

TO: City Council
FROM: Deborah Robinson, Deputy City Clerk
SUBJECT: **Council Policies & Procedures Manual - Update**
DATE: February 6, 2007

NEEDS: For the City Council to consider updating the policies and procedures manual, adopted December 18, 2001 and revised May 20, 2003, to incorporate recent council actions, and formatting changes.

FACTS: 1. Council adopted ordinance No. 920, N.S. June 6, 2006 that adjusted council monthly stipends. Chapter 6, Section 6.1.6 of the manual requires an update to reflect the correct monthly stipend to \$600/month for Councilmembers, and \$800/month for the Mayor.

POLICY

REFERENCE: Chapter 7 of the manual stipulates that a review shall occur when at least one member of the Council commences a new term pursuant to any General Election.

FISCAL

IMPACT: No direct, immediate impact upon Municipal finances.

OPTIONS: A. Review draft update of Council Policies & Procedures Manual and provide edits to the Deputy Clerk by February 28, 2007

B. Amend, modify, or reject the option.

Attachment: February 2007 *Draft* Policy & Procedures Manual

TABLE OF CONTENTS
COUNCIL POLICIES & PROCEDURES

COUNCIL POLICIES & PROCEDURES REVISION INDEX I

CHAPTER 1 - COUNCIL POWERS & RESPONSIBILITIES.....1

1.1 CITY COUNCIL GENERALLY1

1.2 MAYOR – POWER & DUTIES1

1.3 MAYOR PRO TEMPORE – APPOINTMENT & POWERS2

1.4 COUNCIL ACTIONS2

1.5 ESTABLISHMENT OF COMMISSIONS, BOARDS, & ADVISORY COMMITTEES2

CHAPTER 2 - CODE OF ETHICS3

2.1 PREAMBLE3

2.2 PUBLIC INTEREST3

2.3 CONDUCT3

2.4 CONFLICT OF INTEREST4

2.5 POLICY ROLE5

2.6 COMPLIANCE & ENFORCEMENT5

CHAPTER 3 - COMMISSIONS, BOARDS, & ADVISORY COMMITTEES6

3.1 COMMITTEES GENERALLY6

3.2 COMMITTEE ORGANIZATION & CONDUCT6

3.3 COMMITTEE APPOINTMENTS6

CHAPTER 4 COMMUNICATIONS.....7

4.1 COMMUNICATION GENERALLY7

4.2 CORRESPONDENCE7

4.3 SPEAKING ENGAGEMENTS7

4.4 MEDIA RELATIONS8

4.5 COMMITTEE RELATIONS8

4.6 STAFF RELATIONS9

4.7 REMOTE ACCESS TO COMMUNICATIONS/INFORMATION9

CHAPTER 5 CITY COUNCIL MEETINGS10

5.1 COUNCIL MEETING DEFINED10

5.2 MEETING SCHEDULE10

5.3 PUBLIC PARTICIPATION10

5.4 MEETING DISCUSSION RULES11

5.5 MEETING AGENDAS11

CHAPTER 6 COUNCIL FINANCIAL MATTERS.....13

6.1 COMPENSATION13

6.2 BENEFITS13

6.3 EXPENSES13

CHAPTER 7 COUNCIL POLICIES & PROCEDURES15

7.1 REVIEW OF POLICIES & PROCEDURES15

7.2 RESTRICTIONS ON POLICIES & PROCEDURES15

COUNCIL POLICIES & PROCEDURES REVISION INDEX

Revision No. 1 – May 20, 2003	Change to Section 3.2.2, residency requirements
Revision No. 2 – February 2007	Change to Chapter 6.1.6, Compensation See Ordinance No. 920, adopted July 2006

CHAPTER 1 - COUNCIL POWERS & RESPONSIBILITIES

1.1 CITY COUNCIL GENERALLY

1.1.1 The Council shall have the power, in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants, which are not specifically prohibited by the Constitution and laws of the State of California.

1.1.2 The Council acts as a body. Policy is established by majority vote. A decision of the majority binds the Council to a course of action.

1.1.3 No Councilmember has any extraordinary powers beyond those of other members (except as may otherwise be provided in this Chapter or in State law). All members, including the Mayor, have equal votes.

Deleted: Council member

1.1.4 The Council may authorize the Mayor to make appointments to Council commissions, boards, and advisory committees.

1.1.5 No Councilmember may serve as a voting member of any other City commission, board, or committee composed solely of citizen volunteers, city employees, or a combination of both as commissioned pursuant to Chapter 3 of these policies.

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1.1.6 Councilmembers may serve as members of the Paso Robles Redevelopment Agency as provided in State law.

