

# City of Folsom Governance Manual



*Adopted June 2021*

# Governance Manual

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# Section 1. Effective Governance



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*The Folsom City Council is committed to good governance. Together, the City Council works as a cohesive unit to make decisions in the city's best interest. While individual Councilmembers each bring their unique background and expertise to their role as an elected official, it is only by working together rather than as individuals that the City Council can achieve the greatest good for the greatest number of people.*

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## **Effective Governance as the Core Principle of the City of Folsom**

The City Council's core principle of effective governance is transforming the community's needs and desires into policies that direct the City's functions. As the City Council fulfills the responsibility of setting policy direction, how City Council members perform their governance role is critical. Whether meeting in Council Chambers, serving in the community, or working with city staff, Councilmembers are always stewards of public trust. The wellbeing of the City depends upon the responsible and professional manner in which each Councilmember and the City Council collectively fulfill their governance roles and responsibilities.

The City Council members and City Manager work in a coordinated manner to achieve their common purpose of effective governance. Together, they function collaboratively with a high degree of respect, trust, and openness. Notably, the City Council and City Manager value diversity in style and perspective and are open to new ideas. While individuals may have potential biases or policy preferences, all team members listen with an open mind and are willing to have preconceived notions challenged or changed. The City Council and City Manager strategically examine issues and situations and decide on a course of action serving the city's mission and goals.

Effective City Councils understand that a good working relationship with each other and staff is vital for the city to run successfully. Therefore, the City Council acts with integrity,

civility, and a high level of professional decorum. City Council members build trust by striving to have a “no secrets, no surprises” approach as the operating norm.

### **Characteristics of an Effective Council**

An effective Council:

1. Follows the legal requirements of the City Charter, Municipal Code, State and Federal law and regulations
2. Makes decisions that are in the best interest of the City and considers that short-term decisions often have long-term consequences
3. Provides clear direction to the City Manager to ensure clarity of direction, specificity in scope, and mutual understanding.
4. Seeks consensus and common ground knowing there are rarely perfect solutions
5. Respects the governing process and follows implementation of the will of the majority
6. Represents all residents and knows that a vocal minority does not necessarily reflect the view of a quiet majority

### **Characteristics of an Effective Council Member**

An effective Council member:

1. Commits the time necessary to understand issues
2. Acknowledges their own potential biases, listens with an open mind, and is willing to have preconceived ideas challenged
3. Respects the role and function of the public, city staff, and the City Manager
4. Recognizes that their colleagues were also elected, and all deserve equal levels of respect
5. Understands that authority rests with the Council as a whole and not with individual Council members.
6. Limits their critique to the idea being proposed and not to the person proposing it, and accepts criticism of a policy or proposal without taking it personally
7. Respects the expertise of city staff and understands staff's desire to provide factual, neutral information to the Council

## Section 2. Roles and Responsibilities



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*The City Council's role is to act as a public policy-setting body. It is the City Manager's role to implement public policy. With a strong guiding belief that all benefit from a clear understanding of their respective roles, this Governance Manual establishes the normative framework under which the City Council can perform in the most effective manner possible.*

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### **Policy Setting and Policy Implementation**

One of the essential characteristics of an effective Council is their understanding and agreement on roles and responsibilities. Generally, governance is about setting policy by defining what the organization will do, and administration focuses on how to do it. Discerning the difference can sometimes be challenging. If the City Council discussion focuses on long-term outcomes, it tends to be policy setting; if it focuses on short-term objectives or incremental steps, it tends to be administrative. Since the distinction between policy and administration is sometimes challenging to identify, the City Council and the City Manager must clearly understand their roles and responsibilities.

### **Council-Manager Form of Government**

Folsom is governed under the council-manager form of government. In a council-manager government, an elected City Council serves as the city's primary legislative body. It appoints a city manager to oversee day-to-day municipal operations, craft the budget, and implement and enforce the City Council's policies and direction.

