

Monte Sereno Council Code of Conduct Policy

I. Introduction

The legal responsibilities of the Monte Sereno City Council are set forth by applicable state and federal laws. In addition, the Monte Sereno City Council has adopted regulations, and policy language including City Resolution number 1691.7 (Regulations and Guidelines for the Conduct of Public Meetings), City Council Role, Vision and Values Document, a Social Media Policy, and an Ethics Policy which hold Monte Sereno Councilmembers to standards of conduct above and beyond what is required by law. This policy is written to supplement existing policies and bring forth a more comprehensive view of the roles of councilmembers, the Mayor, and the Mayor Pro-Tempore.

II. Form of Government

The City of Monte Sereno operates under a Council-Manager form of government. Accordingly, members of the Monte Sereno City Council are elected at-large, provide legislative direction, set city policy, and ultimately answer to the public. The City Manager serves as the city's chief administrative officer and is responsible for directing the day-to-day operations of the city and implementing policy direction.

III. City Council Roles and Responsibilities

The role of the City Council of Monte Sereno is to act as a legislative and quasi-judicial body. Through its legislative and policy authority, the council is responsible for assessing and achieving the community's desire for its present and future and for establishing policy direction to achieve its desired outcomes. All members of the city council, including those who serve as Mayor and Mayor Pro-Tempore, have equal votes.

Members of the City Council of Monte Sereno fulfill their roles and responsibilities through the relationships they have with each other and the public. City councilmembers should approach their work, each other, and the public in a manner that reflects ethical behavior, honesty, and integrity. The commitment of city councilmembers to their work is characterized by open constructive communication, innovation, and creative problem solving.

IV. Mayoral and Mayor Pro-Tempore Roles, Responsibilities and Relationships

The following outlines some of the key roles, responsibilities, and relationships as they relate to the positions of Mayor and Mayor Pro-Tempore.

Mayor

- A. The Mayor is the presiding officer of the City Council of Monte Sereno.

In this capacity, the Mayor is responsible for developing council agendas in cooperation with the City Manager and leading council meetings.

- B. The title of Mayor of Monte Sereno carries with it the responsibility of communicating with the City Council, City Manager, and members of the public. In this capacity, the Mayor serves as the City of Monte Sereno "spokesperson" representing the City Council of Monte Sereno in official and ceremonial occasions.

- C. As the official City of Monte Sereno spokesperson, the Mayor performs special duties consistent with the mayoral office, including, but not limited to signing of documents on behalf of the city, issuing proclamations, and serving as the official voting delegate for various municipal advocacy groups. The City Council of Monte Sereno will determine any additional authority or duties that the Mayor of Monte Sereno shall perform.
- D. Special duties consistent with the mayoral office may be delegated to the Mayor Pro-Tempore or any other member of the Monte Sereno City Council by the Mayor of Monte Sereno.
- E. In the event one or more members of a Monte Sereno City commission or committee acts in a manner contrary to approved board/commission policies and procedures, the Mayor of Monte Sereno may counsel those members about the rules.

Mayor Pro-Tempore

- A. In the Mayor's absence, the Mayor Pro-Tempore shall perform the formal duties of the Mayor of Monte Sereno.
- B. When the Mayor Pro-Tempore performs the duties of the Mayor in his/her absence, the Mayor Pro-Tempore also carries the responsibility of communicating with the City Manager, City Council of Monte Sereno, and members of the public.

V. Council Conduct in Public Meetings

To ensure the highest standards of respect and integrity during public meetings, councilmembers should:

- A. Use formal titles. City Councilmembers of Monte Sereno should refer to one another formally during council meetings such as Mayor, Mayor Pro- Tempore, Councilmember or Mr., Mrs., or Ms., followed by the individual's last name.
- B. Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, councilmembers should be respectful of others and diverse opinions and allow for the debate of issues.
- C. Honor the role of the presiding officer in maintaining order and equity. Respect the Mayor/Chair's efforts to focus discussion on current agenda items.
- D. Council decisions should be reserved until all applicable information has been presented.
- E. Conduct during public hearings. During public testimony, councilmembers should refrain from engaging the speaker in dialogue. For purposes of clarification, councilmembers may ask the speaker questions. Council comment and discussion should commence upon the conclusion of all public testimony.

