

CITY OF ALPENA

COUNCIL POLICY STATEMENT

GENERAL SUBJECT: Professional Leadership	Policy No.	<u>37</u>
SPECIFIC SUBJECT: City Council, City Manager, and Administration Guidelines for Professional Leadership	Date Issued	<u>11/18/99</u>
	Effective Date	<u>11/17/99</u>

Copies to: City Council, City Manager, City Attorney, Department Heads, Administrative Staff, File

INTRODUCTION

Alpena has a City Manager form of government. That is, the Council, as a whole, through its resolutions and ordinances, establishes basic policy which the Manager and other City staff implement and administer. This requires administrative sensitivity to the policy-making role of the Council, as well as Council sensitivity and deference to the administrative role of the Manager and staff. Under the City Charter, the Manager is the officer through whom the Council and staff deal with one another. To a great extent, the following guidelines are provided to further explain and distinguish those respective roles.

I. Council Relations

A. Representing the Council

Council members should not state or give the impression of stating a Council view on an issue without a Council vote. It is inappropriate to promise things that the entire Council may not be prepared to deliver. Council members should pass requests to the Manager or Mayor to be discussed by all Council members. Once a vote is taken, the Council should speak as "one voice." If a Council member does not agree with that "voice," he/she must make it clear that they are speaking their own opinion and it differs from the majority of Council. Private or personal communications by the Mayor or individual Council members on official City stationery shall indicate that it represents that Council member's individual opinions only and not necessarily that of the entire Council.

B. Complaints from Citizens to Council Members

Citizen and community service is our goal. When citizen complaints are received by individual Council members, these should quickly be referred to staff for investigation and resolution.

Personal Council member involvement in enforcement which may require the interpretation of ordinances and laws could subject the Council to legal problems and potential embarrassment. Place the responsibility on the people who are trained to handle the situation. The Administration enforces zoning laws, fire codes, etc. The Council develops the ordinances for enforcement. If an ordinance is found to be in conflict with what the Council intentions are, then the ordinance can and should be changed by the full Council.

Council should not wait until Council meetings to make staff aware of complaints. Complaints should be handled as quickly and routinely as possible by proper referral to the Administration. Don't invite complaints to be dealt with at Council meetings. It is generally felt that Council will not appreciate a staged show, and the complainant may not appreciate being utilized in this manner and the potential delay involved. Staff may need time to investigate and properly handle a complaint. A quick solution adopted at a Council meeting may not be an accurate, complete, or best solution.

In submitting complaints to staff, it should be done in an objective fashion so that all sides of the matter can be reviewed. If a Council member personally accompanies a complainant to see a staff person, please ensure that the staff member has been notified and that the complainant is made aware there may not be an immediate resolution. Especially avoid the surprise visit. It may turn out to be a disappointing outcome to all parties due to lack of preparation. Staff will expedite the resolution of complaints and will advise the Council member and complainant of delays in resolution and the outcome of the complaint.

Individual Council members should not assure citizens of the outcome of a situation prior to deliberation of the full Council or appropriate referral to staff. To do otherwise invites embarrassment and raises credibility issues if the full Council or staff cannot concur with what the individual Council member has promised or indicated.

C. Media Relationships

The media will often ask for commentary about a Council action or position. To the extent that the Council has taken a position, the Mayor or Manager will be willing to speak for the City. There are times, in the Manager or Mayor's absence or referral, that the most appropriate staff member or Council member will serve as spokesperson. Of course, Council members may appropriately state their individual opinions if requested. The staff will avoid referring to a minority opinion of the Council. Staff will avoid giving their personal opinion, if different from the vote of the Council.

D. Ordinance and Resolution Preparation

The Administration and the City Attorney are responsible for preparation of all ordinances and resolutions for Council consideration. Council's review of such legal documents should focus on whether they adequately convey what the Council desires. The particular legal format of the instruments and the particular wording is the responsibility of the Attorney and Manager's office.

E. Council's Role in Negotiations

The City is involved in continuous negotiations, including labor negotiations with employee organizations, leases, development issues, land acquisitions, etc. The Council's proper role is to provide overall policy direction to the negotiators, the Administration. Council as a body and individual Council members should not conduct negotiations nor should Council intercede in negotiations being conducted by the Administration except in policy-making formats.

