



City Council Handbook

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VISION

We envision an inclusive community where everyone's fundamental needs are met, where our employees respect and celebrate all walks of life, where everyone can grow and thrive, as we work with integrity for the good of Eureka.

MISSION

Eureka: A historic city embracing the future while honoring its natural and cultural heritage, where safety, inclusivity, sustainability and innovation converge to create a vibrant and thriving community for all.

VALUES

*Community
Equity
Growth
Integrity
Service*

Introduction

This City Council Handbook has been developed to assist the City Council by documenting currently adopted practices. Effective administration of the City is greatly enhanced through the use of these practices by City Council and staff. The objective of the Manual is to provide guidance to seated Councilmembers and staff, and to provide insight into the workings of the Council for elected officials and the general public.

Overview of Important City of Eureka Documents and Resources

This Handbook provides a summary of important aspects of Council activities. However, it does not incorporate all of the material and information necessary to be successful and knowledgeable in the business of being a Council member. Many laws, policies, plans and documents exist which bind the Council to certain courses of action or that should be considered when weighing decisions. A brief description of several key resources is provided below.

- **Eureka Charter:** The City of Eureka is a Council-Manager form of government, as defined in the City Charter adopted by the voters of Eureka. The Charter additionally establishes the offices of the Mayor, City Council, City Manager, City Attorney and City Clerk.
- **Municipal Code:** The Eureka Municipal Code (EMC) contains local laws and regulations that have been adopted by city ordinances. The EMC also establishes the organization of departments and Boards & Commissions.
- **General Plan:** The General Plan formalizes the long-term vision for the physical evolution of Eureka and outlines policies, standards, and programs to guide day-to-day decisions concerning Eureka's Development. State law requires that every city and county in California adopt a general plan that is comprehensive and long-term. The most recent Plan was adopted in 2018 and is planned for an update in 2040.
- **Strategic Plan:** The Strategic Plan is reviewed, updated, and adopted each year to be used as a tool for decision making and resource allocation. It is a living document that communicates where the organization's priorities lie as well as outline a strategy for meeting those priorities. Changing internal and external conditions, additional knowledge, and available resources may create a need to update and/or change the content of the Strategic Plan. Periodic review is essential in maintaining its effectiveness.
- **Annual Budget:** The City's annual budget is largely driven by the policies and decisions that have already been made by the City Council based on recommendations by City staff, input from the community, and their own reflections on the direction in which they wish to steer

the City. The budget is essentially an allocation of resources document, and a Budget Workshop is held each year prior to the adoption of the budget to discuss contributing factors. The City operates on a July 1 through June 30 fiscal year.

- **Ethics Training:** Local officials are required by law (AB 1234) to complete two hours of ethics training every two years. The purpose of the training is to alert local officials to the extensive array of laws – and unique ethical obligations – that apply to public servants.
- **City of Eureka Guide to City Council Meeting Process:** This document, as amended from time to time by the Council, details the time and place of meetings, roles of officials, agenda, decorum, and voting processes.

Other Resources

As mentioned above, these are just a few of the resources available to Councilmembers. Below are several sources where additional information can be found.

- **League of California Cities – Cal Cities:** The City of Eureka is a member of the Redwood Division of the League of California Cities and Councilmembers, the City Manager, and Department Directors utilize League conferences and publications as a valued resource for training and education. The Cal Cities website is www.cacities.org.
- **Institute for Local Government:** The Institute for Local Government provides a variety of resources for California local governments including, but not limited to, newly elected officials orientation materials, leadership and governance guidance, and information on a variety of departmental topics. The ILG website is www.ca-ilg.org.
- **International City and County Management Association:** The mission of the ICMA is to "create excellence in local governance by developing and fostering professional management to build better communities". Resources include research, consulting, outreach, staff support, partnerships, performance measurement, and professional and leadership development. The ICMA website is www.icma.org.
- **Fair Political Practice Commission:** The FPPC was created by the Political Reform Act of 1974, a ballot initiative passed by California voters in 1974 as Proposition 9. The FPPC provides education, enforcement, and assistance with compliance of the Act, including Conflict of Interest Form 700 filing and AB1234 ethics training.

