

CITY OF HUNTINGTON PARK

Council Handbook



Adopted 01/20/09

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PURPOSE OF MANUAL

The City of Huntington Park has prepared its own procedures manual to assist the City Council by documenting accepted practices and clarifying expectations. Through agreement of the City Council and staff to be bound by these practices, administration of City Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Council Members in their actions. This procedures manual will aid Council in taking responsible action, when necessary, to keep Huntington Park on the growing edge of well run, well managed, innovative cities.

LOCAL GOVERNMENT

The City of Huntington Park was incorporated in 1906, being governed by a City Council (formerly named the Board of Trustees). In 2001 the City by ordinance, established the Council-Manager form of government. Huntington Park 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.

TERMS OF OFFICE

The City of Huntington Park is governed by a five-member City Council elected to four-year terms on a staggered basis. Council Members are elected in the City's General Municipal election in March of odd-numbered years. Council terms overlap, two positions are open at one election and three (3) positions are open at the next municipal election two years later. The City is not divided into districts, so all Council seats are elected at large. No more than three (3) consecutive terms may be held by Members of the City Council. A member may hold office again after being out of office for at least one General Municipal Election.

REORGANIZATION

Annually at the second City Council meeting in March, the City Council shall choose one of its members to serve as Mayor and one to serve as Vice Mayor for a one-year term.

ROLE OF MAYOR AND VICE MAYOR

Mayor: the Mayor is the presiding officer at all meetings of the City Council and preserves strict order and decorum of the meetings at all times. The Mayor does not possess any power of veto. As presiding officer of the Council, the Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the City for all ceremonial purposes. The Mayor, with Council approval, signs all ordinances, resolutions, and other documents approved by the Council in his/her presence; except when the City Manager has been authorized by Council action to sign said documents.

Traditionally, the Mayor consults and coordinates with the City Manager in the development of agendas for meetings of the City Council. The scope of such review focuses on the timing of business items and the volume of business which can be considered at any one meeting.

Vice Mayor: the Vice Mayor shall perform the duties of the Mayor during the Mayor's absence or disability. Protocol dictates that the Vice Mayor sits to the immediate right of the Mayor.

When both the Mayor and Vice Mayor are absent at any meeting of the City Council, the Mayor will appoint another Council Member to assume the responsibility of presiding officer.

POWERS AND RESPONSIBILITIES

The powers of a City Council in California to establish policy are quite broad. Basically councils may undertake any action related to city affairs other than those forbidden or preempted by State or Federal law. The City Council is the elected legislative and policy-making body of the City and is collectively responsible to the citizens for formulating policies which will define a course of action, shape City operations, and determine methods for accomplishing goals.

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Vice Mayor have some additional ceremonial and administrative responsibilities as described above, in the establishment of policies, voting and in other significant areas, all Members of Council are equal.

It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the Council is upheld. Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Council Members who held a minority opinion on an issue.

A general list of duties of City Council Members includes, but is not limited to the following:

- Establish Policy and priorities for public services
- Approve/amend the operating and capital budgets
- Approve contracts
- Adopt Resolutions
- Adopt Ordinances
- Appoint and evaluate City Manager and City Attorney
- Establish advisory boards and commissions
- Make appointments to advisory bodies/commissions
- Provide Public Leadership
- Communicate the City's vision and goals to constituents
- Represent the City's interest at regional, county, state, and federal levels

GENERAL CONDUCT

Council Members shall:

- Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments;
- Be fair, impartial and unbiased when voting;
- Support the laws established by the City Council; and
- Abide by these Rules of Procedure and Protocol in conducting the business of the City of Huntington Park.

COMMUNICATIONS

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

APPOINTMENT OF CITY MANAGER, CITY ATTORNEY

The City Council appoints two positions within the City organization: City Manager and City Attorney. Both positions serve at the will of the City Council. The City Manager and City Attorney have agreements that specify some terms of employment including an evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City.

COUNCIL-MANAGER FORM OF GOVERNMENT

Under the Council-Manager form of government, citizens elect their Council Members whose role is that of a legislative policy-making body which determines the local laws that regulate community life. 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 of the community.

While the City Council establishes policies, 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. Collectively the City Council, City Manager and City staff analyze community needs, identify available resources, and recommend the best course of action. It is the staff's responsibility to ensure that the policy of the Council is upheld.

At any time, general requests by Council Members for information may be made directly to Department Heads who will advise the City Manager. The information requested will be copied to all members of Council so that each member may be equally informed.

City Council Members are always free to go to the City Manager to discuss any subject. Issues concerning the performance of a Department or any employee must be directed to the City Manager. Council Members are to refrain from publicly criticizing individual employees.

APPOINTMENT OF ADVISORY BODIES

The City has various commissions which are appointed by the City Council following a recommendation by the current commission members.

