to implement its policies. The City Council has the authority to appoint the City Manager, the City Attorney, executive team and to appoint members to various local and regional committees, commissions, and other boards.

## **MAYOR**

The Mayor is not directly selected by the populace, but rather by the City Council itself. The Mayor shall be recognized as the official head of the City of Commerce for all ceremonial purposes. In the time of public danger or emergency, the Mayor may, with the consent of the City Council, cause order to be maintained and enforce laws.

While the Mayor is the presiding officer of the City Council, the Mayor's vote does not carry any more weight than other Councilmembers. As presiding officer, the Mayor calls council meetings to order, preserving strict order and decorum at all times; announces the order of business as detailed on the agenda; facilitates and monitors discussions; and calls for votes and announces the results.

The Mayor may announce special rules for the consideration of a particular item on the agenda, such as the length of time persons may speak, require only one spokesperson for a group of people sharing the same views, and/or provide time for rebuttals in the event of a hearing. The Mayor shall state every question coming before the Council, call for the vote, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the City Council, in which event a majority vote of the City Council shall govern and conclusively determine such question of order. The Mayor is eligible to vote on all motions, and shall direct the order of participation of Councilmembers. The Mayor shall, in all instances, have the last chance to speak.

The Mayor also, with Council approval, signs all ordinances, resolutions, and other records of proceedings approved by the Council. The Mayor has no veto power. The Mayor Pro Tempore serves in the capacity of the Mayor during any absence or incapacitation of the Mayor.

## **MAYOR PRO TEMPORE**

The Mayor Pro Tempore shall be appointed by the Council for a one-year term at the reorganization meeting. In the absence of the Mayor, the Mayor Pro Tempore shall possess and perform the power and duties of the Mayor.

## **RULES OF PROCEDURES**

The City Council shall determine its own rules of procedures and amend them from time to time, or adopt

new rules as it deems necessary. Amendment to or adoption of new City Council Rules shall be accomplished by majority vote.

Any Councilmember may move the Mayor to enforce the rules, and a majority vote of the City Council shall require the Mayor to so act.

### **III COMPENSATION AND BENEFITS**

#### **COMPENSATION**

The Council, in accordance with Government Code Section 36516, sets the salary for the City Council. In addition, Councilmembers may be reimbursed for actual expenses while performing official duties. (see travel policy attached)

#### **VEHICLE MILEAGE REIMBURSEMENT**



Mileage compensation for authorized travel by private automobile shall be paid at the rate designated by the Internal Revenue Service. Per IRS guidelines, each Councilmember receives mileage reimbursement currently at 54.5 cents per mile for the Calendar year 2020.

#### **COUNCILMEMBER BENEFITS**

##### **HEALTH INSURANCE**

The City offers health, dental, vision care, and life insurance plans. For further details and forms, please see the Human Resources Office.

##### **TRAINING, MEETINGS, AND CONFERENCES**

The City budget funds training, meetings, and conferences in which the Councilmembers may wish to participate. Among these are the quarterly

Meetings of the Southern Division of the League of California Cities, the League of California Cities Annual Conference, League of California Cities Executive Forum, the U.S. Conference of Mayors, National League of Cities, and numerous other local meetings. Councilmembers are encouraged to participate in these meetings and conferences. All travel and training expenses are subject to the policies and procedures set forth.

## IV CITY COUNCIL MEETINGS

### TYPES OF COUNCIL MEETINGS

#### **REGULAR MEETINGS**

The Commerce City Council holds regular meetings on the first and third Tuesday of each month at 6:00 p.m. with Closed Session typically scheduled for 5:00 p.m. prior to regular City Council meeting. State law (the Ralph M. Brown Act) requires that public notice be given at least 72 hours before the meeting indicating the time and place of the meeting. An agenda of each meeting is posted at City Hall. Regular meetings may be adjourned or continued to a specified time and place.

#### **STUDY SESSIONS**

Study sessions are usually informal, and are always open to the public. The purpose of the study session is to give the Council the opportunity to review items that require more in depth study than time allows on the regular evening meeting agenda, and to receive informational reports/items that require no formal action.

#### **SPECIAL MEETINGS**

The City Council can also call special meetings to review and discuss specific topics. Members of the City Council and local news media must receive notices of special meetings at least 24 hours prior to the time of the meeting. The notice must specify the time and place of the special meeting and the business to be transacted or discussed. Regular ordinances **may not** be adopted at special meetings; only urgency ordinances may be adopted at such meetings. Items not listed on the agenda shall not be considered at the special meeting.