### **Mayor's Role**

Folsom's Charter defines the Mayor's role and establishes the selection of the Mayor by the City Council. The Mayor's primary responsibilities include:

1. Presiding at meetings of the Council;
2. Meeting regularly and as appropriate with the City Manager to provide policy guidance relative to the actions of the Council, expressing the desires of the Council and its members, and monitoring the administrative implementation of Council policies;



3. Recommending City policy, legislation, and programs, subject to approval by a majority of the City Council;
4. Representing the City for ceremonial purposes;
5. Represent the City in intergovernmental relations, personally or by a designated representative with the concurrence of the Council; and
6. Establishing and dissolving limited-term ad hoc committees, subject to the approval of the Council

### **Vice Mayor's Role**

Folsom's Charter defines the Vice Mayor's role and establishes the selection of the Vice Mayor by the City Council. The Vice Mayor's primary responsibility is to perform the Mayor's duties in the Mayor's absence.

### **City Manager's Role**

Folsom's Charter identifies the City Manager's role as the administration of all affairs of the City, and as such, the City Manager holds many powers and duties. This role includes, but is not limited to:

1. Appointing and removing all assistants to the city manager and all department heads;
2. Appointing, removing, and disciplining all employees of the city (the city manager may delegate this authority to the several department heads, but retains certain authorities;
3. Directing the administration of all departments;
4. Preparing the City's budget;
5. Keeping the City Council fully informed and advised of the financial, administrative, physical, and operational condition of the City and of its future needs in each area, and make such recommendations and present such plans and programs concerning the affairs of the City;
6. Providing for the enforcement and faithful execution of all laws, ordinances, rules, regulations, acts of the City council, the City Charter and such other actions as the City council shall direct;
7. Attending all City council meetings and taking part in the discussions of the City council (but having no vote);
8. Investigating all complaints in relation to matters concerning the administration of the City;

9. Exercising general supervision of all public buildings, parks, real and personal property, assets, utilities, streets, and other public properties which are under the ownership, control, or jurisdiction of the city;
10. Carrying out and enforcing all policies of the City council and all rules, regulations and ordinances adopted by it;
11. Cooperating with all community organizations whose purpose is to serve the welfare and best interests of the City and of its people, business, and organizations;
12. Preparing the City council agenda in such a manner to ensure that all matters concerning the attention of the City council are included thereon in a timely manner;

### **Noninterference with City Manager's Administrative Role**

The City Manager's administrative role is distinct and separate from the City Council's role. As prescribed by the City's Charter, neither the Mayor nor any Councilmember shall interfere with the execution of the City Manager's powers and duties. Except for purposes of inquiry, the Mayor and Councilmembers shall deal with the administrative services of the City solely through the City Manager, and neither the Mayor nor any Councilmember shall give orders to any subordinate of the City Manager, either publicly or privately. The City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of any department head or employee, but neither the Mayor nor any Councilmember shall in any manner control or demand the appointment or removal of any City department head or employee.

### **Responding to Public Complaints**

It is important that when Councilmembers receive a complaint or inquiry from a member of the public, the Councilmember should acknowledge the requestor's communication without making promises or jumping to conclusions. As the City Manager's role is to investigate and resolve these issues with city staff, all complaints should be forwarded to the City Manager for a response. The City Manager will keep the City Council informed regarding administrative actions.

### **New Councilmember Orientation**

Welcoming newly elected Councilmembers and providing them with the appropriate orientation and resources is crucial to developing an effective, cohesive governance team.

1. With the Brown Act limitations in mind, current Councilmembers are encouraged to reach out to newly elected members to welcome them and build productive working relationships.
2. The City Manager will provide a formal orientation for new Councilmembers to:



- a. Explain roles and responsibilities;
  - b. Introduce department heads;
  - c. Provide practical information such as access to City Hall, office space, security procedures, meeting protocols;
  - d. Study a typical City Council meeting agenda and explain the order of business, consent calendar, business from the floor, and other meeting sections and protocols such as making motions and providing direction to the City Manager and staff during a City Council meeting.
  - e. Review rules regarding confidentiality, the Brown Act, and gift reporting;
3. Councilmembers shall work through the City Manager to schedule additional meetings with department heads and/or tours of city facilities to gain a better understanding of city services and operations.

