



# City of Saginaw

## City of Saginaw

**Meeting Date:** 2/20/2018

**Staff Contact:** Gabe Reaume  
City Manager

**Agenda Item:** 11  
(CC-0218-16)

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**SUBJECT:** City Council Protocol Policy Discussion

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**BACKGROUND/DISCUSSION:**

This item is a continuation of the discussion held at the February 6<sup>th</sup> City Council Meeting.

**FINANCIAL IMPACT:**

N/A

**RECOMMENDATION:**

N/A

Attachments

Draft Protocol and Ethics Policy  
City Council Minutes, February 6, 2018

## **STATEMENT OF PURPOSE**

To establish the responsibilities, guidelines, code of conduct and protocols for the Mayor, City Council, and City Manager and to adopt Rules of Procedure for City Council Meetings and ethics.

## **SCOPE OF POLICY**

1. RESPONSIBILITIES, GUIDELINES, CODE OF CONDUCT AND PROTOCOLS FOR THE MAYOR, CITY COUNCIL AND CITY MANAGER AND RULES OF PROCEDURE FOR COUNCIL MEETINGS.

A. MAYOR-CITY COUNCIL RESPONSIBILITIES

**1. Provide vision for Saginaw's future.**

**2. Annually prioritize achievable goals that realize the vision.**

Adopt an Annual Work Plan to delegate to the City Manager. The City Manager will be evaluated primarily based on the execution of the City Council's Annual Work Plan. Success and desired outcomes should be defined and agreed upon by the City Council in consultation with staff.

**3. Negotiate and Build Consensus**

The City Council should engage the community with information and through the use of City Council Committees, Council-appointed Boards and Commissions, and special Task Forces/ focus groups as necessary.

**4. Make Policy Decisions and Provide Clear Direction**

A majority vote of the Council on an issue creates policy and a direction for staff.

**5. Provide Leadership**

- Respect everyone.
- Listen to others.
- Be an ambassador for the City of Saginaw; take time to educate and inform.
- Appropriately involve residents and corporate citizens in governance.
- Help the community understand the City's vision and goals.
- Work with other entities; leverage resources to bring the best value to Saginaw's residents and business community.
- Celebrate success; give credit where credit is due.

**6. Execute and respect the Council-Manager form of government**

The Mayor and City Council employ the City Manager and provide resources to the City Manager for all staff to fulfill the City Council's vision and Annual Work Plan. Expectations and direction are made clear to the City Manager. No surprises.

**B. MAYOR AND CITY COUNCIL GUIDELINES**

- 1. The Council is the “Board of Directors” for the City of Saginaw.**
- 2. The Council represents the “Stockholders” – our residents, business community, and stakeholders.**
- 3. The Council should follow adopted protocols and treat everyone with respect.**
- 4. Management and the day-to-day operations of the organization is the role of the City Manager.**
- 5. The Council sets the “tone for City government” by how its business is conducted.**
- 6. The Council should provide a clear direction to Boards, Commissions, and special groups – its partners in governance.**
- 7. The Council uses Council sub-committees to address issues and develop options as needed.**
- 8. The Council uses work sessions to discuss issues in-depth, to focus direction for the City Manager and staff, and to refine draft reports and recommendations.**
- 9. The Council is responsible for realizing the vision, achieving the goals, and producing results that add value to the community.**

**C. MAYOR EXPECTATIONS**

1. Serve as a spokesperson for the City on major policy issues, Council positions and policies, and provides leadership on adopted vision and goals.
2. Serve as the highest point of contact for economic development initiatives.
3. Serve as Ceremonial Leader (shared with individual Councilmembers)
4. Chair the Council Meetings.
5. Facilitate relationships with Councilmembers and the City Manager.
6. Represent the City to other governmental entities.

If the Mayor is unavailable, the Mayor is to ask the Mayor Pro Tem to represent the City. If the Mayor Pro Tem is unavailable, the Mayor is to ask an individual Councilmember of his / her choice to fill in.

D. MAYOR PRO TEM EXPECTATIONS

1. Stand in and fulfill the role of the Mayor in his/her absence or at the Mayor's request.

E. CITY COUNCILMEMBERS EXPECTATIONS

Councilmembers

1. Represent **all** residents.
2. Be responsible for "what is best" for the **entire** City.
  - a. Balance the City-wide and broad community needs.
3. Attend and participate in Council meetings and Council Committee meetings.
4. Work with other Councilmembers.
5. Represent the Mayor as a ceremonial representative of the City at his/her request.
6. Maintain working relationships with residents and the business community.