AD HOC COMMITTEES AND TASK FORCES

Council shall make certain that all Council appointed Ad Hoc Committees and Task Forces are properly instructed in their assigned scope of work and responsibility. The expected output of their effort shall be clearly defined.

CONSTITUENT REQUESTS

Members of the City Council will frequently receive requests or complaints. In most cases the City staff can resolve these problems. The main thing is for the Council Member to get the basic information, then pass this on to the City Manager or have the person contact the appropriate staff member directly. Staff will get back to the person within 24 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 Council Member will do, i.e., promise a timely response, etc. while avoiding a commitment to “fix anything”. Council Members are encouraged to coordinate with the City Manager’s Office prior to responding directly to complaints to ensure a united response and to prevent dual efforts in the event another department is already preparing a response.

CORRESPONDENCE FROM COUNCIL MEMBERS

Members of the City Council will often be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City’s position on policy matters to outside agencies on behalf of the City Council. Individual members of Council will often prepare letters for constituents in response to inquiries or to provide requested information. City Council letterhead is available for this purpose, and staff can assist in the preparation of such correspondence.

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

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

Council Members are often asked to prepare letters of recommendation for students and others seeking employment or appointment. It is appropriate for individual Council Members to utilize City letterhead and their Council titles for such letters. No review by the full Council is required.

PROCLAMATIONS

Ceremonial proclamations are often requested of the City in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the City can make special recognition of an event (i.e. Recycling Week). As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations.

CONFLICTS AND LIABILITY

State laws are in place which attempt to eliminate any action by a Council Member which may reflect a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest.

At any time a member believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a Member's potential conflict. Violations may result in significant penalties including criminal prosecution.

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify him or herself from acting on or participating in the decision before the City.

The statutes 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, Planning Commission, City Manager, City Treasurer, and City Attorney. Additionally, all members of a City advisory body are required to complete a Statement of Economic Interest (Form 700) upon assuming office and an annual statement for filing with the City Clerk. Upon completion all Form 700s are filed with the City Clerk, who is the City's FPPC filing officer, and kept available for public inspection.

The City of Huntington Park has adopted a Conflict of Interest Code which identifies the officers, employees and consultants who are required to file a Form 700 based upon their involvement or participation in the making of decisions which may foreseeable have a material effect or a financial interest.

Conflict of Interest is complex. Therefore Council Members should carefully consider and monitor “gifts” from any person or organization whether the gift is 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.

ETHICS TRAINING

Council Members shall receive at least two hours of training in ethics, conflicts of interest, open meeting laws, etc., every two years to satisfy the requirements of AB 1234. Council Members shall conduct themselves in accordance with such training.

CONDUCT WITH OTHER AGENCIES

Council Members are encouraged to participate and provide leadership in regional, state, and national programs and meetings.

Council Members shall:

- Report to the Council on matters discussed at subcommittees and other regional, state, and national boards in which they have been involved;
- Project a positive image of the City when dealing with other agencies;
- Show respect for other agencies’ opinions and issues, and if necessary, agree to disagree;
- Represent official policies or positions of the City Council when designated as the delegate of a legislative body; and
- Explicitly state to other agencies when their opinions and positions do not represent the City Council when representing their individual opinions and positions.

CONDUCT WITH THE MEDIA

Council Members shall not discuss or go “off the record” with the media to discuss confidential or privileged information pertaining to closed sessions, attorney-client privileged information or attorney work product communications including personnel, litigation or real property negotiations.

E-MAIL, COMPUTERS

To enhance Council Member’s ability to communicate with staff and the public, city-purchased laptop computers and a Blackberry, or a cell phone will be provided. When individual Council Members have completed their term of office, the communication devices must be returned to the City.

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

PARLIAMENTARY PROCEDURE

The purpose of Parliamentary rules of procedure is to expedite the transaction of City business in an orderly fashion. Motions, orders, and resolutions in a City Council meeting are generally subject to the rules of parliamentary law.

OPEN MEETING LAWS

The Ralph M. Brown Act requires meetings of legislative bodies, whether regular or special, to be open to the public, unless a closed session is held as authorized by law. All meetings shall be noticed as required to allow action to be taken by the Council. Three (3) members of the City Council shall constitute a quorum and shall be sufficient to conduct business.

MEETING SCHEDULE

Regular meetings are open to the public and held on the first and third Monday of each month in the City Hall Council Chambers at 6:00 p.m. When the day for such regular Council meeting falls on a legal holiday, the meeting shall not be held on such holiday but shall be held at the same hour on the next succeeding day thereafter which is not a holiday.

ATTENDANCE

Council Members acknowledge that attendance at lawful meetings of the City Council is part of their official duty and shall make a good faith effort to attend all such meetings unless unable. Council Members should inform the City Manager and/or City Clerk as soon as possible if they intend to be absent on a set meeting date.