### *City Council's Informal Role – Some Helpful Tips to Keep in Mind*

1. *Lead by example. Be honest, consistent, and flexible.*
2. *Do not get stampeded into action by the strong demands of special interest groups. Your job is to find the entire community's long-term public interest, and you may be hearing from a vocal minority.*
3. *Be clear on what you stand for and what is important to you.*
4. *Think about what you want to accomplish. Do not act rashly and assume that only you know the best way to accomplish things. Every issue will benefit from additional discussion. Your perceptions may change.*
5. *Sometimes we underestimate the potential impact of a strong leadership voice. Use the dignity of your office to help the community get past contentious issues.*
6. *There can be a tremendous amount of discomfort in making very public decisions. It is important to take a long-term perspective, weigh everything, and reach good decisions.*
7. *Know that you will not be able to satisfy everyone. If you try, you will not be able to demonstrate leadership. Listen fairly, listen thoughtfully, and then do what is best.*
8. *Most of the easy decisions were made a long time ago. Many decisions that need to be made can be difficult – but you cannot always solve those big problems easily.*

## Section 3. Communication Protocols



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*Effective communication brings individuals together to achieve desired outcomes, and it requires clear sharing of information and attentive listening. Successful communication builds and maintains strong relationships, develops reciprocal trust, promotes transparency, supports understanding with the community, and facilitates good decision-making. As importantly, effective communication reduces misunderstanding and decreases the potential for conflict.*

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### **Communication between the City Council and the City Manager**

Folsom's council-manager form of government directs the City Council to communicate with the City Manager on all matters related to City operations, and City Council members are therefore encouraged to contact the City Manager with questions about city operations or issues. The City Manager will obtain the requested information or direct the appropriate staff member to assist. When an individual City Council member seeks information that the City Manager believes may be of interest or use to other City Council members, the City Manager may share that information with the entire City Council to keep all members equally informed. The City Council should be aware that the City Manager may not readily share some items due to employment law, privacy rights, investigations, etc.

Agenda review sessions with the City Manager and individual City Council members are scheduled in advance of each City Council meeting. City Council members are strongly encouraged to ask questions about agenda items during their agenda review session, as this allows staff time to perform additional research if necessary before the Council meeting. City Council members are welcome to ask the questions again at the Council meeting to benefit other Council members and the public.

#### Direction to City Manager at City Council Meetings

In providing direction to the City Manager and staff during City Council meetings, the City Council should ensure that direction and motions provide unambiguous policy direction,

including specificity and scope of the desired action. If a motion seems unclear, City Council members should ask for clarification to be sure all agree on the proposed direction.

### **Communication between City Council Members**

City Council Members should treat each other with dignity and respect and observe a high level of professional decorum both on and off the dais. This respectful approach supports a productive sense of camaraderie and sets an example for civil decorum in City Council meetings.

#### **Brown Act**

The California open meeting law, commonly known as the "Brown Act," requires all City Council meetings to be open to the public (subject to a few limited exceptions). A meeting is defined as any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, and deliberate upon any item that is within the subject matter jurisdiction of the legislative body. Accordingly, meetings or discussions between three or more members of the Folsom City Council could violate the Brown Act if such meeting is to discuss any matter within the subject matter jurisdiction of the City Council (e.g., City parks and recreation programs, budget, staffing, streets and traffic, public improvements, or private development projects, etc.) without first complying with agenda-posting and noticing requirements of the Brown Act.

Meetings subject to the Brown Act are not limited to face-to-face gatherings. They also include any communication medium or device (for example, telephone conversations, text messages, social media postings, etc.) through which a majority of the City Council discusses, deliberates, or acts on an item of business outside of a noticed meeting. Communication technologies present particular Brown Act challenges. For example, standard email practices of forwarding or replying to messages can easily lead to a serial meeting prohibited by the Brown Act, as can participation by a majority of the Council members in an internet chatroom, social media format, a Facebook page posting, or blog dialogue.

#### **Social Media**

City Council members should use the same professionalism and sound judgment exercised in public meetings when communicating on social media. Beyond standards of professionalism, City Council members should also be mindful of legal restrictions on their social media activity.