Deleted: Council member

1.2 MAYOR – POWER & DUTIES

1.2.1 The Mayor shall preside at all meetings of the Council and perform such other duties consistent with the office as may be required by the Council or by vote of the people. The Mayor does not possess any power of veto.

1.2.2 The Mayor may make or second any motion, and present and discuss any matter, as a member of the Council.

1.2.3 The Mayor, with approval of the Council, may make appointments to Council commissions, boards, and advisory committees.

1.2.4 The Mayor shall be recognized as the official head of the City for all ceremonial purposes.

1.2.5 The Mayor shall serve as Chair of the Disaster Council convened in accordance with the City's Emergency Operations Plan (pursuant to Municipal Code Section 2.24.030-040).

1.2.6 The Mayor, or Council designee, may consult and coordinate with the City Manager in the development of agendas for meetings of the City Council.

1.3 MAYOR PRO TEMPORE – APPOINTMENT & POWERS

1.3.1 The appointment of the Mayor Pro Tempore is by majority vote of the Council every two years subsequent to each regularly scheduled general election.

1.3.2 The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability.

1.4 COUNCIL ACTIONS

1.4.1 Action by the City Council shall be taken by means of ordinance, resolution, or oral motion duly made and passed by the majority (unless otherwise provided in State law).

1.4.2 Public actions of the Council shall be recorded in the minutes of any meeting of the Council. Resolutions shall also be recorded separately, serially numbered, and filed sequentially in the office of the City Clerk. Likewise, ordinances shall also be separately recorded, codified in the Municipal Code, and so remain until amended or voided.

1.4.3 Actions of the Council concerning confidential property, personnel, and legal affairs of the City shall be reported in a manner consistent with State law.

1.5 ESTABLISHMENT OF COMMISSIONS, BOARDS, & ADVISORY COMMITTEES¹

1.5.1 The Council may establish commissions, boards, and advisory committees to aid in gathering public input.

1.5.2 The Council may adopt criteria for membership on its commissions, boards and committees provided the criteria do not discriminate based on sex, race, religion, creed, color, national or ethnic origin, or any other classification prohibited by law.

1.5.3 The Council may adopt reasonable methods for selecting members of its commissions, boards and committees.

1.5.4 The Council may disband any commission, board, or advisory body provided State law does not prohibit such action.

¹: See Chapter 3 & 4.5 for more on Boards & Commissions.

CHAPTER 2 - CODE OF ETHICS

2.1 PREAMBLE

The residents and businesses of Paso Robles are entitled to have fair, ethical and accountable local government. Such a government requires that:

- ▶ Public officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- ▶ Public officials be independent, impartial and fair in their judgment and actions;
- ▶ Public office be used for the public good, not for personal gain; and
- ▶ Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Paso Robles City Council has adopted this Code of Ethics to encourage public confidence in the integrity of local government and its operation.

2.2 PUBLIC INTEREST

2.2.1 Councilmembers will work for the common good of the people of Paso Robles and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner.

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2.2.2 Councilmembers shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties.

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2.3 CONDUCT

2.3.1 Councilmembers shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of others.

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2.3.2 Councilmembers shall perform their duties in accordance with the processes and rules of order established by the City Council.

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2.3.3 Councilmembers shall inform themselves on public issues; listen attentively to public discussions before the body; and focus on the business at hand.

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2.3.4 Councilmembers shall base their decisions on the merits and substance of the matter at hand.

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2.3.5 Councilmembers shall publicly share substantive information that is relevant to

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a matter under consideration that they may have received from sources outside of the public decision-making process.

2.4 CONFLICT OF INTEREST²

- | 2.4.1 Councilmembers shall not use their official positions to influence government decisions in which they have a financial interest, or where they have an organizational responsibility or personal relationship that would present a conflict of interest under applicable State law. Deleted: Council member
- 2.4.2 In accordance with the law, members shall file written disclosures of their economic interests and, if they have a conflict of interest regarding a particular decision, refrain from participating in that decision, unless otherwise permitted by law.
- | 2.4.3 Councilmembers shall not take advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised. Deleted: Council member
- | 2.4.4 Councilmembers shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests. Deleted: Council member
- | 2.4.5 Councilmembers shall not use public resources not available to the public for private gain or personal purposes. Deleted: Council member
- | 2.4.6 Councilmembers shall not appear on behalf of the private interests of third parties before the City Council or any board, commission, committee or proceeding of the City. Deleted: Council member
- | 2.4.7 Councilmembers shall represent the official policies and positions of the City Council to the best of their ability. When presenting their personal opinions and positions, members shall explicitly state they do not represent the Council or the City. Deleted: Council member
- | 2.4.8 Councilmembers shall refrain from using their position to unduly influence the deliberations or decisions of City commissions, boards or committees. Deleted: Council member

² State laws governing conflicts of interest are written to ensure that actions are taken in the public interest. These laws are very complex. Councilmembers should consult with the City Attorney or the Fair Political Practices Commission for guidance in advance.