F. COUNCIL MEMBERS SERVING AS CITY REPRESENTATIVE TO OUTSIDE ORGANIZATIONS EXPECTATIONS

1. Represent the City and the Council's vision, goals, direction, and Annual Work Plan.
2. Vote for the City of Saginaw.
3. Keep Council informed on issues and actions of the other bodies.
4. Bring issues to Council for discussion and direction.

G. CITY MANAGER RESPONSIBILITIES

1. Work with Mayor-Council to Focus Vision, Define Goals and Establish Annual Work Plans.
  - a. Provide advice on vision.
  - b. Identify opportunities, anticipate issues.
  - c. Use the vision, goals to balance long-term needs with response.
  - d. Provide analysis recommendations based on professional expertise and best practices.
2. Lead City Organization
  - a. Be responsible for City performance and results.
  - b. Create environment consistent with the City's core values.
  - c. Lead by example.
  - d. Achieve goals while building public confidence.
  - e. Evaluate the performance of the City organization

3. Produce Results by Implementing Council Decisions and Directives
  - a. Develop Annual Work Plan.
  - b. Make timely decisions.
  - c. Provide clear direction to City.
  - d. Achieve outcomes aligned with vision, goals, Council decisions.
  - e. Provide regular status reports and updates.
  - f. Be on time and within budget.
  
4. Maintain Effective Working and Personal Relations with Mayor and City Council
  - a. Work with Council to resolve conflicts.
  - b. Meet or communicate regularly with Council (1-1 time).
  - c. Take ideas and determine appropriate action.
  - d. Listen to and understand Council's message and concerns.
  - e. Keep Council informed to avoid surprises.
  - f. Serve as a sounding board and advisor.
  - g. Accept direction from Council majority (even in disagreement).
  
5. Provide Innovative Ideas that Become "Best Practices"
  - a. Take an idea and make it better for Saginaw.
  - b. Look to provide best services at best value.
  - c. Have knowledge of best practices used by other organizations.
  - d. Take reasonable risks, empower others to take risks.
  - e. Take problems and develop a new solution.
  
6. Represent the City
  - a. Create a positive image for the City; be a leader of "heart and mind".
  - b. Represent and showcase the City.
  - c. Be a City spokesperson on management and operational matters.
  - d. Be a strong advocate for the City's interests.
  - e. Lead and be involved with professional and community organizations.
  
7. Develop and Support Outstanding Public Servants
  - a. Hire, retain, and adequately compensate top-quality, professional City staff.
  - b. Motivate and develop employees, managers and future leaders through training and education.
  - c. Cultivate, reinforce and instill core organizational values; commitment to teamwork and outstanding customer service.

8. Provide Community Leadership

- a. Know the community and identify opportunities for the City
- b. Look at the City through the eyes of a citizen.
- c. Be involved in City events and activities.
- d. Serve on boards and participate in community organizations.
- e. Encourage managers and employees to be part of the community

9. Be a Strategic Thinker and Leader

- a. Help Council work through political and sensitive issues.
- b. Develop new ideas and concepts.
- c. Think through actions, how they may impact the City.
- d. Identify potential partners.
- e. Align the organization to the City's vision and strategic planning.

10. Manage City's Financial Resources

- a. Produce a budget that achieves goals and aligns with vision.
- b. Mobilize and leverage City resources.
- c. Deliver services at best value for the City.

H. CITY MANAGER GUIDELINES

1. The City Manager is the "Chief Executive Officer" for the City.
2. The City Manager is responsible for the City organization.
3. The City Manager is the prime contact point for the Mayor and City Council.
4. The City Manager is accountable for the performance of the City organization.
5. The City Manager supports the Mayor and City Council in being an effective "Board of Directors".

## I. CODE OF CONDUCT

1. Treat everyone with respect, even in times of disagreement.
2. Speak what you believe to be true. Be respectful of time and tone.
3. Resolve conflicts among ourselves; do not criticize other Councilmembers or staff in public.
4. Choose your words wisely.
5. Listen to everyone with an open mind.
6. Have civil and professional dialogue.
7. Be a positive representative of the City.
8. Consistently attend all Council and City affiliated meetings. Come prepared.
9. Be punctual.
10. Keep each other informed; share information among all.
11. Avoid personal issues or bias.
12. Define problems and issues first and then focus on solutions.
13. Keep closed sessions confidential.
14. Honor roles, responsibilities and protocols.
15. Provide clear direction to staff.
16. When a Council majority votes on an issue, we have a direction and move forward, not in reverse.

