



City of Alameda
City Council Handbook & Code of Conduct

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I. PURPOSE

The City Council Handbook/Code of Conduct provides guidelines, rules, and a general policy for Councilmembers to follow in conducting City business and fulfilling their responsibilities as City elected officials.

II. CITY COUNCIL

The elective officers of the City of Alameda shall consist of a Council of five members, to be composed of four Councilmembers and a Mayor, all to be elected by the qualified voters of the City at large. (Sec 2-1.1, City of Alameda Charter). The Charter also has provisions concerning the City Council including who is eligible to be an elected officer of the City (sections 2-5, 2-11, 2-14, 22-4), when elective officers take office (section 2-6), vacancies (sections 2-6.1, 2-9), and compensation (sections 2-1.1, 2-4). In addition, Councilmembers receive such as, life insurance, dental coverage, health insurance, retirement enrollment, an auto allowance, and a technology allowance. These benefits are subject to change.

III. CITY GOVERNANCE

The City of Alameda operates under the Council/Manager form of government. The Council, as the legislative body, represents the entire community and is empowered by the City Charter to formulate citywide policy. The City Manager is appointed by the Council, serves as the Chief Executive Officer of the City and is responsible for the day-to-day administration of City affairs and implementation of Council policies. The City Attorney is appointed by the Council and serves as the City's legal advisor, attorney and counsel. The City Clerk is appointed by the Council and serves as Clerk of the City.

IV. COUNCIL MEETINGS

The City Council meets regularly on the first and third Tuesdays of every month, except during the month of August, at 7:00 p.m. in the Council Chambers, City Hall. Regular Council meetings are open to the public.

A. AGENDAS

The agenda is the official guide for Council meetings. Prepared by staff, the agenda includes current legislative and policy issues that Council reviews and, on which the Council may take action. By law and subject to very limited exceptions, the Council cannot take action on items or issues which are not listed on the agenda.

The City Manager, City Clerk, and City Attorney may meet with the Mayor, and other members of the Council as necessary, to collaborate on the setting of the agenda. Unless otherwise specifically directed by the Council, the City Manager,

City Clerk, and City Attorney shall have final authority to set the agenda for their respective area of administrative responsibility.

The City Clerk publishes agendas and related staff reports on the City's webpage at www.cityofalamedaca.gov, publically posts the agenda, and the cable government channels scrolls the agendas. The City Clerk publishes and posts regular agendas and related staff reports 12 days prior to regular Council meetings. The City Clerk publishes and posts agendas and related staff reports for special meetings 7 days prior to a special meeting. Copies of the staff reports are also available in the City Clerk's Office during regular business hours and at the information table located outside of the Council Chambers on the night of the meeting.

B. BROADCASTING OF MEETINGS

Council meetings are televised live on Comcast Channel 15, AT&T Channel 99 and webcast live on the City's website via video streaming. Webcasts of previous meetings are also available for viewing on the City's website.

C. MEETING RULES OF ORDER

City Council adopts from time-to-time Meeting Rules of Order, currently embodied in Resolution No. 15382. In addition, Council will practice civility and decorum in its discussion and debate. Councilmembers will value each other's time and will preserve order and decorum. No member shall either by conversation or otherwise delay or interrupt proceedings, or use personal, impertinent or derogatory remarks, nor interrupt any other Councilmember when that Councilmember is speaking. All members shall have the opportunity, but are not required, to speak on any agenda item

D. STAFF ATTENDANCE AT MEETINGS

The City Manager or designee, the City Attorney or designee, and the City Clerk or designee shall attend all regular and special meetings of the Council unless excused by the Council. Unless otherwise directed by the Council, the City Manager, the City Attorney and the City Clerk, or their respective designees, may make recommendations to the Council and shall have the right to take part in all discussions of the Council. The City Clerk shall keep the official minutes and perform such other duties as may be required by the Council. If the City Clerk or designee is excused from a closed session, the City Clerk or the Council shall appoint an alternate taker of closed session minutes. The attendance of other staff members and/or counsel will be as directed by the City Manager, City Attorney or City Clerk. . In addition, the City Manager, City Attorney nor City Clerk shall attend closed session meetings where the Council is discussing performance evaluations of the City Manager, City Attorney or Clerk other than their own evaluation, unless otherwise directed by the Council.

