

## CHAPTER 2.36: CITY COUNCIL

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### **§ 010 REGULAR MEETING TIMES.**

The City Council shall meet on the first and third Monday of each month at the Tillamook City Hall. In the event of a holiday, the meeting shall take place the day following or on a day agreed upon by the Council at the meeting prior to the holiday.

### **§ 020 SPECIAL MEETINGS.**

The Mayor, or in his or her absence, the President of the Council, may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the city, call a special meeting of the Council by giving 24 hours' advance notice to members of the Council, the media and other interested persons, and the public. No other business shall be transacted other than that for which the meeting was called. All proceedings of the meeting must be reviewed at the next regular council meeting.

### **§ 030 EMERGENCY MEETINGS.**

An emergency meeting is a special meeting called on less than 24 hours notice. There must be an actual emergency and the minutes must describe the emergency justifying less than 24 hours notice. The governing body must attempt to notify the media and other interested persons, generally by telephone. No other business shall be transacted other than that for which the meeting was called. All proceedings of the meeting must be reviewed at the next regular council meeting.

### **§ 040 EXECUTIVE SESSIONS.**

Executive sessions may be held during any meeting of the Council providing all applicable statutory limitations are met. Any member of the Council may call for an executive session at a regular, special or emergency meeting for which notice has already been given in accordance with public meetings law requirements.

### **§ 050 CONFERENCE CALLS.**

Notice and opportunity for the media and public to be present must be provided when meetings are conducted by conference calls. For non-executive sessions, meetings held by telephone or other electronic means of communication, the public must be provided at least one place where its members may listen to the meeting by speakers or other devices. The media must be provided access to such facilities even for executive sessions, except where those sessions are exempt from the media.

### **§ 060 STUDY SESSIONS.**

A meeting held solely for the purpose of receiving information, except an on-site inspection, is subject to the public meetings law and must be advertised the same as regular meetings.

### **§ 070 MEETING CONDUCT.**

A) *Robert's Rules of Order Revised* (the most current version) shall be used as a guide in the conduct of Council meetings. These rules of order may be relaxed at the discretion of the presiding officer to simplify and clarify matters before the Council.

B) Each session is limited to three hours in length unless there is a unanimous vote of the Council to continue beyond that duration.

### **§ 080 QUORUM.**

The Mayor, or in his or her absence the President of the Council, shall call the meeting to order at the hour designated for the meeting. If a quorum is not present, the Recorder or designee

shall immediately notify the absent member(s), except those known to be unavoidably detained or absent, that their presence is required. If there are three Council members present, they may order an officer of the town to direct any available absent member to attend the meeting. If a quorum cannot be obtained, the members present shall adjourn until another specified time or until the next regular meeting.

**§ 090 AGENDA.**

(A) The Mayor and the City Manager shall prepare together the agenda for each meeting. In the absence of the Mayor or City Manager, or their official designees, the other may set the agenda individually.

(B) Any person desiring inclusion of agenda items (including Councilors, Committees, the City Attorney, and City Recorder) shall direct these to the Mayor and City Manager. This agenda shall be closed for further items at 5:00 p.m. on the Tuesday preceding the meeting except in the case of special meetings. All background materials shall be submitted by the following day, unless otherwise authorized by the Mayor or Manager.

(C) No vote shall be allowed on items not on the published agenda with the exception of an emergency. Any member of the Council may introduce an item not on the agenda if it constitutes an emergency. Emergency placement of an item onto the agenda requires a unanimous vote of the Council members present.

(D) A majority of the Council may approve the placement of a non-emergency item on the agenda; however, in order to provide adequate public notice, all non-emergency items shall be placed on the next regular agenda.

**§ 100 SUGGESTED ORDER OF BUSINESS.**

The suggested order of business is as follows:

- (A) Call to order;
- (B) Approval of minutes of the previous meeting;
- (C) Proclamations and presentations;
- (D) Audience comments;
- (E) Noticed Public hearings;
- (F) Old business;
- (G) New business;
- (H) Committee, Council, & Staff reports;

- (I) Bills against the city;
- (J) Adjournment.

**§ 110 VOTING.**

(A) A vote on every motion or question relating to the expenditure of funds shall be by roll call vote conducted by the City Recorder or designee.