## J. COUNCIL PROTOCOL

### Protocol 1: Simple information

Contact the appropriate **manager**. If follow up is needed, inform the Department Head and/or City Manager.

### Protocol 2: Research on a topic

Contact the City Manager

If research is for a new topic or will require a significant amount of time to research, the item will be brought to City Council for direction.

### Protocol 3: Agenda Questions

Contact the City Secretary prior to 12PM (noon), on the date of the meeting.

If information is relevant to the Council meeting discussion, the information will be shared with all members of City Council.

### Protocol 4: Employee Contact

If an employee initiates contact, the City Manager should be made aware of the issue if it is more than a routine update or sharing of information.

Council-Initiated contact with staff must avoid management and policy discussions. Councilmember questions and comments may be seen as an order. The City Manager should be informed of contact when it is more than requests for simple information or updates.

### Protocol 5: Ethics Complaints against the City Manager

Talk to the City Manager first. If there is an ethics complaint against the City Manager, it should be directed to the Mayor for further action.

### Protocol 6: Correspondence & E- Mail

Emails sent to individual Councilmembers should be forwarded to the City Manager for response. The appropriate staff will research and assist in a response and return the response back to the Councilmember for distribution/response. Staff should not be expected to only respond when an answer is "no".

If emails are sent to the entire Council, staff will research and prepare a response on behalf of the Mayor and Council and distribute a response to the entire Council.

## 2. RULES OF PROCEDURE FOR COUNCIL MEETINGS

These rules of procedure for City Council meetings are general guidelines for conducting Council meetings. These rules are not intended to be applied inflexibly in all circumstances, but should be



followed to the extent that they aid the Council in conducting its business in an orderly and respectful manner. The Council may temporarily modify or suspend these rules in particular cases to expedite its business.

A. Preparation of Agenda.

- a. The City Manager is responsible for preparing the agenda for each Council meeting.
- b. Additionally, the City Manager will maintain an internal policy directing the preparation of the supporting documents to be included with each agenda item.
- c. As needed, City Council will be provided an opportunity to provide direction regarding additional materials to be included with agenda items to encourage City Council preparation for Council meetings.
- d. The manager will include any item on the agenda if:
  - i. **(1)** requested by the Mayor;
  - ii. **(2)** requested by a Councilmember and the Mayor approves the request;
  - iii. **(3)** requested by at least two Councilmembers.
  - iv. **(4)** Requests for a repeated item will not be allowed after the Council has made a majority decision.

B. Consent Agenda and Removal.

- a. The City Manager may place items on the consent agenda that are routine, not controversial, have been previously brought to the attention of the Council, and/or are not likely to require discussion. All items placed on the consent agenda may be approved together by one Council vote. Before the Council votes, any Councilmember may, by request, have an item removed from the consent agenda. Any item removed from the consent agenda will be considered immediately after Council action on the consent agenda.

## COUNCIL MEETINGS

A. Quorum. Four (4) Councilmembers are necessary for the transaction of business; or three (3) Councilmembers and the Mayor. A Council majority vote consists of 4 (four) affirmative votes to proceed forward with an item of business, which can include the vote of the Mayor.

B. Regular Meetings. The Council will meet in the Council Chamber in regular session every first and third Tuesday of every month. The regular Council meetings shall be held at 6PM.

C. Special Meetings. The Mayor, any four Councilmembers, or the City Manager may call a special Council meeting in accordance with required public notice and agenda posting.

C. Closed Meetings.

- a. The Council may meet in closed meeting as authorized by state law. Prior to entering into a closed meeting, the Mayor must first announce in an open meeting that a closed meeting will be held and identify the section or sections of the state law under which the closed meeting will be held. The Council may not take any final action, decision or vote on any public business during a closed meeting. The Mayor will prepare a certified agenda, on a form provided by the City Secretary, for each closed meeting and no electronic recording will be made and no minutes taken of a closed meeting. The certified agenda must include: (1) a statement of the subject matter of each deliberation; (2) a record of any further action taken; and (3) an announcement by the Mayor at the beginning and the end of the meeting indicating the date and time. The Mayor will certify that the certified agenda is a true and correct record of the proceedings. The Council will go back into open session in the Council Chamber to adjourn the formal meeting.

