

CITY COMMISSION GUIDELINES

This document is intended to provide guidance to new members of the Commission and to address issues regarding the role and operation of the Commission, including use of City resources, interactions with City staff and other frequently asked questions. This guidance is supplemental to Federal or State Law, City Charter, City Code of Ordinances, and the City Commission Rules and to the extent of any conflict, the Law, Charter, Code and Rules shall prevail.

I. Form of Government, Roles and Authority

The **City Charter establishes a commission-manager form of government**, which means the Commission is the governing body of the City elected by the voters and the Charter Officers are hired by, and serve at the will of the Commission. The role of the Commission, as a collegial body, is to set policy direction and the role of the Charter Officers is to implement that policy and manage the day-to-day administrative operations of the City, including the employment and supervision of all City employees.

The **Mayor** is the political head of the City for purposes of service of process, military law, presiding over meetings, administering ceremonies and signing official documents, but is otherwise an equal member of the legislative body and does not have the power to veto legislative actions.

The **Mayor Pro Tem** is appointed each year by vote of the Commission and performs the duties of the Mayor if the Mayor is absent, chairs Commission meetings at the request of the Mayor and represents the City at ceremonial functions at the request of the Mayor.

All members of the City Commission have equal votes and no individual authority.

Action by the City Commission, as a body, is required to direct the Charter Officers and to set policy of the City.

Commissioners are frequently asked to explain a Commission action or to give their opinion about an issue as they meet and talk with residents, the news media or attend meetings of other governmental agencies or private organizations. **A Commissioner should clearly state whether they are presenting the position of the City (as voted on by the City Commission) or whether they are expressing their personal views.** Absent action by the City Commission, it is inappropriate for a Commissioner to promise Commission action, or direct City staff to do something.

If a Commissioner is attending a ceremonial event on behalf of the Commission or has been selected by the Commission to represent the City at a meeting or function, the Commissioner should present the official Commission position on the issue, not a personal viewpoint.

II. Sunshine Law

The Sunshine Law applies to discussions between two or more members of the City Commission on some matter which foreseeably will come before the Commission for action.

The use of e-mail or any other form of written communication from one Commissioner to other Commissioners on a subject which foreseeably may be discussed at a Commission meeting is not a violation of the Sunshine Law if no other Commissioner responds to the Commissioner's correspondence outside of a public meeting. To avoid a situation where only the first Commissioner gets to communicate and others are prohibited, Commissioners may wish to **refrain from sending written communication to one another outside of public meetings** and instead, provide their written communication in back-up to an agenda item.

Members of the Commission are not prohibited under the Sunshine Law from meeting together socially or attending public meetings of other boards or commissions, provided that matters which may come before the City Commission are not discussed between City Commissioners at such gatherings. Thus, **when two or more members of the Commission are attending or participating in meetings or other functions, they must not discuss matters which may come before the City Commission.**

V. Commissioner interaction with City Staff

Section 2.10 of the City Charter states that “[e]xcept for the purposes of an inquiry, the commission and its members, including the mayor, must deal with employees of the city solely through their respective charter officers, and neither the commission nor any commissioner, including the mayor, may give orders to any subordinates of the charter officers, either publicly or privately.”

Unless a Commissioner is making an inquiry (i.e., has a question for or is seeking information from a staff member that the Commissioner knows is in possession of such existing information), **all requests should be made to the appropriate Charter Officer.** If in doubt about whether staff contact is appropriate, a Commissioner should ask a Charter Officer. Generally, written information supplied to a Commissioner in response to a request will be sent to all members of the Commission so that all have equal access to the information.

Commissioners should treat staff as professionals and refrain from criticizing a City employee at a public meeting, to the employee directly, or to the employees' manager. Comments or concern about staff performance should only be made to the appropriate Charter Officer.

Commissioners should not attempt to direct or influence City staff on matters that are within the authority of management and staff such as hiring of City employees, processing of development applications, or granting of City licenses and permits.

Commissioners should ~~not attend staff meetings~~ only attend staff meetings if they are invited by the appropriate charter officer; ~~as Commissioners have no role in such matters and even if a Commissioner is just an observer, his/her presence may intimidate staff and/or interfere with staff's ability to do their job independently and professionally.~~

Commissioners should not solicit any type of political support from City staff during work hours, including but not limited to requesting financial contributions, display of posters or lawn signs, name on support list.

IV. Use of City resources by the City Commission

The Office of the Clerk of the Commission is responsible for managing the City resources allocated to the City Commission. The Clerk will both budget for and provide staff to directly assist the City Commission. **The use of City resources (e.g., staff, equipment, money) is limited to activities that serve a public purpose**, not a private purpose or personal purpose of a Commissioner or others.

During the budget discussions each year, the Commission should determine budget amounts that will be allocated to its uses and purposes (through the Clerk's budget) for items such as Commissioner travel, Commissioner-hosted events and communications and Commissioner meals for meetings. The Clerk shall administer the expenditure of budgeted funds in accordance with the City's adopted administrative policies and procedures.

The Clerk will employ staff to handle administrative and research work for each Commissioner. Each Commissioner may provide work assignments directly to the staff assigned to him or her. Notwithstanding that such staff are assigned to directly assist each Commissioner, they remain employees under the supervision and management of the Clerk. Such staff may work only on City business and not on political, private or personal business of an individual Commissioner.

City letterhead may be used only when the Commissioner has been directed by the Commission to send correspondence regarding the City's position or action on a matter; otherwise individual letterhead "from the office of a Commissioner" without the city seal should be used. A copy of official correspondence should be given to the City Clerk to be retained for official records purposes; however, a copy of all correspondence should be given to the clerk for official public records purposes. City letterhead shall not be used for correspondence of Commissioners representing a personal point of view or for communications that are not directed by the City Commission.

Commissioners cannot use any City resources or City events to engage in political activity (such as, but not limited to, campaigning, endorsing political candidates or advocating for a referendum question), any such activity must be done on a Commissioner's personal time and at their personal expense.

VIII. Commissioner Conduct with Appointed Boards

The City has established many appointed boards as a means of gathering more community input and for some, to engage in decision-making on behalf of the City. Although meetings of appointed boards are open to the public, Commissioners may wish to refrain from attending or at a minimum be sensitive to the way their attendance and participation may influence or affect the functioning of the board. Commissioners may contact a board or committee member to make an inquiry or gain a greater understanding of an action or position taken by the board or committee.

Formatted: Underline