F. Council Lobbying

The lobbying of Council members by fellow Council members is a given. It is helpful to the political process. Lobbying of the Administration by Council members is another matter. Attempts by Council members to influence individual staff member's view on issues that are under study or review for later consideration by the entire Council is inappropriate.

G. Private Dispute

On occasion individual City residents or neighbors will come forward with a problem of a purely private nature. These typically include overhanging trees, boundary line disputes, fence problems, and problems with landlords. The City has no legal jurisdiction in such matters and, therefore, Council should not get involved. Intercession in such matters will needlessly consume time and taxpayer dollars and could potentially expose the City to liability. If you are not sure if the reported problem is properly within the City's jurisdiction, the best thing to do is to refer it to the Administration for a determination before you decide what further action to take.

H. Use of the Staff for City Business and Private Business

Staff is not, at taxpayer expense, to be private secretaries for use by Council members for personal business affairs or those of Council's constituents. While staff have been advised to be helpful in every way, if there is a question whether the matter is private (that is dealing with issues of the individual rather than the City), you are directed to contact the Manager for advice.

I. Conflict of Interest

Council members will occasionally have a conflict of interest with an issue being discussed. Whenever a Council member is financially connected to an issue or is perceived to receive a benefit from an issue, they should state so publicly and prior to the discussion. The Charter states that four Council members (not counting the involved member) must concur that there is a conflict of interest and allow that Council member to abstain from voting on the issue. The Attorney may be asked to rule from time to time whether the potential conflict is real or just perceived.

The City Charter also states that no Council member shall be interested, directly or indirectly, in the profits of any contract job, work, or service unless approved by the unanimous vote of the remaining four members of the Council.

J. Policing the City Council

It is important to point out that it is the Council's responsibility to police and correct any problems among Council members. Council should not expect the Manager, Clerk, Attorney, or other City officials or staff to attempt to intervene. Complaints by a Council member about a Council member should be taken to the Mayor. Complaints about the Mayor should be taken to the Mayor Pro Tem.

K. Personnel Complaints

Individual Council members are likely to hear complaints about or from City personnel from time to time. These complaints, however severe they may seem or not, should be turned over to the Manager to investigate and resolve. Except for complaints about the Clerk, Assessor, Attorney, or Manager, the City Charter requires that Council members deal with such matter through the Manager. Procedures and process for doing this are in place. Disciplinary action may be required and protection of the City's rights and the employee's rights is of paramount consideration in dealing with complaints about employees. The Manager is the Council's employee and responsible for the City's personnel.

L. Policy Assistance

When policies are being created or reviewed, it is expected that the Administration will provide several options with a discussion of pros and cons prior to providing a recommendation. It is understood that ad hoc committees will do the same. Boards and Commissions will also make policy recommendations and provide options. Council is not bound by these recommendations.

M. Majority

As indicated above, the Council works through its adopted ordinances and resolutions. Those documents, approved by a majority (or sometimes a super majority), will establish City policy. Thus, staff will implement and administer the policy so provided by a majority of the Council, regardless of personal beliefs about the wisdom of that policy and regardless of the validity of concerns of the Council minority on the issue. A change in policy must come via new action by the Council.

N. Attorney/Client Communications

It is accepted that the Council will need guidance from the Attorney and may need this guidance done in private. Letters from the Attorney to Council and the Administration are privileged communications between legal counsel and client. They may be marked confidential and, if confidential, they are not to be released to any party without authorization of the Manager or full Council. To do so unilaterally can unnecessarily compromise the City's legal position and prevents the Council from discussing those opinions in closed session. All requests or communications to the City Attorney by individual Council members shall be processed through the City Manager.

O. Creation of Ad Hoc Committees

From time to time it will be necessary to form ad hoc committees for a specific purpose. They may be Council appointed or Manager appointed. A statement of purpose will be prepared at the establishment of the committee so Council members, Administration, and the committee members have the same goal.

II. Staff Direction

A. Council and Staff Relations – Equal Treatment of Elected Officials

All Council members will receive the same information about a matter, particularly as it relates to business items for consideration as a body. No one will receive different or special information that would tend to put one Council member at an advantage over the others. To avoid such problems, staff reports will be prepared for the entire Council.