(B) Written ballots are not prohibited but each ballot must identify the member voting and the vote must be announced by the City Recorder or designee. Secret ballots are prohibited. In the event of a unanimous vote, it may be entered into the record as “unanimously approved/disapproved.”

(C) A Council member may not indicate his or her vote during the course of discussion.

(D) A Council member may change his or her vote before the next item of business is taken.

(E) A member may not vote on any issue or matter in which he or she may have a potential conflict of interest, as defined by O.R.S. 244.020(8).

(F) A member may request to be excused from voting for special reason when approved by a majority of the Council. A member who abstains from voting must state the reason for their abstention.

**§ 120 RECONSIDERATION OF ACTIONS TAKEN.**

Any member who voted with the majority may move for a reconsideration of the action during the meeting at which the vote was taken. If the action is reconsidered, no further reconsideration may take place without the majority consent of Council.

**§ 130 PUBLIC HEARINGS.**

When a public hearing or a bid opening is scheduled, any agenda items in progress shall be recessed to comply with the advertised time. In the case of a public hearing, the presiding officer (hearing officer), upon completion of required announced information, shall call upon the members of the audience to come forth to be heard. If appropriate, the presiding officer may first ask those persons in favor of the stated matter to come forward with those speaking in opposition to come after. The presiding officer may limit the time and number of speakers at the public hearing. In such an event, the presiding officer shall announce these restrictions prior to commencement of the hearing.

**§ 140 SERGEANT-AT-ARMS.**

The sergeant-at-arms shall be the Chief of Police, if present, or an appropriate designate.

**§ 150 DESIGNATION OF HEARINGS OFFICER.**

A hearings officer may be appointed by the presiding officer to conduct special public hearings, when appropriate.

**§ 160 SPEAKING BY COUNCIL MEMBERS GENERALLY.**

Every Council member desiring to speak shall address the chair. Upon recognition, he or she shall confine remarks to the issue under debate.

**§ 170 PUBLIC MEMBERS ADDRESSING THE COUNCIL.**

(A) Any person who may wish to address the Council may be asked to stand and wait to be recognized by the presiding officer. After recognition, the person's name and address shall be stated for the record and the remarks shall be limited to the question under discussion. (All remarks and questions shall be addressed to the presiding officer and not to an individual councilor, staff person or other individual.) No person may enter into any discussion without first being recognized by the chair.

(B) Persons addressing the Council shall be limited to five minutes or less, unless a longer or shorter time has been granted by the presiding officer and announced before the proceeding takes place. No public member may speak twice on any one subject until every other public member wishing to speak has been heard. The second address shall be limited to three minutes unless permission is otherwise granted by the presiding officer.

**§ 180 ORDER AND DECORUM.**

(A) **Code of Conduct:** The council commits itself and its members to ethical, businesslike and lawful conduct, including proper use of authority and appropriate decorum when acting as council members. Accordingly:

1. Council members will represent the interests of the citizens of the entire city. This accountability to the whole city supersedes:
  - a. Any conflicting loyalty a member may have to other advocacy or interest groups.
  - b. Loyalty based upon membership on other councils or staffs.
  - c. Conflicts based upon the personal interest of any council member.
  - d. Conflicts based upon being a relative of an employee of the city.
  - e. Any other conflicts of interest as outlined by the Oregon Standards and Practices Commission.

2. Council members will not attempt to exercise individual authority over the organization.
3. Council members may not attempt to exercise individual authority over the organization. As such:
  - a. Council member interaction with the City Manager, City Recorder or with staff must recognize the lack of authority vested in individuals except when explicitly authorized by the council, and
  - b. Council member interaction with the public, press or other entities must recognize the same limitation and the inability of any council member to speak for the council except to repeat explicitly stated council decisions.
4. Council members shall maintain confidentiality appropriate to sensitive issues and information that otherwise may tend to compromise the integrity or legal standing of the council and/or city, especially those matters discussed in closed session.