#### **CLOSED SESSIONS**

Closed sessions may be held to discuss certain matters specified by law, including:

- Personnel matters to consider the appointment, employment, performance, or dismissal of a public employee;
- Matters of national and public safety;
- Labor negotiations;
- License applications by persons with criminal records;
- Real estate negotiations;
- Pending and existing litigation.

Closed sessions are attended by the City Council, City Manager, Assistant City Manager, City Attorney, appropriate management staff, and occasionally by a special consultant or attorney depending upon the matter under discussion. Closed sessions are not open to the public. Matters discussed during closed session are confidential and may not be discussed with anyone outside of the closed session or during a public meeting. Violations of the closed session confidentiality requirement could put the city in a perilous position with respect to litigation and represent a violation of the law for the person violating the confidentiality requirement. If any final decisions are made in the closed session meeting, the Council must reconvene in open session where it may be required to report the specific votes and actions taken by the Council.

#### **EMERGENCY MEETINGS**

Emergency meetings may be called by the City Council with one-hour notice to its members and local news media. The City Council **may not** meet in closed session during an emergency meeting, unless as allowed by

law, for example, a 4/5th City Council vote approves an agenda item for this limited purpose. Except for the 24-hour notice requirement, the special meeting requirements set forth above shall apply in emergency meetings.

## **BUDGET HEARINGS**

Every year the City Council holds budget hearings to review funding allocations for the goals and objectives outlined by the City Council.

All meetings (regular, special, or closed sessions) must be conducted within the geographical boundaries of the governing body's jurisdiction, unless specifically exempted.

## **MINUTES AND RECORD KEEPING**

The minutes serve as a source of information for the council itself and for the public. Meeting minutes are required to include the following information:

- Members present;
- Motions, proposals, resolutions, orders, ordinances, and other items of business and their disposition;
- Results of all votes and, in the case of a roll call vote, the vote of each member by name.

The minutes are generally an action of what took place and do not include a verbatim transcript. The City Clerk is responsible for recording, preparing, and filing council minutes. Minutes of Council meetings are available for review in the City Clerk's Office and on-line at [www.ci.commerce.ca.us](http://www.ci.commerce.ca.us)

## **AGENDA**

The City Clerk is responsible for preparing the agenda. The agenda is a listing and synopsis of each business item the Council will consider during its meeting. City Councilmembers have a responsibility to come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from staff.



In order to “go green” and join the modern age of technology, City Council agenda packets are published on the City’s website and available via iPads. Electronic agendas may be accessed as follows:

1. Go to the City’s website: [www.ci.commerce.ca.us](http://www.ci.commerce.ca.us)
2. Click on “Meeting Agendas” on the right side of the page. This will bring you to the “Agendas & Minutes” page.
3. Under City Council, click on the date of the agenda that you need
4. If an item has a staff report, the report will be designated by a blue link - click on the link to open the report.

The agenda, as well as any associated agenda reports, may be viewed online or printed out, according to City Councilmember preference. Agendas are available to the public at City Hall the Thursday prior to the meeting and may also be accessed online, and hard copies are available at every regular meeting.

## **TYPES OF COUNCIL ACTIONS**

### **CONSENT CALENDAR**

Items appearing on the Consent Calendar are routine in nature and are expected to require no discussion by the City Council. If discussion is requested by a member of the Council, the staff, or anyone in the audience, it is "removed" from the Consent Calendar and handled as a regular agenda item.

*Typical Motion:* "I move that the Consent Calendar (with the exception of items which have been removed) be approved as recommended."

### **ORDINANCES**

Ordinances are the laws of the municipality. City Councils are given the power to pass ordinances by Government Code Section 37100 as long as those ordinances are not in conflict with the laws and Constitution of the State of California or the United States. Approval of an ordinance requires a first reading or introduction, and a second reading and adoption, with at least five days between readings (except an urgency ordinance). The passage of an ordinance requires the affirmative votes of at least three (3) councilmembers. The ordinance is then posted as required by law and becomes effective thirty (30) days later. The thirty (30) day time frame is known as a referendum period. A referendum period is required by state law and is a time frame in which any citizen can file a petition challenging the legality of a recently adopted ordinance. An ordinance is an action that can be repealed or amended only by a subsequent ordinance.

#### **First Reading**

An ordinance is introduced by reading its title (read by the City Attorney or City Clerk), or by complete reading, if requested by a regular motion approved by a majority of the Councilmembers. A Councilmember may move to waive the complete reading.

*Typical motion:* "I move to introduce and read the Ordinance by title only." If a regular motion to waive the reading is not successful by a majority vote, the ordinance must be read in its entirety prior to any action on the ordinance.