E. CLARIFYING COUNCIL DIRECTION AT MEETINGS

When the Council gives general direction to the staff without voting on a motion, the City Manager, the City Clerk or the City Attorney may restate for the record the Council direction in order to avoid any confusion. If the Council disagrees with the restatement, the Council shall clarify the direction.

F. MEMBERS OF THE PUBLIC ADDRESSING THE COUNCIL

Every effort will be made to ensure that members of the public have sufficient opportunity to address the Council. Members of the public have a right to freedom of expression but Council meetings are to be conducted in a safe, harassment-free environment.

Members of the public have the opportunity to speak on agenda items prior to the Council taking final action. Under Oral Communications, members of the public may address the Council on issues or concerns not included on the agenda but within the general jurisdiction of the Council. Council cannot take any action on matters raised during Oral Communications since such matters are not on the agenda but Council may provide a brief response and/or refer the matter to City staff.

Members of the public wishing to speak, whether on a regular agenda item or under Oral Communications, should complete a Speaker's Slip and provide it to the Deputy City Clerk prior to the start of the meeting in order for the Mayor to manage the meeting. When the City Clerk or the Mayor calls the name of the person to speak, the speaker is to approach the podium and may state the speaker's name. Speakers must address the speaker's comments to the Council and not to any other member of the public nor to City staff. Speakers shall not make personal, impertinent, derogatory, unduly repetitive or profane remarks to the Council as a whole, to any individual Councilmember, to City staff nor to the general public. Speakers shall not make loud, threatening or abusive language, nor engage in conduct that unreasonably disrupts or otherwise impedes the orderly conduct of the meeting. Persons who engage in this conduct shall, at the discretion of the Mayor, be required to leave the meeting. Applause and other displays of approval or disapproval of a speaker's comments are not permitted.

G. MEETING MINUTES

- a. The City Clerk shall keep minutes of all open meetings of the Council and shall enter the minutes in a book constituting the official record of the Council.
- b. The City Clerk shall arrange for appropriate technology recordings of all open Council meetings and retain such recordings indefinitely.

- c. The City Clerk will exercise discretion, in accordance with appropriate minute taking procedures, to assure that the substance of the meeting is recorded accurately and that each person speaking is recorded.
- d. Corrections to Council minutes
 - i. If a Councilmember has proposed corrections to the minutes, including a substantive change, as well as a correction to spelling or punctuation, the Councilmember may present the corrections orally to the City Clerk at the meeting at which the minutes are presented for adoption or present the corrections to the City Clerk in writing before the next meeting so that the Council may consider such corrections at such meeting.
 - ii. All corrections that have been approved by the Council will be made to the draft minutes in question before the City Clerk signs the certification form.

CODE OF CONDUCT

A. PRINCIPLES OF ETHICAL CONDUCT FOR ELECTED OFFICIALS

The following principles are meant to reflect a commitment to the integrity, responsibility, and leadership required of those holding public office. Councilmembers pledge to uphold these Principles of Ethical Conduct in their behavior and actions in order to merit the trust bestowed upon them by the residents they serve.

1. I will put forth honest effort in the performance of my duties.
2. I will make no unauthorized commitments or promises of any kind purporting to bind the City.
3. I will not use public office for private gain.
4. I will act impartially and not give preferential treatment to any other entity private organization or individual.
5. I will disclose waste, fraud, abuse, and corruption to the appropriate authorities.
6. I will treat everyone with respect and fairness at all times.
7. I will endeavor to avoid any actions creating the appearance that I am violating the law or these ethical standards.