(B) The job of the council is to represent the citizens and taxpayers and to lead the city by determining and requiring appropriate and excellent organizational performance. To distinguish the council's own unique job from the jobs of the City Manager and staff, the council will concentrate its efforts on the following:

1. Determining and using proactive strategies to ensure constructive two-way dialogue for input from staff and citizens as a means to link the entire city around goal achievement; and
2. Developing written policies which, at the broadest levels, address:
  - a. Council Process Policies: how the council will conceive, carry out and monitor its own work;
  - b. Council/Executive Relationship Policies: how authority is delegated and its proper use monitored; the City Manager role, the City Recorder role and their authority and accountability (See Appendix A, which may be amended by Resolution);
  - c. Executive Accountability Policies: constraints on executive authority which establish the practical, ethical and legal boundaries within which all staff activity and decision-making will take place and be monitored (See Appendix B, which may be amended by Resolution); and
  - d. Strategic Direction Policies: what the council intends for the city to achieve (See Appendix C, which may be amended by Resolution).
3. Ensuring City Manager performance by monitoring of the Annual Performance Plan.
4. Ensuring City Recorder performance by monitoring of the City Recorder's Annual Performance Plan Objectives.
5. Ensuring that the Annual Performance Plan is the focus of organizational performance.

Unless expressly stated otherwise, nothing in this or any other City Council Rule or Policy shall change any collective bargaining agreement, employment contract or "at will" employment of any city employee.

(C) (1) actions, which cause the Council or general public to be unable to comfortably hear or see or breathe, or to experience unwelcomed physical contact, or pose any threat to the health, welfare, or safety of attendees, shall be sufficient cause for the sergeant-at-arms, at the direction of the chair, to remove a person from the Council chambers or meeting hall for the duration of the meeting. Such actions may include, but are not limited to

- (a) The use of unreasonably loud or disruptive language;
- (b) Making loud or disruptive noises, flashes, or light;
- (c) Engaging in violent or distractive actions;
- (d) The willful injury to City property of any kind.
- (e) Refusal to obey any rules of conduct provided within this chapter, including limitation on occupancy or seating capacity;
- (f) Refusal to obey an order of the presiding officer; or
- (g) Refusal to obey an order by a Council member, which has been approved by a majority of the Council members present.

(2) In subsection (A)(1) of this section, ***UNREASONABLY LOUD OR DISRUPTIVE*** means any noise, light, odor, or conduct that intentionally or negligently disrupts or obstructs the ability of one or more Councilors to receive any communication from another during work or conduct of the business of the Council.

(D) Before the sergeant-at-arms is directed to remove a person(s) from the Council chambers or meeting place for conduct described in division (B) of this section, that person shall be given warning by the presiding officer to cease his or her disruptive conduct, unless such conduct poses an immediate threat to the health, welfare, or safety of any person or city property.

(E) If a meeting is disrupted by members of the audience, a majority of the Council members present may order that the Council chamber or meeting hall be cleared. \*[Note: Oregon public meeting law will still apply. This will not allow the Council to deliberate toward a decision or to hold a closed or executive session except as provided in that law. A recess of the meeting should be considered to allow matters to calm down.]

(F) Signs or other devices which obstruct the ability of the Council and the general public to see each other are not allowed. Nor shall signs or devices be adhered to the Chamber walls, with the exception of those needed as part of agenda presentations.

## **§ 190 PICTURE TAKING OR FILMING.**

The taking of photographs or filming in the Council chambers or meeting hall shall be allowed except when it is done in violation of § 180.

## **§ 200 FLAGS, SIGNS AND POSTERS.**

No flags, signs, posters or placards, unless authorized by the presiding officer, may be carried, displayed or placed within the Council chambers or meeting hall in which the Council is officially meeting. This restriction shall not apply to arm bands, emblems, badges or other articles worn on personal clothing of individuals, providing that such devices are of such size and nature as not to interfere with the vision of other persons attending the meeting, and provided that such devices do not extend from the wearer in such a manner as to present a possible cause of injury to another.

## **§ 210 NEWS MEDIA.**

The provisions of these rules shall not be construed to prevent news media representatives from performing their duties as long as the manner of performance is not unreasonably disruptive to the conduct of the meeting.

## **§ 220 COUNCIL COMMITTEES.**

(A) The Mayor, at his or her discretion, may also convene special ad hoc committees of limited duration with the consent of a majority of the Council. These committees shall be charged with making recommendations regarding to the Council.

(B) Members of all standing committees shall be appointed by the Mayor, with the consent of a majority of the council, at the second council meeting in January of each year or as soon thereafter as convenient. Members of standing committees must reside or own a business within the City Limits of Tillamook.