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2.5 POLICY ROLE

- | 2.5.1 Councilmembers shall respect and adhere to the Council-Manager structure of Paso Robles City government as provided in State law and the Municipal Code. Deleted: Council member
- | 2.5.2 Councilmembers shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees. Deleted: Council member

2.6 COMPLIANCE & ENFORCEMENT

- | 2.6.1 Councilmembers themselves are primarily responsible for assuring they understand and meet the ethical standards set forth herein. Deleted: Council member

CHAPTER 3 - COMMISSIONS, BOARDS, & ADVISORY COMMITTEES³

3.1 COMMITTEES GENERALLY

- 3.1.1 The City Council may establish standing or ad hoc Commissions, Boards, and Advisory Committees (referred to collectively herein as “committees”) as a means of gathering community input.
- 3.1.2 Citizens who are appointed to Council committees serve in an advisory capacity to the City Council (except that the Planning Commission, Library Board, & Redevelopment Agency Project Area Committee may be vested with additional responsibilities as prescribed in State law).

3.2 COMMITTEE ORGANIZATION & CONDUCT

- 3.2.1 Standing committees are established by resolution of the City Council and are organized under Council adopted by-laws specific to each.
- 3.2.2 Appointees shall be residents of the City. However, when exceptions are warranted, the reasons shall be so stated in that committee’s by-laws.
- 3.2.3 Standing committees and standing committee members shall comply with all applicable open meeting and conflict of interest laws of the State.
- 3.2.4 Committee members are expected to adhere to the Council’s Code of Ethics.

3.3 COMMITTEE APPOINTMENTS

- 3.3.1 The City Clerk shall maintain a list of all committee appointive terms.
- 3.3.2 The City Clerk shall solicit applications for vacancies in accordance with State law or City procedures, whichever is applicable.
- 3.3.3 The Council shall determine a selection methodology as needed or desired.
- 3.3.4 No person shall be eligible for appointment to one standing committee for more than three full consecutive terms, exclusive of prior appointment to fill an unexpired term.
- 3.3.5 Persons who have served three full consecutive terms may be reappointed following a one-term absence.
- 3.3.6 Appointees shall serve on only one standing committee at a time.

³ NOTE See Chapter 1.5 & 4.5 for more regarding Boards & Commissions.

CHAPTER 4 COMMUNICATIONS

4.1 COMMUNICATION GENERALLY

A fundamental role of a Councilmember is communication – communication with the public to assess community opinions and needs – communication with staff to gain an understanding of policy alternative implications and provide policy direction – communication with other public agencies to represent the community’s interests – and, communication with the media to inform the public about the functions of government.

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Because the City Council functions as a body, i.e., acting on a majority vote, it is important that members represent the City’s official position, or if expressing personal views, the public is so advised. To ensure that accurate City communications reach the public in a timely manner, the following shall apply.

4.2 CORRESPONDENCE

4.2.1 Once the City Council has taken a position on an issue, official correspondence shall reflect that position.

4.2.2 Typically, the Mayor will transmit the City’s adopted position on policy matters to outside agencies on behalf of the City Council.

4.2.3 City stationery shall be used when corresponding on matters relating to such official City business.

4.2.4 Councilmembers who disagree with a position may prepare correspondence on such issues as private citizens on personal stationery.

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4.2.5 Councilmembers may transmit correspondence on issues that the Council has yet to take a position so long as the letters indicate that the author is not speaking for the Council. City stationery may be used for these purposes.

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4.2.6 Councilmembers may prepare letters for constituents in response to inquiries or to provide requested information.

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4.2.7 City stationery and staff support shall not be used for personal or campaign purposes.

4.3 SPEAKING ENGAGEMENTS

4.3.1 Councilmembers may accept public speaking invitations.

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4.3.2 Presentations shall clearly articulate the Council’s adopted policy position.

- 4.3.3 A Councilmember may indicate that their individual position differs from that which was adopted. Deleted: Council member

4.4 MEDIA RELATIONS

- 4.4.1 Typically, the Mayor is the designated representative of the Council to speak on official City positions.
- 4.4.2 Individual Councilmembers may comment to the media but should be clear about whether their comments represent the official City position or a personal viewpoint. Deleted: Council member
- 4.4.3 Generally, press releases shall be prepared and routed to the City Manager for approval before release to the media.
- 4.4.4 Police and Fire responses to, and/or press releases regarding, emergencies may be reported directly to the media by the designated department spokesperson.