VI. Legal Requirements

The City Council of Monte Sereno operates under a series of laws that regulate its operations as well as the conduct of its members. The City Attorney serves as the city's legal officer and is available to advise the city council on these matters.

A. Procurement

Unless authorized by the City Council of Monte Sereno, councilmembers shall not become involved in administrative processes for acquiring goods and services.

B. Land Use Applications

The merits of an application shall only be evaluated on information included in the public record. Monte Sereno City Councilmembers shall disclose ex-parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the City Council of Monte Sereno. Council disclosure shall occur prior to the close of the public hearing and before council begins deliberations in order to allow an applicant the opportunity to address issues or information which may have been presented to Monte Sereno City Councilmembers outside of the public hearing process.

C. Filing and Training

Monte Sereno City Councilmembers must attend Harassment Training and Ethics Training every two years and file all forms such as an annual Form 700 for the State of California.

D. Non-Profit Organizations

Monte Sereno City Councilmembers may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the City of Monte Sereno, unless the role serves a legitimate city purpose, such as the League of California Cities, and the participation is approved by the full city council.

VII. Council Participation in Boards, Commissions and Committees and Reporting Requirements

There are several committees that City of Monte Sereno Councilmembers have been appointed to or have an interest in, including but not limited to city council standing and ad-hoc committees, city regional boards and commissions, and community-generated committees.

Primary Monte Sereno City Council representatives should update the council about board, commission, and committee activities. When serving as the primary council representative on any board, commission, or committee, councilmembers should periodically provide updated reports to the council during the "Council Matters" opportunity on the Monte Sereno Council meeting agenda.

Recommended actions by council committees should be reported to the council. When serving on a Monte Sereno Council Committee, whether standing or ad-hoc, all work undertaken by the committee must be directed by the council, and all recommended actions of a council committee shall be reported to the Monte Sereno City Council.

VIII. Council Relationship with City Staff

The Monte Sereno City Council has adopted a Council-Manager form of government.

To enhance its working relationship with staff, council should be mindful of the support and resources needed to accomplish council goals. When communicating and working with staff, Monte Sereno City Councilmembers should follow these guidelines:

- A. Councilmembers should treat staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of everyone is expected. As with council colleagues, practice civility and decorum in all interactions with city staff.
- B. Councilmembers should direct questions about policy, budget, or professional opinion to the City Manager or City Attorney. Councilmembers can direct questions and inquiries to any staff for information that is readily available to the public or easily retrievable by staff.
- C. The City Manager and staff are responsible for implementing City policy and/or Monte Sereno City Council action. The processing of council policy and decisions takes place with the City Manager and staff. Council should not direct policy/program administrative functions and implementation; rather it should provide policy guidance to the City Manager.
- D. Councilmembers should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Monte Sereno City Council meetings. Early feedback will enable staff to address council questions and incorporate minor corrections or changes to a council report, resulting in a more efficient council meeting discussion. However, this does not preclude councilmembers from asking questions at Monte Sereno City Council meetings.
- E. Councilmembers should not direct the City Manager to initiate any action, change a course of action, or prepare any report without the approval of The Monte Sereno City Council. The City Manager's responsibility is to advise on resources available and required for a course of action as it relates to the direction of the majority of the Monte Sereno City Council.
- F. Councilmembers should not attend department staff meetings unless requested by the City Manager.
- G. All Councilmembers should have the same information with which to make decisions. Information requested by one councilmember will be shared with all members of the council.
- H. Concerns related to the behavior or work of a city employee should be directed to the City Manager. Councilmembers should not reprimand employees.
- I. Per California Government Code, Sections 3201-3209, council members should not solicit financial contributions from city staff or use promises or threats regarding future employment. Although city staff may, as private citizens with constitutional rights support political candidates, such activities cannot take place during work hours, at the workplace, or in one's capacity as a City of Monte Sereno employee.

IX. Council Communication with the public and other councilmembers

The public has a reasonable expectation that it may engage its councilmembers on matters of community concern. In response, councilmembers may express a preliminary opinion on issues or projects raised. Any such preliminary statement shall not constitute a prejudgment or create a presumption of bias on any issue or a project. In addition, councilmembers may from time-to-time express opinions regarding broad policy matters which may conflict with currently adopted council policies. Such statements are permissible if clearly characterized as personal opinions or policy change objectives.