B. EXPENSE REIMBURSEMENT, COMPENSATION AND ETHICS/GOVERNANCE TRAINING POLICY

Council has adopted an Expense Reimbursement, Compensation and Ethics Training Policy in Resolution No. 13966, a copy of which is attached. Additionally, the Sunshine Ordinance requires all City employees and officials who are required to file FPPC Form 700, including Councilmembers, to sign an annual affidavit or declaration stating under penalty of perjury that they have read the Sunshine Ordinance and have attended, or will attend when next offered, a training session on the Sunshine Ordinance, to be held at least every third year, provided (a) newly hired employees and newly elected or appointed officials shall within six (6) months of their hire, election or appointment either attend a training session or review the tape of the most recent training session, and (b) additional

training session shall be provided when there are substantive amendments to the Sunshine Ordinance.

Consistent with these policies, Councilmembers in particular shall receive initial and ongoing training relating to ethics and governance. Additionally, new Mayors and Councilmembers shall attend the League of California Cities New Mayors and Councilmembers Academy, or a comparable training session, at the soonest practicable opportunity.

C. POLICY PROHIBITING HARRASSMENT, DISCRIMINATION AND RETALIATION

The City has adopted a Policy prohibiting harassment, discrimination and retaliation, a copy of which is attached.

D. CONFLICT OF INTEREST POLICY: REPORTING REQUIREMENTS

The City Council has adopted a Conflict of Interest Policy and certain reporting requirements in connection with that Policy, copies of which are attached. Among other things, this Policy requires Councilmembers to file Statements of Economic Interest, Form 700. Councilmembers must also file a Sunshine Ordinance Declaration form annually.

E. GENERAL COUNCIL COMMUNICATIONS POLICY

With City Staff

- a. Councilmembers shall treat all City staff as professionals.
- b. Except with respect to employees that report directly to the Council, Councilmembers shall refrain from personal public criticism of an individual employee other than appropriate questioning of the employee's position or recommendation on a City matter. A Councilmember's concerns about an employee's performance should be discussed in private with the City Manager, City Attorney, or City Clerk as appropriate.
- c. Councilmembers should refrain from participation or involvement in administrative functions such as law/code enforcement proceedings, permit application reviews, inspections, or personnel actions not involving employees who report directly to Council, except for the purpose of making inquiries, as further set forth in the Charter. Additionally, individual Councilmembers may not interfere with or direct City staffs' carrying out of their administrative functions and may participate in such administrative proceedings only to the extent authorized by law and by the Council.
- d. When Councilmembers are part of a committee that has been formed for the purpose of recommending the selection of a professional firm or recommending the hiring of an employee who reports to the City Council, Councilmembers will be impartial, make recommendation based on the merits of the applicants, and recuse themselves from the process if there is a conflict of interest.
- e. Upon receipt of a complaint from a member of the public, a Councilmember may refer the complaint to the City Manager, City Attorney, or City Clerk, as appropriate, for review and response. Before responding to such complaint,

Councilmembers are encouraged to check with the Mayor or appropriate staff to determine if any action has already been taken on the issue.

With the Public

- f. Individual Councilmembers may respond to correspondence that has been directed to the member individually or to the Council as a whole. When responding in writing to public inquiries regarding City issues, unless otherwise authorized by the Council, Councilmembers should include a disclaimer such as: "This response reflects only my opinion and does not necessarily represent the position of the City Council or City staff," or words to that effect.
- g. Councilmembers shall always be courteous and professional in any correspondence or interaction with members of the public.
- h. When contacted by a member of the public concerning a complaint regarding a City service, Councilmembers will notify the City Manager, City Attorney or City Clerk, as appropriate, of the complaint and inform the person that the concern has been forwarded to the appropriate City staff. City staff should inform the referring Councilmember of any action taken.

Improper Use of City Staff, Expressions of Opinion, and Accepting/Gifts

- i. Unless otherwise authorized by the Council, no Councilmember shall use City staff to carry-out personal or non-City functions or activities.
- j. Unless otherwise authorized by the Council, no Councilmembers shall use the Councilmember's official office as a means of advancing personal opinions through public statements whereby a reasonable inference can be drawn that the Councilmember is speaking on behalf of the City or the City Council.
- k. Unless otherwise authorized by the Council, a Councilmember making public statements either orally or in writing (e.g. use of official city letterhead), which could reasonably be construed to be a communication on behalf of the City or the City Council, shall include clear language indicating that such statements are the opinions and comments of the individual Councilmember and are not necessarily the position of the City or of the City Council.
- l. Councilmembers shall not, except to the extent authorized by law, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the City, and whose interests may be substantially affected by the performance or nonperformance of the Councilmember's duties.