4.5 COMMITTEE RELATIONS⁴

- 4.5.1 The City has established several commissions, boards and committees as a means of gathering community input. These bodies follow policy established by the Council majority.
- 4.5.2 Councilmembers may attend any public commission, board or committee meeting so long as their attendance does not violate the provisions of State law. Deleted: Council member
- 4.5.3 Councilmembers may be assigned to serve as liaison to these bodies. As such, they do not serve as ex-officio members, rather as a conduit to facilitate interaction between the body and the Council. Deleted: Council member
- 4.5.4 In interacting with these bodies, Councilmembers are to reflect the views of the Council majority. Deleted: Council member
- 4.5.5 Councilmembers shall not engage in any *ex parte* communication with any member of a commission, board or committee regarding any quasi-judicial matter pending, or reasonably expected to come, before such a body. Deleted: Council member

Ex Parte Communication – any oral or written communication, which is intended, or is reasonably calculated, to influence decisions.

Quasi-Judicial Matter – the appeal of any employee discipline or grievance, or a proceeding to approve or revoke any license, permit or project.

⁴ See Chapters 1.5 & 3 for more regarding Boards & Commissions

4.5.6 Any Councilmember may appeal a decision of the Planning Commission, but shall provide written justification, or reasons for the appeal, within the prescribed time period.

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4.6 STAFF RELATIONS

4.6.1 The Council shall recognize that the primary functions of City staff are to execute Council policy, and to keep the Council informed.

4.6.2 Councilmembers may make routine requests for information through the appropriate department head. Complex or comprehensive requests shall be made through the City Manager.

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4.6.3 Councilmembers may make requests for work to be done through the City Manager.

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4.6.4 Councilmembers shall not attempt to pressure or influence staff decisions, recommendations, workloads, schedules or department priorities absent the approval of the Council majority.

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4.7 REMOTE ACCESS TO COMMUNICATIONS/INFORMATION⁵

4.7.1 The City will provide Councilmembers with direct access to the City telephone and computer systems from their homes.

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4.7.2 The City will provide Councilmembers with cellular phones for remote access as needed.

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4.7.3 The City will provide Councilmembers with computer workstations or portables for their home-based or remote use while in Office, as needed.

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4.7.4 Councilmember use of the City telephone and computer systems is subject to all City guidelines concerning use of such systems.

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⁵ See Chapter 6.3.3 for more regarding reimbursement of remote access expenses

CHAPTER 5 CITY COUNCIL MEETINGS

5.1 COUNCIL MEETING DEFINED

A City Council meeting is any publicly noticed congregation of a majority of the members of the City Council at the same time and place to hear, discuss, deliberate, vote upon, and/or otherwise transact the public business that is within the subject matter jurisdiction of the City Council.

The presiding officer may limit public comment/testimony to those matters that are on the meeting agenda or are within the subject matter jurisdiction of the City Council.

5.2 MEETING SCHEDULE

- 5.2.1 The Council shall provide by resolution the time and place for regular meetings.
- 5.2.2 Closed sessions may be scheduled before or after regular meetings, and/or as a special or adjourned meeting.
- 5.2.3 Adjourned regular meetings, study sessions and workshops may be called by a majority of the Council at a time and place convenient, within the City limits, and advantageous for public participation.
- 5.2.4 Special meetings may be called by the Mayor or by three members of the City Council with a minimum 24 hours public notice.
- 5.2.5 Generally, meeting business, other than closed session items, should be completed by 11:30 pm. If at that time the Council has not concluded its business, it will review the balance of scheduled business to determine by majority vote whether to extend the meeting or continue consideration of the remaining items to another meeting.

5.3 PUBLIC PARTICIPATION

- 5.3.1 It is the policy of the City Council that members of the public shall have the opportunity to speak to any meeting agenda item before final action.
- 5.3.2 Any person desiring to address the Council shall first submit a speaker's card and secure the permission of the presiding officer.
- 5.3.3 Public remarks shall generally be limited to three minutes unless the presiding officer grants additional time. Those persons whose interests are the subject of the matter before the Council may be provided ten minutes with an additional five minutes for rebuttal.