In 2020, State legislation (AB 992) amended the Brown Act to address public officials' use of social media, and two particular elements are essential to keep in mind. First, AB 992 clarifies that a public official may have their separate conversation on social media platforms to answer questions, provide information to the public, or solicit information

from the public regarding a matter within the legislative body's subject matter jurisdiction. However, this is legally permissible as long as a majority of the members of the legislative body do not use the social media platform to discuss among themselves of the same matter, including making posts, commenting, and even using digital icons that express reactions (i.e., emojis, "liking", thumbs up, thumbs down, etc.) to the discussion made by other members of the legislative body.

**Key Point:** *A City Council member may have their own conversation on social media about a matter within the City Council's subject matter jurisdiction, up to the point when a majority of the City Council members starts to have the same conversation on their own. Once there is a majority of City Council members having their own "separate" conversation on social media about the same subject matter, then those conversations must cease altogether. Simply using a digital icon (such as emojis) constitutes having a conversation under AB 992.*

Secondly, AB 992 goes further by prohibiting a member of a legislative body from responding directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body. In other words, if a public official posts a comment in response to another public official's social media post about an agency issue, that could be a Brown Act violation under AB 992 (assuming both public officials serve on the same legislative body). AB 992 covers commonly used social media platforms such as Facebook, Instagram, Snapchat, Twitter, blogs, TikTok, and Reddit.

**Key Point:** *Be careful not to comment on another City Council member's posting on social media, including posting comments, retweeting, "liking," "disliking," responding with positive or negative emojis, and reposting. Violations of the Brown Act can potentially lead to invalidation of future City Council actions, payment of a challenger's attorney fees, and even criminal prosecution for the offender.*

Keeping Each Other Informed of Activities and Reporting on Regional Agency Action  
City Council members should proactively keep each other informed of their City-related activities in the community and the region. City Council members should also report on important discussions and actions from the regional agencies they serve. This reporting of activities and actions is best accomplished at a City Council meeting either during discussion of related agenda items or during the Council Comments segment of a meeting.

The proactive sharing of activities contributes to the collaborative nature of the City Council's work and respects the role of all members. Importantly, this sharing of information honors the standard that no single City Council member "owns" a particular

issue or effort. It also reinforces the notion that all members have an equal voice and standing on all matters affecting the City.

### **Communication between City Council Members and the Public**

#### Speaking for "the City"

When a City Council Member is requested to speak to a group or is asked the Council's position on an issue, the response should reflect the Council's position as a whole as taken in open session. Of course, a member may clarify their vote on a matter by stating, "While I voted against 'X,' the City Council voted in support of it." When representing the City at meetings or other venues, those in attendance must understand the Council's position as well as the position of an individual member.

#### Safeguarding Confidential, Sensitive and Closed Session Information

Confidential or sensitive City information, including closed session materials and discussions, shall not be disclosed in any circumstances, including via electronic communication.

#### Correspondence

Members of the City Council will often be called upon to write letters to residents, businesses, or other public agencies. Typically, the Mayor will transmit the City's position on policy matters to outside agencies on behalf of the City Council. Individual members of the Council will often prepare letters for constituents to respond to inquiries or provide requested information. City letterhead is available for this purpose, and staff can assist in the preparation of such correspondence. Requests for assistance should be made to the City Manager.

On occasion, members may wish to transmit correspondence on an issue upon which the Council has yet to take a position or has no position. In these circumstances, members should indicate either in correspondence or verbally that they are not speaking for the City Council as a whole, but for themselves as a private citizen or as one member of the Council. Council Members should avoid expressing opinions that could be perceived as biased or creating an appearance of bias when communicating about a matter that has the potential of coming before the Council for action.

After the City Council has taken a position on an issue, official City correspondence related to the issue should reflect this position. Similar to verbal communication standards, a City Council member who disagrees with the majority opinion may express their position by indicating that, "While I voted against 'X,' the City Council voted in support of it." In

addition, City letterhead and staff support cannot be utilized for any personal purpose or in the Council Member's own campaign, including letters of recommendation.

### **Representing the City on Regional Agencies**

City Council members are assigned to represent the City on a variety of regional agency boards and commissions. Active participation by City Council members on regional agencies ensures the City's interests are adequately represented, advances Folsom's standing in the region, and allows City Council members to gain additional experience while developing connections with leaders from other jurisdictions. City Council members should exhibit the same dedication to regional agency meetings as they do to Council meetings through regular attendance, knowledge of the agenda, and engagement in policy discussions. If a City Council member is unable to attend a meeting, they should advise the alternative representative.