F. POLICY IMPLEMENTING CHARTER SECTION 7-3

1. Purpose

The intent of this policy is to provide an administrative policy to govern the interaction between members of the City Council and City of Alameda staff which respects the provisions of the City Charter, while providing the City Council the opportunity to interact directly with staff on matters of interest to Councilmembers or their constituents.

2. Overall Guidelines

Section 7-3 of the Alameda City Charter states that “Except for purposes of inquiry, the Council and its members shall deal with that portion of the administrative service for which the City Manager is responsible solely through [the City Manager].” Accordingly, the Charter establishes the expectation that the City Council will work through the City Manager to have staff respond to both the directives of the City Council acting as the governing body or the requests of individual Councilmembers.

3. General Procedures

What is an Inquiry?

The Charter clearly identifies the Council’s prerogative to make inquiries. According to Webster’s New Collegiate Dictionary, an inquiry is simply defined as “a request for information.” The Council should have access to staff resources to make requests for information or to ask questions on issues of interest. However, this should be contrasted to the definition of an action which is to get “a thing accomplished.” The distinction between these two ideas is important only in that the Charter assigns the responsibility for getting things accomplished by the City Council through the City Manager and not directly through staff.

Request for Inquiry

Members of the City Council *may* direct their written or verbal inquiries to the City Manager’s office, City Attorney’s Office, City Clerk’s Office, as appropriate, or they may make a direct inquiry to a Department Head to the extent generally authorized by the City Manager. Inquiries should be reasonably brief in nature such as asking for copies of existing documents or interpretations or elaborations of those documents. The City Manager’s Office, City Attorney’s Office, City Clerk’s Office, or Department Heads will respond to constituent concerns as a part of the City’s normal operating procedures which apply to such matters.

Clarification of Information

If a Councilmember desires clarification of the information being communicated, then that Councilmember may contact the staff person directly responsible for providing the information being requested, to the extent generally authorized by the City Manager. This direct contact is intended to allow Councilmembers access to staff should it be necessary for more information or clarification, notwithstanding that it opens up the organization to increased City Council interaction.

Request for Action

Every Councilmember wanting to place an item on the Council agenda for consideration and action shall submit a Council Referral consistent with Council Rules regarding referrals.

G.SOCIAL MEDIA POLICY

The City Council adopts a Social Media Policy; a copy of the draft policy is attached.

H. ENFORCEMENT OF CODE OF CONDUCT

1. Censure is a formal resolution of the City Council reprimanding one of its own members for specified conduct, generally a violation of law or of City policy where the violation of policy is considered to be a serious offense. Censure should not follow an occasional error in judgment, which occurs in good faith and is unintentional. Censure carries no fine or suspension of the rights of the member as an elected official but a censure is a punitive action that serves as punishment for wrongdoing
2. Councilmembers who fail to follow this Code of Conduct may be subject to censure by the Council.
3. Any Councilmember may refer a matter to the City Council to consider whether the Council should consider placing on a future agenda a censure. Such referrals shall be handled in the same manner as any other Council Referral.
4. The Council may also direct the City Manager, City Attorney, or other designated staff to place a censure matter before the Council for consideration.
5. Prior to any formal action by the Council to censure a Councilmember, the Councilmember against whom censure is sought is entitled to due process of law, which requires notice and an opportunity to be heard, including the opportunity to refute evidence against the Councilmember. Consideration of the censure shall be far enough in advance to give the member subject to censure adequate time to review the allegations and evidence against the Councilmember, but no longer than 30 days from the date the matter is referred to the Council, unless the Council determines that good cause necessitates further delay.
6. A City Council decision to censure requires the adoption of a resolution making findings, based on substantial evidence that the Councilmember has engaged in conduct that constitutes a violation of law or a serious violation of an adopted City Policy. The resolution must be affirmed by three affirmative votes of the Council. The member subject to censure shall not participate in the Council deliberations whether to censure nor in any vote on the proposed censure.