- 5.3.4 When a group of persons wishes to address the Council on the same subject, the presiding officer may request that a spokesperson be chosen to speak for the group.
- 5.3.5 The public may request an item be placed on a future agenda, and upon majority action of the Council, the item will be placed on the agenda of a future meeting.
- 5.3.6 The presiding officer may rule a speaker out-of-order who is speaking too long, being unduly repetitious, or extending discussion of irrelevancies.
- 5.3.7 The presiding officer may rule a speaker out-of-order who is disrupting a meeting with personal, impertinent, slanderous or profane remarks.
- 5.3.8 Any Councilmember may request the presiding officer to enforce these rules. The presiding officer, or the Council by majority vote, may exclude or expel all persons from a meeting where a disturbance has been created which will not allow the meeting to continue unimpeded.

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5.4 MEETING DISCUSSION RULES

- 5.4.1 To obtain the floor, a Councilmember shall first address the presiding officer to gain recognition.
- 5.4.2 Comments and questions should be limited to the issue before the Council.
- 5.4.3 When present, all Councilmembers shall vote, unless they declare a conflict of interest and do not participate in the discussion.
- 5.4.4 A vote may be changed by a Councilmember only immediately after the vote announcement and prior to the introduction of the next agenda item.
- 5.4.5 A Councilmember is not obligated to state reasons for dissent.
- 5.4.6 Roll call voting is the preferred method for recording Council votes.

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5.5 MEETING AGENDAS ⁶

- 5.5.1 Agenda format is determined by majority action of the Council.
- 5.5.2 The order of specific public hearing and business items is determined by the City Manager based upon anticipated public interest, participation of paid consultants, implementation urgency/time sensitivity, and other related considerations.

⁶ The public may request items to be placed on an agenda – see Chapter 5.2.5.

- 5.5.3 Any Councilmember may request an item be placed on a future agenda. If the request is to reconsider a Council action effected within the preceding 12 months, authorization for placement will require majority action of the Council.
- 5.5.4 Council Commission, Board and Committee recommendations shall be placed on the agenda in a timely manner once a staff report can be prepared.
- 5.5.5 The City Council cannot take action on items not included on the posted agenda except as provided for emergency or urgent items (as provided in the Brown Act).
- 5.5.6 Meeting agendas are posted and distributed 72 hours in advance of any Council meeting, except for special meetings.

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CHAPTER 6 COUNCIL FINANCIAL MATTERS

6.1 COMPENSATION

6.1.1 The California Government Code controls the “salary” of Councilmembers. The Code permits the Council to establish by ordinance a “salary” up to a ceiling determined by a City’s population.

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6.1.2 A “salary” established by council action may be increased but the amount of the increase may not exceed an amount equal to five percent for each calendar year from the operative date of the last adjustment.

6.1.3 The electorate may separately approve a higher “salary.”

6.1.4 The directly elected Mayor may receive additional compensation with the consent of the electorate or by ordinance of the Council.

6.1.5 Councilmembers who also sit as Paso Robles Redevelopment Agency members may be compensated for Agency service up to \$30 per meeting, to a maximum of four meetings monthly.

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6.1.6 Councilmembers receive ~~\$600/month~~, the Mayor receives ~~\$800/month~~, and Redevelopment Agency members receive no compensation for their service.⁷

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6.2 BENEFITS

6.2.1 The California Government Code provides that Councilmembers may receive health and welfare benefits.

6.2.2 City-funded medical, dental, vision, and employee assistance insurance plan benefits are provided.

6.3 EXPENSES⁸

6.3.1 Councilmembers may be reimbursed for actual and necessary expenses incurred in the performance of official duties.

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6.3.2 Eligible expenses include travel expenses (including meals), mileage reimbursement, attendance at conferences and educational seminars, purchase of government business related publications and annual subscriptions, and membership in professional associations.

⁷ Updated by Ordinance No. 920 N.S. adopted July 5, 2006, effective December 2006. See §2.40.030 of Municipal Code.

⁸ Certain communication and computer resources are also provided – see Chapter 4.7.

6.3.3 Councilmembers may be reimbursed for the expense of cellular phone service and charges, internet connection and use charges, and the like, incurred as a result of the performance of their public duties.

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6.3.4 Expense reimbursement is subject to the City's adopted travel and expense reimbursement policy.

6.3.5 The expenses of spouses accompanying Councilmembers in the conduct of their public duties are not reimbursable.

Deleted: Council member

CHAPTER 7 COUNCIL POLICIES & PROCEDURES

7.1 REVIEW OF POLICIES & PROCEDURES

The policies and procedures contained herein shall be reviewed whenever at least one member of the Council commences a new term pursuant to any General Election.

7.2 RESTRICTIONS ON POLICIES & PROCEDURES

The policies and procedures contained herein shall govern the City Council in all cases to which they are applicable, and in which they are consistent with State or Federal law.

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