City Council of the City of Eureka: Powers and Responsibilities

The powers of a city council in California to establish policy are quite broad. 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 Charter, Constitution and laws of the State of California. The Council acts as a body, with no single member possessing any more power than any other member. The Mayor and the Mayor Pro Tempore do have some ceremonial and administrative functions as described below, but in all aspects of policy establishment, voting, and in other significant areas the council members are equals. Policy is set by a majority vote of the Council, and even if a member disagrees with the decision they are bound to the chosen course of action. In turn, staff are bound to ensure that policy is upheld and actions to pursue policy direction in no way reflect bias against Councilmembers who hold a minority opinion.

- **Role of Mayor and Mayor Pro Tempore:** The Mayor is a separately elected office per the Eureka Charter Section 400. The Mayor Pro Tempore is chosen annually by a majority vote of the Council. The Mayor shall preside over all meetings of the City Council, and if they cannot be present or are unable to act, the Mayor Pro Tempore shall serve as Mayor until such time as the Mayor can be present. While the Mayor Pro Tempore may make or second any motion, and present and discuss any matter as a member of the Council, they traditionally speak last.
- **Ceremonial:** The Mayor is recognized as the head of the City for all ceremonial purposes and signs all documents for the City that require an official signature, except when the City Manager has been authorized by the Council to sign such documents, or if they cannot be present or are unable to act.
- **Appointment of City Manager, City Attorney and City Clerk:** The City Council appoints three positions within the organization - the City Manager, City Attorney and City Clerk. All three positions serve at the will of the City Council. All three are employees of the City and have employment agreements that specify certain terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City and is the operational head of the City.
- **Role in Disaster:** The City Council has specific, extraordinary powers in the case of disaster. Additionally, some meeting restrictions and expenditure controls are eased in these situations. In an emergency the City Council may be requested by the City Manager, who is also the Emergency Services Director, or his or her designee, to convene wherever appropriate, to receive information and to provide policy guidance. Should a quorum of the City Council be unavailable State law specifies a hierarchy as to who may serve in their place.

- **Appointment of Advisory Bodies:** The City may, at any time, have a number of advisory bodies. In addition, resident committees and task forces are occasionally appointed by the City Council to address issues of interest. A task force or other ad hoc committee is a body created by the Council for a specific task to aid the Council in its duties, and such bodies cease to exist once the task is complete unless otherwise stated.
- **Serving on Other Boards, Commissions, and Committees:** State law directs that Councilmembers are not allowed to serve as a voting member on appointed boards of the City, including a City board, committee, or commission, whether composed of citizen volunteers, City employees, or a combination of both. This is not to be construed as prohibiting members of the Council from serving on committees, boards, or commissions of the Council itself or of agencies representing other levels of government. Quite contrary, Councilmembers are encouraged to serve in many of these positions and are requested to report back to the Council on matters discussed at these meetings in which they are involved. There are many boards, commissions, and committees that the City is involved in traditionally or by agreement. Per the Municipal Code, the Mayor makes appointments to Boards, Commissions and Committees with approval of the City Council.

Council Communications

Perhaps the most fundamental role of a Council Member is communication - communication with the public to assess community opinions and needs, and communication with staff to understand the implications of various policy alternatives and to provide policy direction. Since the City Council acts as a body (meaning that they act on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking to these groups.

- **Correspondence from Council Members:** Council Members are sometimes requested to provide letters to citizens, businesses, or other public agencies that convey the position of the City Council on policy matters. These letters are usually drafted by City staff or Council, placed on City letterhead, and signed by either the Mayor or City Manager. Individual members of the Council may prepare letters to respond to constituents in response to inquiries or to provide requested information. Staff may also aid in the preparation of such correspondence. Council Members must place on file with the City Clerk copies of any such correspondence sent.
- **Official Correspondence:** Once the Council has taken a position on an issue, all official correspondence should reflect this position. Individual Council Members may disagree with a position and are free to prepare correspondence as private citizens. City letterhead, official Council title, and staff support should not be used in these correspondences to avoid any confusion. It is also inappropriate to utilize City letterhead or staff for personal or political purposes.