D. Notice and Matters Considered.

- a. The Council will not discuss or take any action on any matter relating to public business at any Council meeting unless notice of the matter has been posted as required by law. Decisions on matters of a purely administrative nature, such as the placing of an item on a future agenda, need not be posted by notice.

## COUNCIL PROCEDURES

A. Mayor as Presiding Officer

- a. The Mayor, or Mayor Pro Tem, will serve as presiding officer of all meetings, will control the general order of business at the meeting and will make appropriate rulings on procedures in accordance with the spirit and intent of these rules. If any Councilmember disagrees with the Mayor's ruling on any matter of procedure, the Councilmember may appeal the ruling to the Council as a whole.

B. Presentation of Agenda Items.

- a. The Mayor will normally call for the items to be considered by the Council in the order presented on the agenda unless the order of the agenda is changed by four (4) affirmative Council votes. The appropriate staff person will be called upon to make the presentation.

C. General Decorum.

- a. Councilmembers will speak only upon being recognized by the Mayor. Councilmembers shall not interrupt one another while speaking except to make a point of order. The Mayor need not recognize any Councilmember for a second comment on the subject or amendment until every Councilmember wishing to speak has been allowed a first comment.

D. Council Action. The Council will generally take action on matters in the following manner:

1. Making a Motion. The Councilmember proposing any action will make a motion by clearly stating the motion. Any motion may be withdrawn by the mover before it is voted on. The withdrawal is not subject to amendment or requires a second or vote. The following is a restatement of how the most common motions apply (or do not apply to) to Council meetings. Unless stated otherwise, each motion requires a second and a vote of four (4) Councilmembers (or 3 Councilmembers and the Mayor) to pass:

(a) Amending a Motion. Any Councilmember may move to amend a pending motion. No more than two amendments may be made to a pending motion. The last amendment made shall be voted on first.

(b) Postpone to a Certain Date. This motion is used to delay consideration of an item until a specified date – i.e., the next Council meeting, etc.

(c) Postpone Indefinitely. This motion is used to delay consideration of an item until an unspecified date.

(d) Point of Order. Any Councilmember may raise a point of order at any time. A point of order means that the Councilmember is asking for a ruling on whether the rules of procedure are being followed. The point of order shall first be made to the Mayor for a ruling. The member may appeal the Mayor's ruling to the Council, which may affirm or overrule the Mayor's ruling by a majority vote of the Councilmembers present. A point of order directed to the Mayor or Council does not require a second and is not subject to amendment.

(e) Reconsideration. A Councilmember who voted in the majority may move to reconsider an item that Council has voted on. To insure compliance with state law, the motion and any action thereon must be made immediately after the vote on the matter.

2. Seconding a Motion. All motions must receive a second for action, except for a call for nominations, withdrawing a motion, a request for a roll call vote, and a point of order. If a second is made, the Mayor will state the names of the respective Councilmembers making and seconding the motion. If a motion does not receive a second, it dies.

3. Discussion on the Motion. Council may discuss a pending motion only after the motion has been moved and seconded.

4. Voting on the Motion. After discussion, the Mayor or any Councilmember may call a vote on the motion (Calling the "Previous Question"). Four affirmative votes are necessary to adopt or take action on any public business. After voting concludes the Mayor will announce the results.

## PUBLIC HEARINGS

A. Staff Presentation. Before the Mayor announces the public hearing the appropriate staff person will be called upon to make a presentation detailing the purpose of the public hearing and provide any relevant information.

B. Opening of Public Hearing. The Mayor shall call the public hearing, announce the purpose of the hearing, and request that all speakers identify themselves and their addresses at the beginning of their presentations.

C. Speakers. Any person may speak at a public hearing. The City Secretary will provide forms for persons to register to speak prior to the meeting. If a public hearing is required due to an application being submitted to the City, the applicant shall have an opportunity to make a presentation at the beginning of the public hearing to present testimony related to the applicant's request. All other persons registering to speak will be called after the applicant. Others, who wish to speak but have not registered to speak, will be called next.