- (1) The Mayor shall also designate Council members to serve as chair, vice-chair, and liaison between the standing committees and the City Council. Each council member should expect to serve on not less than two standing committees.
- (2) Each member of a committee shall hold office for two years and until a successor is appointed.
- (3) If a vacancy occurs in a committee, the Mayor, at the next succeeding regular meeting of the council, with the consent of a majority of the council, shall appoint a member of the council to fill the vacancy. Any member so appointed shall hold office until January of the year following the appointment or as soon thereafter as convenient and until a successor is duly appointed.
- (4) The committees, which are limited to a maximum of seven members (excluding staff), shall annually select a Chair and Vice Chair to serve for one

year. The member limitation does not apply to the Associations Committee, whose purpose is to be inclusive. The Chair shall set the agenda in conference with staff.

- (5) A majority of a quorum of a committee is sufficient to conduct committee business. Business shall be conducted in a manner similar to that proscribed in Sections 070 and 160 through 210 above.
- (6) The City Staff will provide staff support and input and may make recommendations to committees but shall not have a vote on the committee.
- (7) At the regular meeting of the council following a committee meeting, the committees shall make a report, written or oral, of their activities or as soon thereafter as convenient.

(C) The common council may establish or abolish standing committees by Resolution in order to: 1) report and make appropriate recommendations to the Council; and 2) recommend adoption of ordinances and/or resolutions that it considers necessary for the welfare of the City. At the time of the ratification of these rules, the following standing committees shall be considered in place:

**(1) Committee on Personnel.**

The Committee on personnel shall:

- (a) Coordinate City Manager, City Recorder, and Municipal Judge annual evaluations.
- (b) Coordinate and make recommendations for changes to the employee handbook.
- (c) Periodically evaluate all Personal Service Contracts.

**(2) Committee on Beautification/Parks/Open Space.**

The Committee on city beautification, parks and open spaces shall:

Consider all matters relating to parks, open space, seasonal street decoration, and uses of city beautification funds, city beautification needs and holiday celebrations and matters that are referred to it by the Mayor.

**(3) Committee on Finance.**

The Committee on finance shall:

Consider all matters relating to city budget, city fiscal affairs, loans, grants, assessment impacts and government grants and matters that are referred to it by the Mayor.

**(4) Committee on Public Safety.**

The Committee on public safety shall:

Consider all matters relating to public health and safety, City Police, intergovernmental relations with the Fire District, 911, County Sheriff, State Police and out-reach, schools, youth and elderly.

**(5) Committee on Public Works.**

The committee on public works shall:

- a. Consider all matters relating to streets, on-street parking, parking district, sewers, alleys, sidewalks, public ways, water facilities and public buildings and matters that are referred to it by the Mayor.
- b. Recommend rates to be charged for city water and sewer services.
- c. Propose improvements to streets, on-street parking, parking district, sewer facilities, alleys, sidewalks, public ways, water facilities and public buildings.

**(6) Committee on Associations.**

The committee on associations shall:

Consider all matters relating to city visioning, downtown development, and city partnerships.

(D) Notwithstanding the above subsections A through C, the following commissions and committees shall require Council consent for membership and shall be guided by the requirements of State Law and any supplemental bylaws that they may adopt:

- (1) Planning Commission;
- (2) Budget Committee.

(E) City Councilors appointed to any committee or commission, which may from time to time request and/or require municipal funds, shall work with the committee in the formation of its budget and be prepared to support and explain the budget items presented to the City Council.

(F) All committees shall keep action minutes or shall electronically record the proceedings of their meetings. The committee chair or his or her designate shall be responsible for turning the record into City Hall.

**§ 230 CHAIN OF COMMAND.**

(A) No elected or appointed official shall issue directives individually to department heads or city employees. Complaints about an employee's job performance are to be directed to the City Manager. Complaints about the City Recorder or City Manager's job performance are to be directed to the Personnel Committee.

1. The City Manager and City Recorder are the council's only links to operational achievement and conduct; all authority and accountability of employees, as far as the council is concerned, is considered the authority and accountability of the City Manager. Accordingly:
  - a. The council will not give instructions to persons who report directly or indirectly to the City Manager.
  - b. The council will not evaluate the performance of any employee other than the City Manager and the City Recorder.
  - c. The council will review City Manager and City Recorder performance annually and will consider City Manager performance as identical to city performance. This includes achievement of the Strategic Direction Policies, and financial performance as identified in the approved budget.