#### **Second Reading**

A motion to read the ordinance by title only and, *typical Motion:* "I move that the ordinance be adopted."

### **URGENCY ORDINANCES**

In matters deemed by the City Council to warrant immediate action to preserve peace, public safety or health, an emergency ordinance may be passed immediately upon introduction at either a regular or special meeting, and can be effective immediately.

### **RESOLUTIONS**

A resolution expresses the policy of the Council on directing certain types of procedural or administrative actions, as well as making funding allocations. It requires only one reading and may be changed by subsequent resolution.

*Typical Motion:* "I move that the resolution be adopted as submitted."

### **PROCLAMATIONS**

A proclamation is a public declaration of the council's endorsement of something, such as a special event or happening. Such public announcement usually is made at the request of the organization sponsoring the event or happening and not for functions of a personal nature such as a birthday, anniversary, etc.

### **CERTIFICATE OF APPRECIATION**

A Certificate of Appreciation/Commendation is a certificate endorsed by the City Council showing the City's appreciation to an individual who has given years of energy and knowledge to the growth and development of the City.

### **PUBLIC HEARINGS**

A public hearing is the open consideration of an issue within a regular meeting of the City Council, for which special public notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present information, and/or offer support or objection for the subject under consideration. Public hearings are required for such items as zoning changes, annexations, weed abatement liens, etc. Typically, staff makes a presentation, an applicant/affected party has the opportunity to address or raise matters subject to the hearing, and at the Mayor's discretion, rebuttal arguments are allowed to all parties,

including the public. Councilmembers have the opportunity to make inquiries to staff, as well as to the applicant/affected party.



## V COMMUNICATIONS AND CITY COUNCIL CODE OF CONDUCT

Perhaps the most fundamental role of a Councilmember is communication – communication with the public to assess community opinions and needs, and communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives as well as City Council conduct with each other. 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 Councilmember. Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. All have chosen to serve in public office in order to preserve and protect the present and the future of the community. This common goal should be acknowledged at all times, especially when Council disagrees on contentious issues.

### **Council Conduct with One Another In Public Meetings**

- **Use formal titles.** It is advised that City Council Members refer to one another formally during public meetings as Mayor, Mayor Pro Tem or Council Member followed by the individual's last name.
- **Practice civility and decorum in discussions and debate.** Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. However, making personal, slanderous, threatening, abusive, or disparaging comments is not appropriate.
- **Honor the role of the Chair in maintaining order.** It is the responsibility of the Chair to keep comments of all participants on track during public meetings. Council Members should honor efforts by the Chair to focus the discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in Robert's Rules of Order, specifically the Revised Classic 1915 Edition, per Commerce Municipal Code.
- **Demonstrate effective problem-solving approaches.** Council Members have a public stage to demonstrate how individuals with disparate points of view can find common ground and understanding, negotiating solutions that benefit the community as a whole.

### **Council Conduct with One Another In Private Encounters**

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

- **Be aware of the *insecurity* of written notes, voicemail messages, and e-mail.** Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable having this note faxed to others? How would you feel if this voicemail message was played on a speakerphone in a full office? What would happen if this e-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially “public” communication.
- **Even private conversations can have a public presence.** Elected officials are always on display. Their actions, mannerisms, and language are monitored by people around them that they may or may not know. Lunch table conversations can be eavesdropped upon, parking lot debates may be watched, and casual comments between individuals before and after public meetings observed.

### **Council Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and the City Manager and staff, who implement and administer the Council’s policies. Therefore, every effort should be made to cooperate and show mutual respect for contributions made by each individual for the community good.

- **Treat all staff as professionals.** Clear, honest communication that respects abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not appropriate.
- **Direct staff issues and assignments to the City Manager.** Assignments for City staff and/or requests for additional background information should be directed to the City Manager. City Council is encouraged to contact the department head directly to ask routine questions for clarification or to request information that is readily available and can be easily supplied.
- **Requests for follow-up or directions to staff should only be made through the City Manager or the City Attorney when appropriate.** Materials supplied to a Council Member in response to a request will be made available to all Council Members, equalizing access to information.
- **Never publicly criticize an individual employee.** Council Members should never express concerns in public about a City employee’s performance to the employee directly, or to the employee’s supervisor. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Comments about staff in the office of the City Attorney should be made directly to the City Attorney.
- **Allow staff to handle administrative functions.** Council Members should not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits

outside of duly noticed public meetings when acting as a governing body.