- **Letters of Recommendation:** If Council Members are asked to prepare letters of recommendation for students and others seeking appointments it is appropriate for Council to use City letterhead and their Council titles. No review by the entire Council is needed, but copies of these letters must also be placed on file with the City Clerk.
- **Speaking for "the City":** Similar to written correspondence, when requested to speak to groups or asked for Council's position on an issue, Council Members' response should reflect the position of the Council as a whole. A Member may state "while I voted against 'X', the City Council voted in support of it." Again, if a position has not yet been taken by the entire Council the Member should clearly state that any position expressed is theirs personally and does not necessarily reflect that of the Council as a whole.
- **Speaking to the Press:** As elected officials all City Council members are free to speak to the press. However, the City does employ a staff member to work as a Public Information Officer to communicate with the press, including writing and distributing press releases, fielding press requests to meet with City Council or City Staff, and scheduling time to tour City facilities. When communicating with members of the media it is usually the Mayor who represents the position and interest of the City Council, although in matters of operation a Department Director, the City Manager, or the Public Information Officer may respond to the inquiry.
- **Local Legislation, Propositions:** On occasion there may be key legislative bills of importance to the City brought to the attention of Council by staff, the League of California cities, or other means, and Council may be requested to take a position or an action on this pending legislation. Unless the Council has recently acted on similar legislation in the past, and the City's position is clear, there must be analysis and discussion of the bill before taking an official position. Generally, this analysis will include a summary of the legislation's purpose, interpretation, and listing of entities in support and against. The City may choose to enter into an alliance with other entities to promote common goals.
- **Acknowledgments and Proclamations:** Ceremonial acknowledgements and proclamations are often requested of the City in recognition of an event or individual. Proclamations are not policy but a manner in which the City can make special recognition. As part their ceremonial duties, the Mayor is charged with the administration of proclamations. Individual Council Members do not issue proclamations, but they may bring items of interest to the Mayor and may request the Mayor to let them read a proclamation in which they have an interest.

Interaction with City Staff

City Council policy is implemented on a daily basis through staff operations. It is therefore critical that the relationship between Council and staff be well understood by all parties so that

policies and programs may be implemented successfully. To maintain these effective relationships, it is important that roles are clearly recognized.

- **Council-Manager Form of Government:** The City of Eureka operates on a City Council-City Manager form of government. The Council appoints a City Manager to implement policy, enforce its laws, direct the daily operations of city government, and to prepare and monitor the municipal budget. The Council should work through the City Manager in dealing with City staff unless simply requesting information from department heads and other staff members. The City Manager is responsible to the City Council as a body rather than to individual Council Members.
- **Council-Manager Relationship:** The employment agreement with the City Manager places them as the chief executive officer of the City. This employment agreement is between the City Manager and the City Council. All dealings with the City Manager should be consistent with their authority in administrative and personnel matters. Council Members should avoid situations that result in City staff being directed, intentionally or unintentionally, by one or more members of the City Council. Furthermore, Council Members should avoid involving themselves in matters regarding individual City employees or related affairs.
- **Communication Between Council and City Manager:** It is important that the City Manager keep the City Council informed. The City Manager respects that the final responsibility for establishing the policy direction of the City is held by the City Council. The City Manager may communicate with the City Council in various ways; in addition to formal Council meetings the City Manager may hold periodic briefing meetings with individual Council Members as well as communicate through written correspondence including email. Communication must be undertaken in such a way that all Council Members are treated similarly and kept equally informed. Conversely, it is important that the Council provide ongoing feedback, information, and perceptions to the City Manager.
- **Council-Attorney Relationship:** The City Attorney is the legal advisor for the City Council, City Manager, and departments in relation to City business. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's best interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the City.

Roles and Information Flow

It is the intent of staff to ensure that Council Members have free and easy access to information from the City and to ensure that such information is communicated completely, with candor

and without bias. Individual Council Members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities. This is necessary to protect staff from undue influence and pressure from individual Council Members, and to allow staff to execute the priorities given by management and by the Council as a whole without fear of reprisal.