(B) No department head or employee, with the exception of the City Recorder and Municipal Judge, shall present requests to elected or appointed officials except in an emergency. All nonemergency requests are to be submitted first to the appropriate department head before submission to the City Manager. The City Manager shall determine which requests are forwarded to the City Council. This subsection shall not pertain to grievance or 'whistleblowing' concerns, which shall be subject to the processes described in the Employee Handbook and any relevant Union contract.

## **§ 240 ANNUAL POSITION REVIEW**

While the council is encouraged to communicate with staff, the council's connection to the city's daily operations, its achievements, and conduct will be through the City Manager [except for those areas of responsibility that are the City Recorder's where it will be through the City Recorder].

- A. Systematic and rigorous monitoring of City Manager and City Recorder job performance will be against the expected progress and eventual results of the Annual Performance Plan and in compliance with the boundaries specified in Executive Accountabilities Policies. The council will acquire monitoring data by one or more of three methods:
  1. By internal report, in which the City Manager or City Recorder discloses compliance information to the council.
  2. By external report, in which an external, disinterested third party selected by the council assesses compliance with city policy.
  3. By direct council member inspection, in which the member assesses compliance with the appropriate policy criteria.
- B. All policies that set boundaries for the City Manager and City Recorder will be monitored at a frequency and by a method recommended and approved by the council. The council can monitor any policy at any time by any method.

## **§ 250 USE OF LEGAL AND PROFESSIONAL SERVICES.**

(A) All requests for legal opinion and information to and from the City Attorney or other Personal Service contractors shall be channeled through the Mayor (Council President) or City Manager.

(B) All requests for legal or other professional opinion shall be submitted in writing. If three or more Councilors request certain professional services, the Mayor (Council President) shall authorize such use.

(C) The City Attorney shall not deal directly with developer's legal agents, or individuals desiring to initiate actions requiring Council and/or Planning Commission approval, unless directed to do so by the City Council.

(D) Attorneys representing developers and/or others shall direct all matters regarding the city to the attention of the Tillamook City Council. The City Council of the city will determine the appropriate disposition of the referenced matter and whether the matter is capable of being resolved by City Council action or requiring legal services.

(E) All records of billing submitted to the city for professional services shall reflect the subject and topic of each and every topic area (for example, phone call re: (topic) and to whom. Conference/meeting re: (topic and purpose)).

## **§ 260 REPRESENTING THE CITY.**

(A) City stationery and an official's title shall be used when stating previously expressed (verbal or written) city policy or when requesting information or assistance, except as so directed at a public meeting by a majority of Council members present.

(B) The Mayor, as a chief elected official, and thus spokesperson for the city, along with the City Manager, shall additionally be allowed to use city stationery to extend invitations to city related functions and to send letters of appreciation or condolence. The Mayor or City Council may delegate this authority to another.

(C) No elected or appointed official shall use city stationery to express personal viewpoints or for private correspondence.

## **§ 270 RULES IN GENERAL.**

(A) In the event any rule established by Council is found to be contrary to the Municipal Charter, state or federal law, the appropriate Charter provisions or laws shall take precedence.

(B) If any rule within these rules is found to be in conflict with previous Council rules, said previous Council rules shall be amended to resolve the conflict.

(C) As needed or required by law or administrative order, the Council rules shall be revised, deleted or new rules introduced by amendment or revision. Modification or changing of one or more rules shall have no effect upon the other rules of Council.

(D) The Appendices to these Rules may be modified by Resolution.

## **APPENDIX A**

### **Delegation of Authority to the City Manager and City Recorder Policy**

The council will instruct the City Manager and City Recorder through written policies that prescribe the city goals to be achieved and describe organizational situations and actions to be avoided. The council will support any reasonable interpretation of those policies by the City Manager or City Recorder respective to their assigned responsibilities. Accordingly:

1. Council will develop policies instructing the City Manager or City Recorder to achieve defined goal results. These policies will be developed systematically from the broadest, most general level to more defined levels, and may be called Strategic Direction Policies.
2. Council will develop policies that limit the latitude the City Manager or City Recorder may exercise in choosing the organizational means. These policies will be developed systematically from the broadest, most general level to more defined levels, and they may be called Executive Accountability Policies.
3. As long as the City Manager or City Recorder uses any reasonable interpretation of the council's Strategic Direction Policies and Executive Accountability Policies, the City Manager or City Recorder is authorized to establish all further policies, make all decisions, establish all practices and develop all activities they deems appropriate to achieve the council's goals.
4. The council may change its Strategic Direction Policies and/or Executive Accountability Policies at any time, thereby shifting the boundary between council and City Manager/City Recorder domains. By doing so, the council changes the latitude of choice given to the City Manager or City Recorder. However, as long as any council-specified delegation of authority is in place, the council will respect and support any reasonable interpretation of its policies.