SPECIAL MEETINGS

Special meetings may be called by the Mayor or by a majority of the members of the City Council to review and discuss specific topics. Written notice must be given to the City Council and to the media 24 hours prior to the time of the special meeting. The notice must specify the time and place of the special meeting and the business. No business other than that announced may be discussed.

At all regular and special meetings, public comments must be permitted before or during consideration of any agenda item.

PLACING ITEMS ON AGENDA

City Council: A Council Member may request an item be considered on a future agenda and, upon consensus of a majority of Council, staff will prepare a staff report if formal Council action is required. Council Members may make this request during the ‘Subjects Presented by Council Members’ portion at the end of the meeting.

Members of the Public: A member of the public may request an item be placed on a future agenda through communication with Council Members.

CHANGE IN ORDER OF BUSINESS

The Mayor or the majority of the Council may decide to take matters listed on the agenda out of the prescribed order. All items removed from the consent calendar should be considered prior to the last item of the meeting. Council Members shall be given the opportunity to ask questions about Consent items for clarification without having them removed.

EMERGENCY AND NON-AGENDIZED ITEMS

No action shall be taken by City Council on any item not on the posted agenda, subject only to the exceptions listed below:

1. upon a majority determination that an emergency situation (as defined by State Law) exists; and
2. upon determination by a 4/5 vote of the full City Council, of a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda..

OPEN MEETING DISCUSSION RULES

To assist the City Council in the development of a structure for orderly discussion of items, rules have been prepared which represent accepted practices for the management of Council meetings.

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

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

Interruptions: Once, recognized, a Council Member is considered to have the floor, and another Council Member may not interrupt the speaker except to make a motion to raise a point of order or unless the Council Member speaking chooses to yield to questions from another Council Member.

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

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

DECORUM

Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. The following guidelines have been adopted to ensure meetings are conducted in a professional manner.

- Work with the Mayor to preserve appropriate order and decorum during all meetings.
- Inform the Mayor when departing from a meeting.
- Exhibit the utmost courtesy to each other, to City employees, and to the public appearing before the City Council.
- Recognize that only City Council, staff, or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the Council or staff tables.
- Recognize the importance of respect and courtesy. Personal criticism of members is inappropriate.
- Always maintain civility and decorum during discussions and debate. Discussion should focus on policy matters.
- Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory or negative comments;
- Respect each other’s opportunity to speak and express their views. If necessary, agree to disagree.
- Attempt to build consensus on an item through dialogue; but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority;
- Be fair, impartial and unbiased when voting;
- Have the right to dissent from or comment upon any action of the City Council. A Council Member is never required to state reasons for a dissenting vote.

CLOSED SESSIONS

It is the policy of the City Council to conduct its business in public to the greatest extent possible. In certain circumstances, however, State Law recognizes that public discussion jeopardizes the public interest, compromises the City's position, and could cost the taxpayers. Closed sessions are attended by the City Council, City Manager, City Attorney and appropriate management staff and occasionally by special counsel depending upon the matter under discussion. These rules provide for strict confidentiality of City Council discussion in those circumstances allowed by law.

City Council Members shall keep all written materials and verbal information provided to them in closed session in complete confidence to insure that the City's position is not compromised. No mention of information in these materials shall be made to anyone other than Council Members, the City Attorney, City Manager, or authorized City staff.

Rule of Confidentiality

The City Council recognizes that breaches in confidentiality can severely prejudice the City's position in litigation, labor relations and real estate negotiations. Further, breaches of confidentiality can create a climate of distrust among Council Members and can harm the Council's ability to communicate openly in closed session.

The City Council recognizes that confidentiality is essential if the closed session is to serve its purpose. Therefore, the City Council will adhere to a strict policy of confidentiality for closed sessions.

Decorum

The same high standard of respect and decorum that applies to public meetings shall apply to closed sessions. There shall be courtesy, respect, and tolerance for all viewpoints and for the right of Council Members to disagree. Council Members shall strive to make each other feel comfortable and that it is safe to express their points of view.

VOTING PROCEDURES

When present, all Council Members are to vote: Aye; No; or Abstain. The City Council shall vote by "voice vote" on all matters before it unless a roll call is required by law or is requested by the Mayor. Silence shall be recorded as an affirmative vote.

No ordinance, resolution or motion shall be passed or become effective without an affirmative vote of the majority of the Council present.

A conflict of interest shall be declared whenever appropriate and in compliance with State law. The affected Council Member will recuse themselves, step down from the dais, not participate in the discussion or vote on the item as well as leave the room.

General consensus may be declared at the discretion of the presiding officer, if there are no negative votes or objections by Council Members.

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

Motions: A well thought out motion includes what action is to be taken, details such as conditions, deadlines, or budgetary amounts.

Reconsideration: Reconsideration of an item shall be allowed in accordance with the following Council guidelines. Resubmittal of issues previously acted upon is discouraged; however, requests will be considered by a majority vote of the Council. A motion for reconsideration must be made by a member of the prevailing majority when the previous vote was taken.