Assignments to regional agencies are generally proposed by the Mayor and require the concurrence of the City Council. Care should be taken to distribute the workload as evenly as possible and capitalize on subject matter expertise. Keeping regional assignments as consistent as possible year-to-year maintains the City's knowledge and seniority on regional agency.

Council meetings provide an opportunity to "report out" on regional activity so that all City Council members, staff, and the public are fully informed. See "Keeping Each Other Informed of Activities and Reporting on Regional Agency Action" earlier in this section for additional details.

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## Section 4. Council Meeting Protocols



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*The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.*

California Brown Act

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### Conducting Open Meetings

Folsom City Council meetings are held in compliance with the California Brown Act, which prescribes requirements for open and public meetings, notice of meetings, public participation, and general agenda title guidelines.

### Placing an Item on the Agenda

Folsom Municipal Code section 2.06.070(A)(1) places the responsibility to develop the agenda for City Council meetings on the Mayor and the City Manager. Generally, items placed on the agenda will be generated by staff, but occasionally items may be proposed by either a City Council member or a member of the public.

### Agenda Items Proposed by a City Council Member

A City Council member may request an item be placed on a future agenda by contacting the Mayor or City Manager. When the proposal entails wholly new policy direction or an issue that has not previously been considered, the Mayor and City Manager may place the item on an agenda to seek preliminary consensus from the City Council whether to investigate the proposal further. Staff will not conduct research or prepare a staff report until receiving direction to do so from the City Manager.

### Agenda Items Proposed by Members of the Public

A member of the public may propose an item be placed on a future agenda by contacting a City Council member, pursuant to Folsom Municipal Code section 2.06.070(A)(2). The City Council member should communicate the request to the Mayor and City Manager for appropriate handling and scheduling.

### Rules of Order

The City Council generally meets twice per month to conduct the public's business, and it is essential that meetings be orderly, efficient, and well-run. The City Council may establish and adopt by resolution its meeting procedures, and as to matters not covered by Council-adopted procedures, the Folsom Municipal Code provides that those matters shall be governed under the most current edition of Robert's Rules of Order. The Mayor presides over meetings of the City Council; in the absence of the Mayor, the Vice Mayor shall preside. In the absence of the Mayor and Vice Mayor, the City Council may designate a senior member of the City Council to serve as temporary presiding officer to facilitate the conduct of the meeting.

### City Council Meeting Norms

For most agenda items, the following sequence of steps will occur:

1. Staff presentation
2. Questions from the City Council
3. Public hearing or public comment (depending upon the nature of the item)
4. Follow up questions from the City Council, if any
5. Motion or proposed direction to staff (see below for more detail regarding motions)
6. Discussion by the City Council
7. Vote on motion, or verbal expression of consensus

Certain hearings (such as appeals, community facility district formations, utility rate increases, etc.) may require additional procedures, and the City Attorney will provide appropriate instructions to guide the City Council's sequence of steps in those instances.

### Making and Seconding Motions

Direction is given by the City Council through motions, which are verbal tools to focus discussion on proposed action and, eventually, to memorialize City Council direction. A motion supports orderly deliberation and ensures all voices are heard.

Motions should begin with “I move . . .” to make it clear that this is a motion for action. Most staff reports contain staff’s suggested motion-ready language within the “recommendation” section at the beginning of each staff report, but City Council members may make any desired motion. Motions require another City Council member to “second” the motion, which indicates there is interest in taking action on the motion. Motions are seconded by verbalizing “I second the motion”. Any City Council member or the Mayor may make or second a motion.

Before the Mayor asks the City Clerk to call the question, the City Council may continue to discuss and deliberate on the merit of the motion. The maker of a motion has the right to speak so the City Council understands the basic premise of the motion, and to address any argument or opposition to the motion.