Persons desiring to be heard will address the Council from the podium. Where there are many speakers or limited time for a public hearing, the Council may vote to limit all speakers to a specified time. If the Council does limit time, a speaker may request, and the Council may vote to grant additional specified time for that speaker. Multiple speakers expressing the same position on an item should be encouraged by the Mayor to delegate a representative to speak on behalf of them in order to be respectful of the time of all in attendance.

### D. Time Limit.

- a. The applicant will have a maximum of ten (10) minutes to speak in favor of his/her request and all other speakers will have a maximum of three (3) minutes. The Mayor or the City Council, by four affirmative votes, reserves the privilege to extend the time limit.

E. Closing the Public Hearing. After all speakers have had an opportunity to address the Council, the Mayor will announce the close of the public hearing.

## PUBLIC COMMENTS

### A. In General.

- a. There will be a time designated for the City Council to hear from the public at the during regularly scheduled City Council meetings held at City Hall on the first and third Tuesday of each month. Speakers may only speak on an item(s) that is on the regular, consent or workshop agenda. The number of speakers will be limited to the first ten (10) speakers who register and appear to speak at the meeting. The Mayor or the City Council, by four affirmative votes, reserves the privilege to extend the number of speakers.

B. If an item on the Council agenda for that meeting provides for a public hearing, the person wishing to make comments on that item shall speak at the time of the public hearing.

### B. Speaking on Regular, Consent or Workshop Agenda Items.

- a. A request to be heard regarding an item(s) that is on the regular, consent or workshop must be made to the office of the City Secretary, and may be made in person, by telephone, facsimile, or email provided that the request is received before the scheduled time of the City Council session at which public speaking is allowed.
- b. A "request to speak" form provided by the City will contain the citizens' name, address, telephone number, and subject agenda item(s) number that the speaker wishes to address.
- c. Speakers will address the Council from the podium, must observe the Code of Conduct adopted by Council, and may speak only upon recognition by the Mayor.
- d. In situations where a large number of persons representing a certain delegation wish to speak, the group will be encouraged to appoint a spokesperson to make comments to the Council.
- e. If a speaker asks a question during the time designated for public comment under this policy, a Councilmember may give specific factual information or a recitation of existing policy to the speaker. Any comment or discussion by any Councilmember about the subject of the inquiry shall only be made at the time the subject is scheduled for consideration on the Council agenda.

D. Time Limit. Each speaker will have three (3) minutes regardless of the number of agenda items to be addressed. The Mayor or the City Council, by four affirmative votes, reserves the privilege to extend the time limit.

## GENERAL ETHICS POLICY

It is the policy of the City of Saginaw (the "City") to uphold, promote, and demand the highest standards of ethical behavior from its Mayor, members of the City Council ("City Council" or "Councilmembers"), employees, and individuals appointed to serve on the City's boards, Commissions, Committees, Task Forces, and other appointed advisory groups ("City Officials"). Honesty, integrity, fairness, and transparency of action are hallmarks of public service.

To further these ideals, the following code of ethics (the "Code") shall govern all elected officials and employees, including citizen advisory boards and commissions of the City of Saginaw, who shall:

- a) Obey and observe the constitution and laws of the United States of America, the constitution and laws of the State of Texas, and the charter, ordinances, and policies of the City of Saginaw;
- b) Act impartially and not give preferential treatment to any private organization or individual;
- c) Disclose, as a matter of record, any matter in which a City Official or Official's family member has an employment or other business relationship with a vendor that results in the Official or Official's family member receiving taxable income of more than \$2,500 in the preceding twelve months. The term "vendor" is any person who enters or seeks to enter into a contract with a City and shall have the same meaning and application given to it in Chapter 176 of the Texas Local Government Code;
- d) Not participate in any vote or decision on a matter in which they have a substantial interest. The term "substantial interest" shall have the meaning given in Chapter 171 of the Texas Local Government Code;
- e) Protect confidential information concerning City functions and never use such information for personal financial gain.
- f) Protect and conserve City property and never use it for other than authorized activities;
- g) Disclose waste, fraud, abuse, and corruption to appropriate authorities; and
- h) Never ask or direct any other City Councilmember or City Official or employee to violate any provision of this code of ethics by action or omission.