- **Council Roles:** Only the full City Council has the power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, workloads and schedules, departmental priorities, and the performance of City business. If an individual Council Member wishes to influence any of the above that member must prevail upon the Council to do so as a matter of Council policy. Should a Council Member become dissatisfied about a department, they should speak with the City Manager, not the department director. Likewise, concerns with a department director should also be taken to the City Manager.
- **Preparation:** Council Members have a responsibility to make use of staff reports and other information provided to them; they should come to meetings well-prepared, having read staff reports and attachments, and requesting in advance any necessary and available information from staff. If a Council Member has questions on an agenda item, when possible, that Council Member should contact staff prior to the meeting in order to allow staff time to research a response.
- **Access to Information:** Individual Council Members as well as the Council body shall receive the full cooperation and candor of staff in being provided with any requested information. However, please be mindful of staff time and consolidate requests when possible. The City Manager or appropriate staff will inform Council when a critical or unusual event occurs about which the public may be concerned.
- **Limitations:** There are some limited circumstances under which information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for release until complete and after review by the City Manager. In addition, there are certain legal restrictions on the City's ability to release certain personnel information even to members of the City Council. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to members of the Council.
- **Staff Roles:** The Council recognizes the primary functions of staff as serving the community, executing Council policy and actions, and keeping the Council informed. Staff is obligated only to take guidance and direction from the Council as a whole, or from the appropriate supervisor(s). Staff is directed to report to the City Manager directly any attempts by individual members of the Council to unduly direct or pressure them into making, changing, or otherwise influencing recommendations.

- **Magnitude of Information Request:** City staff will make every effort to respond in a timely and professional manner to all requests made by individual Council Members for information or assistance; provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, that would be more appropriately assigned to staff through the direction of the full City Council.
- **Dissemination of Information:** In cases where a staff response to an individual Council Member request involves written materials that may be of interest to other Council Members, the City Manager or appropriate department head may provide copies of the material to all other Council Members. In making this judgment, the City Manager will consider whether the information is significant, new, or otherwise of interest to the Council body.
- **Staff Relationship with Advisory Bodies:** While staff may support advisory bodies, staff remain responsible to their immediate supervisors and ultimately the City Manager and City Council. Staff support may include preparation of an agenda and its posting in compliance with the Brown Act. Staff may also prepare reports providing additional background on the issue, alternatives, recommendation, and appropriate backup materials, if necessary. An assigned staff person should aid the advisory body in obtaining sufficient information to reach decisions based upon a clear explanation of the issues. This staff person may serve as secretary, taking minutes as needed.
- **Advisory Bodies Relationship with Council:** It is important that advisory bodies wishing to communicate recommendations to the City Council do so through approved Council agenda procedures. In addition, if a commission wishes to correspond with an outside agency, that correspondence should be prepared by staff for review by the City Manager and possible approval by the City Council.
- **Non-Partisan Government:** Local governments are non- partisan entities. Professional staff, as reflected within the principles of the Council-Manager form of government, formulates recommendations in compliance with Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fundraisers, or other means. In working for the City, staff members do not surrender any rights to be involved in local elections; there are laws in place that preserve those rights. However, there are limitations in such involvement.
- **Restrictions on Political Involvement of Staff:** Employees have no restrictions while off the job, but while on the job participation in campaigns or other political activities is disallowed. City resources are not to be used by staff in support of any campaign. This includes, but is not limited to, the use of City email accounts to participate in political activity or the

printing of political materials. Off the job, employee uniforms cannot be worn while participating in such activities. City Council members are requested to consider these guidelines as well; for example, a Council Member asking a staff member to sign petitions or similar items should be avoided.

Support Provided to the City Council

- **Staff Support:** Sensitivity to the workload of support staff members in the City Manager's office is appreciated. Should requested tasks require significant time commitments, prior consultation with the City Manager is requested.
- **Technology:** Email and other technologies facilitate efficient communication by Council Members to the City Manager, staff, constituents, and others. Council Members are provided with electronic devices and may be issued other equipment from time to time as well. The City's email is intended for the conduct of official business and not for political reasons. Use of technology additionally raises important legal considerations which Council Members should pay special attention to.
- **Brown Act Considerations:** The Brown Act prohibits members from using "technological devices" to develop a concurrence by a majority regarding any action to be taken by the City Council. These devices include phones, faxes, computer email, public access cable TV, and video. Particular caution is advised in use of devices not to participate in a serial meeting. More information on serial meetings can be found in the League of California Cities document "Guide to the Ralph M. Brown Act".
- **Public Records Act Considerations:** Council Members should be advised that most emails sent or received by Council will fall under the definition of public records under the Public Records Act. Information sent in an email is stored on the computer network until deleted, and continue to exist on the network's backup systems even after being deleted. As a result, emails can become records of the City maintained in the course of business, and thus are available for public disclosure under the Public Records Act.
- **Mail, Deliveries:** Members of the City Council receive mail and other materials from the public, private interests, and staff. The City Clerk's Office maintains a mailbox for each Member. The City Clerk may destroy mail sent to the Council Members deemed as promotional unless requested to do otherwise.