- **Check with the City Manager on correspondence before taking action.** Before sending correspondence, Council Members should check with the City Manager or staff support to the City Council to see if an official City response has already been sent or is in progress.
- **Requests for additional staff support** – even in high priority or emergency situations – should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government

In requesting information of the staff, there is no authorization for staff to ‘just keep it between us.’ Councilmembers shall receive the full cooperation and candor of staff in being provided with any requested information. The City’s policy is that staff will copy the City Manager and department head on all responses to Councilmembers.

- **Request for staff research** Councilmembers may request information or research from staff on a given topic directly when it is anticipated that the request can be completed by staff in less than one hour.

Councilmember requests for research or information that are anticipated to take staff more than one hour to complete should be directed to the City Manager.

Requests for new information or policy direction will be brought to the full City Council for consideration. Responses to all requests will be copied to all Councilmembers.

Routine secretarial support will be provided to all Council Members. All mail for Council Members is opened by Administration staff, unless other arrangements are requested by a Council Member. Mail marked personal or confidential is not opened.

- **Do not solicit political support from staff.** Council Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace. City employees are prohibited from using City resources, City time or appearing in uniform in relation to political activities.

### **Council Conduct In Public Meetings**

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

The Mayor has the responsibility of controlling the debate and the order of speakers. Each Councilmember shall be allowed the opportunity to speak on each issue. The Mayor shall call upon all Councilmembers fairly.

**Speaker Time Limit:** During open meetings of the City Council, members of the public have the opportunity to address items of interest that are not on the agenda within the subject matter jurisdiction of the Commerce City Council. These opportunities carry a time limit of three minutes; however, the time limits may be shortened or lengthened accordingly, depending on the number of requests to speak and/or the length of the meeting.

- The person must be clearly recognized by the Mayor and is to approach the podium and microphone before testifying.
  - He or She must first clearly state his name for the record.
  - Testimony will not be received out of order of sequence outlined in the order of proceedings listed above.
  - Only factual testimony will be considered by the City Council. No emotional or personal attacks will be tolerated during any of the proceedings.
- **Welcome speakers and treat them with care and gentleness.** Most residents do not speak before City Council very often and may be nervous, uncomfortable, and emotional. Putting speakers at ease will allow them to express their viewpoints more effectively, make Council meetings run more efficiently, and aid the fulfillment of the democratic process.
  - **Be fair and equitable in allocating public hearing time to individual speakers.** The Chair will determine and announce limits on speakers at the start of the public hearing process, per Council policy. If many speakers are anticipated, the Chair may ask for speaker cards to be filled out and may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.
  - **No speaker will be turned away unless he or she exhibits inappropriate behavior.** Each speaker may only speak once during the public hearing unless Council requests additional clarification later in the process. After close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.
  - **Give the appearance of active listening.** It is disconcerting to speakers when Council Members do not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time, gazing around the room, or entering into prolonged dialogue with adjacent Council Members or staff gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as smirking, disbelief, anger or boredom.
  - **Ask for clarification, but avoid debate and argument with the public.** Only the Chair – not individual Council Members – can interrupt a speaker during a presentation. However, a Council Member can ask the Chair for a point of order if a speaker is off the topic or exhibiting behavior or language Council Members find disturbing.

Councilmembers who wish to ask questions of speakers may do so, but only after being recognized by the Mayor.

Councilmembers shall not engage in debate with a member of the public at meetings since these debates seldom resolve concerns and many times only serve to inflame feelings.

- **If speakers become flustered or defensive by Council questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain order and decorum of the meeting.** Questions by Council Members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council Members' personal opinions or inclinations about upcoming votes should not be revealed until after public hearing is closed.
- **Undertake no personal attacks of any kind, under any circumstance.** Council Members should be aware their body language and tone of voice, as well as words they use, can appear to be intimidating or aggressive.

**Council Requests for Work Program Items** New work program assignments suggested by Councilmembers shall be requested at a Council Meeting so that the Council may discuss, prioritize, assign or decline the item. A Councilmember seeking to propose a new work program assignment may wish to speak with the City Manager and the appropriate department head beforehand to get an idea of the time, staffing and costs associated with such a proposal. Councilmembers shall not contact subordinate staff to make such requests, and those staff have been directed to refer those requests back to the department head or City Manager.

**Follow parliamentary procedure in conducting public meetings.** The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to Robert's Rules. Final rulings on parliamentary procedure are made by the Chair, subject to appeal of full Council.

Upon passage and approval by the City Council, individual City Council Members agree to adhere to these guidelines and it is up to the City Council to address any Council Members that they believe have acted in a manner inconsistent with this Code of Conduct.

### **HANDLING OF LITIGATION AND OTHER CONFIDENTIAL INFORMATION**

Councilmembers 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 Councilmembers, the City Attorney, or City Manager or his/her designee.