## APPENDIX B

### **Policy I: City Manager Executive Accountability Policy**

**The City Manager shall ensure that all City practices, activities, decisions, and organizational circumstances are lawful, prudent, and in conformance with commonly accepted business and professional ethics including but not limited to the following:**

3. The City Manager shall ensure the City's assets are protected, adequately maintained, and risked only as necessary. Accordingly the City Manager shall:
  - a. Allow only authorized personnel access to material amounts of funds.
  - b. Monitor facilities or equipment for improper wear and tear or insufficient routine maintenance.
  - c. Protect the city, council, or staff from unnecessary claims of liability.
  - d. Assure that any non-inventory purchase (1) of over \$5,000 has obtained at least three comparative prices and qualities where brand consistency is not a consideration (i.e. Dell/Gateway/Apple Computers); (2) of over \$150,000 has utilized a stringent method of assuring the balance of long-term quality and cost through a formal bidding process.
  - e. Be limited in authority to only purchases under \$5,000 without council approval with the exception of *budgeted* maintenance items.
  - f. Protect intellectual property, information, and files from loss or significant damage, or access by unauthorized persons.
  - g. Receive, distribute and/or account for funds under controls that are sufficient to meet standard accounting practices and/or to protect the city.
  - h. Invest or hold operating capital in secure instruments, including insured checking accounts or in interest-bearing accounts except where necessary to facilitate ease in operational transactions or where it benefits the city.
  - i. Enhance the city's image or credibility, particularly in ways that would facilitate its accomplishment of its mission.
  - j. Timely provide council, City Recorder, staff, contract vendors and the public with the information necessary to carry on the city's business.
4. With respect to the treatment of employees, the City Manager shall cause or allow conditions that are fair or dignified. Accordingly, the City Manager shall:
  - a. Operate by following written personnel policies that clarify personnel rules for employees, provide for effective handling of complaints and protect against wrongful or illegal conditions.
  - b. Protect all employees from discrimination at any time for any reason.
  - c. Facilitate employees in taking a complaint to the council when internal complaint procedures have been exhausted.
  - d. Acquaint staff with this policy.
5. Financial planning in any fiscal year mandates that actual expenditures remain within the budget parameters, except for approved budget adjustments. Accordingly, the City Manager shall provide a budget that:

- a. Contains sufficient information to enable credible projection of revenues and expenses, separation of capital and operational items, cash flows and disclosure of planning assumptions.
- b. Acquires, encumbers or disposes of real property with the council's approval.
6. Regarding employment, compensation and benefits to employees, consultants, and contract workers, the City Manager shall protect the City's fiscal integrity and image. Accordingly the City Manager may not:
  - a. Change his/her own compensation and/or benefits.
  - b. Promise or imply benefits that are outside approved benefit policies.
  - c. Promise or imply permanent or guaranteed employment.
  - d. Establish compensation that deviates materially from the geographic or professional market for the skills employed and/or that is outside of the approved budget.
7. The City Manager shall keep the council informed and supported in its work. Accordingly, the City Manager shall :
  - a. Submit monitoring data, status reports, financial information or other pertinent information required by the council in a timely, accurate, and understandable manner.
  - b. Let the council be aware of relevant trends or significant changes of any kind that could [or have] negatively impact[ed] the city.
  - c. Report in a timely manner an actual or anticipated non-compliance with any council-approved policy.
8. Regarding city insurance, employee benefit providers and employee wages, the City Manager shall:
  - a. Review annually, all benefits providers for cost, and comparative services.
  - b. Do bi-annual wage research and analysis.