Financial Matters

- **Council Compensation:** The Charter provides for modest compensation to members of the City Council. Currently, the Mayor receives a stipend of \$625.00 and Council Members receive a stipend of \$500.00 per month and are allowed benefits equal to those provided to

the unrepresented employees.

- **Expenditure Allowance:** The annual City Budget includes funding for Council Members to undertake official City business. Eligible expenses include travel for attendance at conferences or educational seminars, and the purchase of publications and annual subscriptions. Council Members may take a per diem rate when travel requires an overnight stay.
- **Expenditure Guidelines:** All reimbursable expenses must be related to City affairs. Public property and public funds may not be used for any private or personal purpose; this includes personal political purposes. Expenditure records are public records and questions arising as to the proper application or interpretation of the adopted policy should be directed to the City Manager.

Conflicts of Interest and Liability

- **Conflict of Interest:** State laws are in place to prevent an action by a Council Member that would constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. If, at any time, a Member believes a potential for conflict of interest exists, they are encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a member's potential conflict. Laws that regulate conflicts are very complicated and violations can result in significant penalties including, but not limited to, criminal prosecution.
- **Political Reform Act:** Prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify themselves from acting on or participating in the decision before the City. Once a year Council Members and certain staff are required to file a statement of economic interest.
- **Gov. Code § 1090:** Similar to the Political Reform Act, but applies only to City contracts in which a public official has a financial interest. The financial interests covered by § 1090 are different from those in the Political Reform Act. A Member having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating § 1090 are severe. If a Council Member believes that he or she may have any financial interest in a contract that will be before the Council, the Member should immediately seek advice from the City Attorney or from the Member's personal attorney.
- **City Attorney Advice:** The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest whenever possible. It is critical to note that while the City

Attorney can render advice on the interpretation of State laws and regulations on conflict matters, such advice does not create a safe harbor. The only authority that can provide binding interpretations on such matters is the Fair Political Practices Commission (FPPC). Members or the Council may solicit opinions on such matters directly from the FPPC; however, such opinions often take time to develop and may not readily respond to urgent matters.

- **Conflict of Interest Forms (Form 700):** Disclosure statements are required of all Councilmembers, Planning Commissioners, and designated city staff which indicate potential conflicts of interest including sources of income, ownership of property, and receipt of loans and gifts. These are required when assuming office, annually, and when leaving office. Councilmembers and the City Manager often serve on the governing boards of other agencies as a result of their positions. These agencies may also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property, among other items. Who must file this statement and what information must be included on it is laid out in the City's Conflict of Interest Code, adopted by resolution and reviewed at least every two years. The City Clerk sends out a reminder to file these statements annually.
- **Liability:** The City is a large institution offering a variety of services and may occasionally find itself subject to legal actions through lawsuits. The City must always approach its responsibilities in a manner that reduces risk to all involved; however, with such a wide variety of high-profile services all risk cannot be eliminated. The City belongs to California Intergovernmental Risk Authority (CIRA) which is an agency that manages insurance and risk activities. It should be noted that violations of certain laws and regulations by individual Councilmembers may result in that member being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment, or fraud.

Council Conduct

State law sets forth the legal baseline above which all officials must comport themselves. These laws are enforced by state and local prosecutors and the Fair Political Practices Commission (FPPC). Individual Council Members dictate the manner in which they comply with the law, though a certain decorum in office is expected by other members, City staff, and the community, and reflects the trust placed in the member by the public that elected them. With that in mind, Council members should conduct themselves and treat others, both at meetings and in the community, with honesty, respect, integrity, fairness, recognition, and dignity.