

MEMORANDUM

TO: City Council

FROM: Cristal McDonald, City Clerk

SUBJECT: July 31, 2024 - Special City Council Workshop
WS1 – City Council Protocols & Procedures and Code of Conduct

DATE: July 26, 2024

ABSTRACT

The approaching Special City Council Workshop ("Workshop") will allow City staff to review and get direction on the City Council: 1) Protocols & Procedures (Resolution No. 19-4178 et seq.); 2) Code of Conduct; 3) the Ralph M. Brown Act; 4) Financial Outlook; and 5) Priority Projects.

This memorandum will provide background and research on Protocols & Procedures and the Code of Conduct to allow the City Council time to review before the Workshop. Following direction from the City Council on July 31, if applicable, the City Clerk will return at a Regular City Council meeting with recommendations for adoption.

DISCUSSION

Protocols & Procedures

The City establishes and maintains various policies and procedures resulting in organizational efficiency. Under the direction of the City Manager, internal procedures are in place, including Administrative Policies. Furthermore, the City Council has adopted procedures on matters within the jurisdiction of the legislative body, such as Murrieta's Municipal Code ("MMC") and City Council Policies.

Resolution No. 19-4178 et seq. – Rules of Procedures

Under MMC § 2.04.040, *Adoption of Procedures*, the City Council shall, by resolution, adopt rules of procedure to govern the conduct of its meetings, and any of its other functions, activities, and regulations pertaining to it. Rules of Procedures are in place to assist the City Council in conducting business in an orderly and fair manner related to City business with established uniform norms and procedures. Over the years, several versions of City Council Rules of Procedures have been adopted, amended, or repealed. The most recent resolutions are included as Attachment No. 1.

At previous City Council meetings, the City Council requested a review of the following procedures:

1. Council Member Requests for Future Agenda Items
2. Presiding Officer (Mayor Rotation)
3. Motion for Reconsideration



1. Council Member Requests for Future Agenda Items¹

On March 20, 2014, the City Council adopted Resolution No. 14-3202, the Rules of Procedures for City Council Meetings, which fundamentally remained the same throughout its various iterations (Resolutions No: 14-3301, 17-3689, 18-4021, 19-4178).

The City Council adopted Resolution No. 19-4178, which has since remained in effect, to include how future agenda items are requested. This is outlined in §2.8 of *Presentations by Members of the Council*. Although the procedure allows Council Members to request items during a City Council meeting (under Governing Body Announcements), most requests were directed to the City Manager. Since no specific placement was on the agenda for Council Member requests, the City Clerk moved forward on adding a section for future agenda items.

On February 21, 2023, the City Council adopted Resolution No 23-4643 (Attachment No. 1) to include a section on City Council agendas entitled "*Council Member Requests to Add Items to Future Agendas*". The adoption was also intended to provide greater transparency related to City Council Member requests and ensure requests were brought to the attention of all Council Members. Furthermore, since done in an open meeting, the majority of the City Council provides direction on using City resources for proposed future agenda items.

During this part of the agenda, a Council Member may briefly explain the proposed item to the extent necessary for the other Council Members to understand what the item involves. The merits of the items raised are not discussed or debated. The City Manager will place the item on a future agenda if there is consensus.

Since adding the placement of *Council Member Requests to Add Items to Future Agendas*, there have been 34 Council Member requests to add items to a future agenda. Some requests have been completed, withdrawn, or remain pending. It is also worth noting that these requests do not include individual City Council Member requests made to the City Manager.

On September 5, 2023, Council Member Holliday requested the protocol for future agenda items return for further consideration. The Workshop will allow the City Council the opportunity to review alternatives and provide direction on whether or not the item will be brought back for City Council action at a later date.

2. Presiding Officer (Mayor Rotation)²

The Presiding Officer, also known as the Mayor, is a ceremonial position that includes responsibilities of representing the City Council at various events, signing documents, and presiding over meetings. No additional powers are bestowed upon the position as the City Council acts as a body, and all Council Members are equal.

The current protocol relevant to the presiding officer exists in §3 of Resolution No. 19-4178 (Attachment No. 1). The *Rotation into Presiding Officer Positions* is specified in §3.1.3.

The Mayor and Mayor Pro Tem shall be determined according to the following:

3.1.1 Qualifications for Presiding Officers

3.1.1.1 The Mayor shall have served at least two years on the City Council.

3.1.1.2 The Mayor shall have served as Mayor Pro Tem at some time prior to serving as Mayor, with normal progression being from Mayor Pro Tem to Mayor.

¹ Resolution No. 23-4643; §2.8 *Presentations by Members of the Council*.

² Resolution No. 19-4178; §3, *Presiding Officer*.