Staff Treatment: With respect to treatment of paid and volunteer staff, the City Manager shall cause or allow conditions, procedures, actions or decisions which are lawful, ethical, safe, respectful, dignified, moral, reputable and in accordance with council policy. Accordingly, the City Manager shall:

1. Develop procedures for reasonable background inquiries and checks prior to hiring any paid personnel or utilizing the services of any volunteers;
2. Operate within the parameters of written personnel and administrative policies which:
  - a. Clarify personnel rules and procedures for staff.
  - b. Provide for effective handling of grievances.
  - c. Include adequate job descriptions for all staff positions.
  - d. Include salary and compensation plans that comply with state law.
  - e. Include an effective personnel performance evaluation system.
  - f. Establish procedures for reductions in force.
  - g. Protect against sexual harassment.
  - h. Protect against racial, religious, gender, age, disability and ethnic bias or discrimination.
  - i. Provide for a drug, smoke, and alcohol free workplace.
3. Facilitate employees in grieving to the council when internal grievance procedures have been exhausted and the employee alleges that council policy has been violated;

4. protect confidential information;
5. provide for open communication and the sharing of ideas; and
6. provide staff with an opportunity to become familiar with the provisions of this policy.

## **Policy II: City Recorder Executive Accountability Policy**

**The City Recorder shall help to ensure that all City practices, activities, decisions, or organizational circumstances are lawful, prudent, and in conformance with commonly accepted business and professional ethics including but not limited to the following:**

1. The City Recorder shall assure that the City's assets are protected, adequately maintained, and risked only as necessary. Accordingly the City Recorder shall:
  - a. Insure against theft and casualty losses to at least 100% percent of replacement value and against liability losses to the city, employees, and the organization itself in an amount greater than the average for comparable organizations.
  - b. Allow only authorized personnel access to material amounts of funds.
  - c. Protect the city, council, or staff from unnecessary claims of liability.
  - d. Assure that any non-inventory purchase of over \$5,000 has obtained at least three comparative prices and qualities where brand consistency is not a consideration (i.e. Dell/Gateway/Apple Computers).
  - e. Be limited in authority to only purchases under \$5,000 without council approval with the exception of *budgeted* maintenance items.
  - f. Protect intellectual property, information, and files from loss or significant damage, or access by unauthorized persons.
  - g. Receive, distribute and/or account for funds under controls that are sufficient to meet standard accounting practices and/or to protect the city.
  - h. Invest or hold operating capital in secure instruments, including insured checking accounts or in interest-bearing accounts except where necessary to facilitate ease in operational transactions or where it benefits the city.
  - i. Protect the city's image or credibility, particularly in ways that would enhance its accomplishment of its mission.
  - j. Timely provide council, City Manager, staff, contract vendors and the public with the information necessary to carry on the city's business.
2. With respect to the treatment of employees, the City Recorder shall ensure conditions that are fair or dignified. Accordingly, the City Recorder shall :
  - a. Operate within the written personnel policies that clarify personnel rules for employees, provide for effective handling of complaints and protect against wrongful or illegal conditions.
  - b. Protect against discrimination toward any employee at any time for any reason.
  - c. Facilitate employees in taking a complaint to the council when internal complaint procedures have been exhausted.
  - d. Acquaint staff with this policy.

3. Financial planning in any fiscal year mandates that actual expenditures remain within the budget parameters, except for approved budget adjustments. Accordingly, the City Recorder shall assist in budgeting that:
  - a. Settles payroll and debts in a timely manner.
  - b. Assures that tax payments or other government ordered payments or filings will not become overdue or inaccurately filed.
  - c. Aggressively pursues receivables after a reasonable grace period.
4. Regarding employment, compensation and benefits to employees, consultants, and contract workers, the City Recorder shall protect the City's fiscal integrity or image. Accordingly the City Recorder may not:
  - a. Change her/his own compensation and/or benefits.
  - b. Promise or imply benefits that are outside approved benefit policies.
5. The City Recorder shall keep the council informed or supported in its work. Accordingly, the City Recorder shall:
  - a. Submit monitoring data, status reports, financial information or other pertinent information required by the council in a timely, accurate, and understandable manner.
  - b. Make the council aware of relevant trends or significant changes of any kind that could [or have] negatively impact[ed] the city.
  - c. Report in a timely manner any actual or anticipated non-compliance with any council-approved policy.
6. Regarding city insurance, employee benefit providers and employee wages, the City Recorder shall:
  - a. Get bi-annual bids from insurance broker.

## **APPENDIX C**