The most commonly used motions are:

<b>Motion Type</b>	<b>Action Accomplished</b>	<b>Language</b>
Main/Original motion	The first motion made which proposes action	“I move that...”
Amending a motion	Either adds or subtracts to the preceding motion	“I move that the motion be amended by...”
Refer to a commission or committee	Refers the matter to a commission or committee	“I move that the issue be referred to the [appropriate commission or committee]”
Continue or Postpone	Continues or postpones action to a future date (this can be to a date certain, or off-calendar to indicate open-ended continuation	“I move that the issue be [continued to [specific date or off-calendar]”
Previous Question	Ends discussion and compels a vote	“I move the previous question”

Limit Debate	Re-focuses lengthy or off-topic discussion, without blocking further discussion	"I move to limit discussion to [time limit or topic]"
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In addition, a "point of order" question serves to bring discussion that has detoured away from meeting norms back to conformance with proper procedures. The Mayor or any City Council member may call a point of order.

The City Attorney provides advice during meetings in response to legal or procedural inquiries from the Mayor and City Council members. The City Attorney may also assist the City Council in framing complex motions to ensure clarity of intent and legal sufficiency.

#### Proclamations and Resolutions of Commendation

From time to time, the City receives requests from external parties for proclamations and resolutions of commendations. These requests are generally submitted to the Mayor, as the Folsom Municipal Code identifies the Mayor as responsible for representing the City for ceremonial purposes. If the Mayor approves the request and indicates the item should be placed on a City Council agenda, staff will prepare the appropriate item.

#### External presentations

From time to time, the City receives requests from external parties to make a presentation to the City Council. Similar to agenda items proposed by members of the public, requests by external parties to make a presentation before the City Council should be communicated to the Mayor and City Manager for appropriate handling and agenda scheduling.

#### Reporting and Avoiding Conflicts of Interest

The Political Reform Act of 1974 ("the Act") establishes conflict-of-interest laws in California. The Act limits the receipt of specified gifts and honoraria and promulgates the principle that public officials should perform their duties serving the public in an impartial manner, free from bias caused by their own financial interests or the interests of persons who have supported them. In addition, the Act

sets up a mechanism whereby assets and income of public officials which may be materially affected by their official actions shall be disclosed and in certain circumstances the officials are disqualified from acting within their official capacity so that conflicts of interest may be avoided.

To determine whether a conflict of interest exists under the Act, the California Fair Political Practices Commission (FPPC) prescribes a four-step process, which is complex and time-consuming to properly analyze. The four considerations are:

STEP 1: Is it reasonably foreseeable that the governmental decision will have a financial effect on any of the public official's financial interests?

STEP 2: Will the reasonably foreseeable financial effect be material?

STEP 3: Will the material financial effect on the public official's financial interest be indistinguishable from its effects on the public generally?

STEP 4: Is the public official "making, participating in making, or in any way attempting to use his or her official position to influence the governmental decision"?

***Key Point: It is of paramount importance that City Council members consult with the City Attorney to determine the existence of a conflict of interest. This consultation should happen before a City Council meeting when a possible conflict exists related to an agendized item.*** The City Attorney will assist City Council members in determining whether a conflict of interest exists. If a conflict exists, and no exceptions apply, disqualification is required. The rules and interpretation are complicated, and the Act deals with conflict-of-interest situations on a transactional, or case-by-case, basis. This means that situations must be assessed for possible conflicts of interest in the light of their individual facts. The Act demands continual attention on the part of officials. They must examine each transaction to determine if a conflict of interest that triggers disqualification exists.

When a conflict is determined to exist in relation to an agendized item before the City Council, the conflicted City Council member must:

1. Publicly identify the nature of the conflict / financial interest that causes the conflict (except that he or she need not disclose the street address of a residence);

2. Recuse from discussing and voting on the matter; and
3. Leave the meeting room and refrain from participating in discussion of the item until after the decision has been made
  - a. Exception: Conflicted City Council members do not need to leave the dais for items on the Consent Calendar, but they still must disclose the nature of the conflict / financial interest and refrain from voting on that item

### Companion Documents

The City Council has previously approved the below-referenced policies, which should be considered as companion documents to this Governance Manual.

1. Resolution No. 9689 – A Resolution of the City Council of the City of Folsom Relating to City Council Meetings, Proceedings, and Business (2015)
2. Resolution No. 7788 – A Resolution Adopting a Code of Ethics Applicable to the City Council, City Commissions and Committees (2006)

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