3.1.1.3 The Mayor Pro Tem shall have served at least one year on the City Council.

3.1.2 Term of Position as Presiding Officers

3.1.2.1 The term of office of Mayor shall be one year.

3.1.2.2 The term of office of Mayor Pro Tem shall be one year.

3.1.3 **Rotation into Presiding Officer Positions [emphasis added]**

3.1.3.1 ***The Mayor shall be the most senior City Council Member who has not served as Mayor, or if all City Council Members have served as Mayor, the City Council Member who has not served as Mayor for the longest period of time, providing the Qualifications for Presiding Officers have been met.***

3.1.3.2 ***The Mayor Pro Tem shall be the most senior City Council Member who has not served as Mayor Pro Tem, or if all City Council Members have served as Mayor Pro Tem, the City Council Member who has not served as Mayor Pro Tem for the longest period of time, providing the Qualifications for Presiding Officers have been met.***

3.1.3.3 ***Omitted.***

3.1.3.4 ***In the event two or more members are newly elected at the same election, the rotation shall be based on the member with the highest number of votes received in the municipal election and will continue in descending order of the most votes received. However, members re-elected to successive terms will remain in the rotation order established with their initial election.³***

3.1.3.5 ***Recognizing the responsibility placed on the Mayor and Mayor Pro Tem, no member shall have the obligation to serve as either Mayor or Mayor Pro Tem should he/she not wish to do so.***

3.1.3.5.1 ***A member shall not serve successive terms as Mayor or Mayor Pro Tem unless all other members decline to serve.***

On January 6, 2024, Mayor Stone requested the Mayor's rotation return for discussion at a future workshop. On June 18, 2024, Council Member Levell also requested the Mayor rotation be brought to a workshop for discussion.

Over the past few years, the Cal Cities City Clerk list-serve provided results from approximately 33 California cities, giving procedures for selecting or rotating the Mayor and Mayor Pro Tem. There were three main options:

1. Directly Elected Mayor. An elected Mayor is not applicable to Murrieta.
2. Selection. The Selection option is a nomination and vote generally based on criteria.
3. Rotation. The Rotation is based on seniority and years of service as a Council Member.

³ Depending on direction provided at the Workshop, language specific to highest number of votes may need to be addressed as the City Council is by-district.



The results are as follows:

Directly Elected Mayor (N/A)	Selection	Rotation
≈27.27%	≈36.36%	≈36.36%

Murrieta's procedure is a resolution, allowing the City Council to waive and move forward with a different procedure by vote or consensus. With that comes a City Council policy that lacks continuity and predictability.

In general, cities that use the selection process are a simple nomination and vote by the City Council. There are also suggested criteria that come with the process, including seniority and having served as Mayor Pro Tem.

Over the past couple of weeks, Council Member Holliday and Council Member Levell separately provided additional input. The Workshop will allow the City Clerk to discuss with all Council Members and give examples and impressions from other cities.

3. **Motion for Reconsideration**⁴

Under the current procedure:

Any Council Member who voted with the majority may move a reconsideration of any action at the same or the next meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the Council.

The process to reconsider a motion at a subsequent meeting can be ambiguous as there is no set time in the agenda to reconsider and revisit the items for full discussion. On May 2, 2024, after requesting reconsideration of an action taken at a previous meeting, Council Member Holliday suggested a language clean-up to remove ambiguity.

During the Workshop, the City Clerk will assist the City Council in reviewing the current protocol and ascertain the continuation of the same method of reconsideration or use of another method, such as a procedure outlined in Roberts Rules of Order. Clarifying language should maintain placement on the agenda, whether within a resolution or under an ordinance.

Code of Conduct

Similar to City Council Rules of Procedures, there have been several iterations of the Code of Conduct (formally known as the Code of Ethics). All current members of the City Council have reviewed and signed the Code of Conduct.

The Code of Conduct (Attachment No. 2) is a value-based document that highlights the behaviors expected to be demonstrated by local officials. City Council Members may review and sign the document upon election or appointment. The Code of Conduct emphasizes values in public service, leadership, and decision making by addressing the following elements:

- Integrity/Honesty
- Accountability/Responsibility
- Respect
- Fairness

⁴ Resolution No. 19-4178; §7.4; *Reconsideration*.



In 2022, after a workshop, three Council Members requested the Code of Conduct be agendized to provide an opportunity to review the current version and have the chance to discuss possible procedures for compliance. On April 19, 2022, it was reviewed by the City Council, resulting in a direction to the City Clerk to bring back findings from other cities. Subsequently, the City Attorney provided information to City Council Members resolving outstanding inquiries.

During the January 11, 2024, Workshop, the City Council agreed that it would benefit from a general update to ensure it is an enforceable document.

The current Code of Conduct notes, "*Murrieta's voting citizens are the ultimate enforcers of this code. However, I fully understand that I am subject to the City Council's commendation or censorship, depending upon my ability to exemplify the ethical behavior promoted by this code.*"

This item aims to allow the City Council to validate the Code of Conduct and determine whether or not procedures for compliance are necessary. A process for compliance can include a required meet & confer, investigative inquiry, and a written complaint process. In addition, violations of the Code of Conduct can result in admonishment, sanction, censure, loss of seniority or committee assignments, or other privileges the City Council has.

To facilitate City Council discussion, excerpts from other cities will be presented at the Workshop so the City Council can determine how to move forward.

CONCLUSION

The City Council Protocols & Procedures and Code of Conduct are substantive policies requiring review. The Workshop is an opportunity for an open and collaborative discussion for current and future use. After an overview of options, Council Members are encouraged to give opinions and feedback to determine the next steps.

Due to limited time, it is suggested Council Members prepare individually before the Workshop and ask for additional information at your earliest convenience.

Attachments:

1. Resolution Nos. 23-4643, 21-4463, 19-4178
2. Code of Conduct