## CONFLICTS OF INTERESTS

A conflict of interest generally arises when a City Councilmember or City Official, a relative of that official, or an entity in which a City Councilmember or City Official has a substantial interest is actively engaged in an activity that involves the City's decision-making processes. "Decision-making processes" is broader than just voting and includes being involved with any aspects of any decisions the City makes, such as making a recommendation to City Council by way of participation in a citizen advisory committee, contracting, sales, purchases, permitting, and zoning. "Substantial interest" shall have the same meaning given in Chapter 171 of the Texas Local Government Code.

(a) When a substantial interest arises, the City Councilmember or City Official involved must immediately and visibly refrain from participating in any manner in the City's decision-making processes on the matter, including voting on the matter or attending non-posted and non-public meetings with, having written or verbal communications with, or offering advice to any member of the City Council or City Official, or any City employee, contractor, agent, charter officer, (other than the City Attorney when the City Councilmember or City Official is seeking legal advice regarding a possible conflict of interest).

(b) During a public meeting when an agenda item in which a City Councilmember or City Official has a conflict of interest comes up for consideration, the City Council or City Official shall state publicly that he or she has a conflict of interest, fill out the appropriate disclosure forms, recuse himself or herself, and leave the room while the matter is being discussed and acted upon by others on the public body.

(c) In situations where a City Councilmember or City Official has a question about the applicability of this Code or the provisions of Texas' conflicts of interest laws, the City charter, or any City ordinance, a ruling may be sought from the City Attorney on whether an actual conflict of interests exists.

#### GIFTS

City Councilmembers or City Officials are prohibited from soliciting or accepting gifts from anyone who is engaged in a general practice or specific situation that involves the City's decision making or permitting processes where the gift is **intended to give preferential treatment** to the person or entity making the gift. The term "gift" includes money, services, loans, travel, entertainment, hospitality (including meals), promises of any future gifts, or anything of value as more particularly defined in Chapter 36 of the Texas Penal Code, or other applicable laws that might be construed as an attempt to create a more favorable relationship than that enjoyed by any other citizen, including, but not limited to: (a) the purchase, sale, or lease of any real or personal property by the City official, that official's relative, or an entity in which that official has a substantial interest at a value below or above that available to the general public, and (b) employment and/or services, contracts, direct or indirect, by a City official, that official's relative, or an entity in which that official or relative has a substantial interest.

#### INITIATION OF COMPLAINTS OR ALLEGATION OF A VIOLATION OF THIS CODE

All complaints or allegations of a violation of this code of ethics against a City Councilmember or City Official covered by this Code must be in writing, sworn to before a notary public as to the complaint's validity and truthfulness, and state:

- a) The specific section(s) of the Code that has been violated. b) The specific date and act which violated the specified section(s). c) The name of the individual who has allegedly violated the Code. d) The name and contact information for the complainant.
- b) All complaints must be sworn to as true and correct by the complaining party before a notary public. An official complaint form must be filed of record with the City secretary or designee, who will forward a copy of

the complaint within three (3) business days to the party complained against, and the City Attorney. Complaints must be filed within six (6) months from the date of knowledge of the incident.

- c) Any complaint, including all information and the complainant's name, address and contact information, will be considered public information pursuant to the Texas Public Information Act.
- d) A person who knowingly makes a false, misleading, or unsubstantiated statement in a complaint is subject to criminal prosecution for perjury and potential civil liability for, among other possible causes of action, defamation. If after reviewing an ethics complaint it is determined that a sworn complaint is groundless and appears to have been filed in bad faith or for the purpose of harassment, or that intentionally false or malicious information has been provided under penalty of perjury, then the City Council may direct that the matter be referred to the appropriate law enforcement authority for possible prosecution. A City Councilmember or City Official who seeks to take civil action regarding any such complaint shall do so at his or her expense.
- e) Any complaints relating to City elections shall be filed with the appropriate county or state authority.

## COMPLAINTS AGAINST THE MAYOR AND MEMBERS OF THE CITY COUNCIL

### Independent Ethics Review

At the discretion and recommendation of the City Attorney, the City may use independent, non-City personnel to handle ethics complaints lodged against the Mayor, members of the City Council, City employees, or appointed officials.

### Review of Complaints

The City Attorney shall review each complaint filed alleging a violation by the Mayor or members of the City Council and within fifteen (15) calendar days from the notarized date, take the following action:

- a) Return it for being incomplete;
- b) Recommend its dismissal for being untimely;
- c) Recommend dismissal if the complaint fails to state allegations that, if true, would violate a mandatory requirement or prohibition of the ethics code or any laws; or
- d) If the complaint states on its face allegations that, if true, would constitute a violation of a mandatory requirement or prohibition, proceed to action as set forth in "Review and Findings" below.

### Review and Findings

For ethics complaints alleging violations that proceed for additional review, the City Attorney shall investigate the allegations and, within thirty (30) days, submit to the City Council, the complainant, the



official who is the subject of the complaint, a report with findings of fact, conclusions of law, and a recommendation.

A majority vote of City Council (excluding the City Councilmember accused of the wrongdoing) may recommend referral of the complaint, regardless of the City Attorney's opinion, to an independent ethics panel for further review. Then the City Attorney shall immediately transfer the complaint to an ethics panel as prescribed herein. The members of the ethics panel shall investigate the complaint and report to the City Council, the complainant, the official who is the subject of the complaint, the City Attorney, and the City secretary its findings of fact and conclusions of law within sixty (60) days of being empaneled (unless the panel requests an extension that is granted by the majority of the City Council). The City Council shall consider the ethics panel's report at a public meeting and either accept or reject the ethics panel's report as submitted by a simple majority.

A majority vote of City Council's recommendation to refer a complaint for review by an ethics panel does not mean that any of the complaint's allegations are true or that any City official has violated this Code.

#### Sanctions, Actions, Penalties

If the ethics panel finds that a violation of the Code has occurred, it shall make recommendations to the City Council, as follows:

- a) A letter of notification shall be issued when the violation is clearly minor and unintentional, or when the party complained against was acting in accordance with an advisory opinion issued by the City Attorney. A letter of notification shall inform the party complained against of appropriate actions to be taken to avoid future violations.
- b) A letter of admonition shall be issued when the violation is minor and may or may not have been unintentional, but calls for a more substantial response than a letter of notification.
- c) A letter of reprimand shall be issued when the violation has been committed either intentionally or through disregard of the Code or an advisory opinion issued by the City Attorney. Any City official, elected by the people, shall be subject to recall and removal from office by the registered voters of the City on the grounds of incompetency, misconduct, or malfeasance in office in accordance with local, state, and/or federal regulations.

#### Policy Enforcement

If a member(s) of the City Council believes this policy has been violated, the topic shall be placed on a meeting agenda following proper procedure (by City Manager, Mayor, or two members of the City Council). A determination of violation shall be stated by majority vote of those present during the deliberation.

If it is a member of the Council who is determined to be in violation of this policy, a standard letter of violation signed by the Mayor (or Mayor Pro Tem, if the letter is going to the Mayor) shall be issued to the person. A copy of the letter shall become a part of the Councilmember's official file with the City.

COMPLAINT FORM

- (1) The complainant's name, address, and telephone number;
- (2) The name and position of the City official who is the subject of the complaint;
- (3) The nature of the alleged violation, including the specific provision of the ethics code or law allegedly violated;
- (4) A statement of facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred;
- (5) All documents or other material in the complainant's possession that are relevant to the allegation, a list of all documents or other material relevant to the allegation that are available to the complainant but not in the complainant's possession, and a list of all other documents or other material relevant to the allegations but unavailable to the complainant, including the location of the documents, if known;
- (6) A list of witnesses, what they may know, and their contact information, if known; and
- (7) The complaint must identify the date the complainant learned of the alleged violation and provide a statement of the facts surrounding the discovery of the violation, a list of the persons with knowledge about the date the violation was discovered, and a summary of the information they possess about the discovery. The complaint shall include an affidavit stating that the information contained in the complaint is true and correct, or that the complainant has good reason to believe and does believe that the facts alleged constitute a violation of the ethics policy. If the complaint is based on information and belief, the complaint shall identify the basis of the information and belief, including all sources, contact information for those sources, and how and when the information and/or belief was conveyed to the complainant by those sources. The complainant shall swear to the facts by oath before a notary public or other person authorized by law to administer oaths under penalty of perjury.

- (8) CC-0218-05  
City Council Protocol Policy Discussion

City Manager Gabe Reaume stated that Interim City Manager O'Leary had brought to his attention that a review of the City Council Protocol Policies could be a benefit for the city. After a discussion, City Manager Gabe Reaume stated that he would like to draft a policy for consideration as there is nothing on file at this time to address these concerns.