B. Favoritism

Individual Council members may have more of an interest in some departmental functions than others; however, that should not require the staff to show special deference to certain Council members. Every Council member is to be treated equally, and no favoritism is to be demonstrated. Staff members should be cooperative and responsive, but should not play favorites.

C. Lobbying of Council Members

Individual Council members are not to be lobbied by staff for support of their projects, budget requests, etc. Staff works for the Manager. The Manager operates on the principle that the best idea for continuous improvement of citizen and community service should prevail. Proposals or programs must stand on their merits. A staff member may offer their personal viewpoint when asked directly by a Council member. Staff, through the Manager, should make known all their concerns and insights on an issue.

D. Council Orders

It is understood that no Council member, as an individual, shall order the Manager or Department Heads to do anything either directly, indirectly, implied, or through intimidation. Only after action of the full Council may an order be given to the Manager to have something done. If a Department Head is approached by Council members, the Department Head will relay the concern to the Manager and the Manager will address the Council concerns in a professionally responsible manner in keeping with the ICMA Code of Ethics, the Charter, City Ordinances, the Code of Ideals, state/federal law, and past practices.

E. Utilization of the Administration

Staff resources are limited. They are devoted to carrying out Council's pre-determined priorities and programs from goal setting sessions and Council meetings.

Staff cannot pursue special projects or interests of individual Council members.

There will be a number of occasions when a Council member will call or request information. To the extent that it is available, the information is to be furnished. However, the Administration is not to undertake a special research effort which could divert its limited resources from working on the priorities of the entire Council.

F. Staff Work in Progress

There are always a number of policy proposals under review by the Administration prior to presentation to the Council for a decision. While these matters are in process at the staff level, it is inappropriate for individual Council members to become involved in the evaluation of staff work, particularly to lobby for a position on specific recommendations on an issue. Likewise, it is inappropriate for Department Heads to consult with individual Council members on their preference for possible recommendation. This section does not apply when Council members have been appointed by the full Council to assist staff and/or committees in developing recommendations.

G. Council Members' Involvement in Administrative Meetings

Staff may be involved in various sets of preliminary project meetings with citizens, consultants, prospective developers, etc., at any point in time. The Council hires the Manager to perform these preliminary functions. There are occasionally some situations that call for meetings where the Mayor, a designated Council member, and the Administration would all be involved. These situations are the exception and, as such, the entire Council should be made aware of the meeting. This section does not apply when Council members have been appointed by the full Council to assist staff with designated projects.

H. Office Visits

Council members are welcome to frequent City Hall and buildings. Usually these visits will be for business matters (to ask questions, forward complaints, etc.). Socializing is discouraged to the extent that it would interfere with the staff schedule or disrupt normal staff activities and work flow.

I. Council Manager Contact

The Council members' primary contact is with the Manager. Requests for information, etc., should generally be made to him and not individual Department Heads or other staff people unless approved by the Manager in advance.

There are good reasons for this approach. The Manager will know what is going on and can properly determine which departments or staff members should be involved. Also it is a good way for the Manager to assess the responsiveness and effectiveness of the departments or staff members. A further advantage is that many of the issues addressed in these guidelines won't become problems for the Manager or Council if handled properly. If problems do arise because of a situation that conflicts with the guidelines, the Department Heads have been instructed to just say no. In other words, the intercession, disruption, etc., is to be politely called to the Council member's attention immediately without allowing it to occur or continue. If such things do occur, the Manager should also be told about it immediately by the Administrative staff. The Manager should be aware of the situation because it may also be appropriate for him to inform the entire Council for their policy information or policing action.

The Manager expects that all staff members will comply with policy and will not permit an activity the Manager or Council does not condone.

J. Policy Administration

Some of the Administration may sometimes feel unduly pressured by one member of Council or another to follow a course of action. Although the example staff sets is heavily weighted toward customer service, it requires a majority will of the entire Council to determine policy which gives focus to the Administration's services. For example, if a majority of Council wishes to fine-tune, accelerate, modify, or change a decision, staff will do so, and do so to the best of their ability and authority given by their oaths of offices, the Charter, other law, and appropriate deliberation at a public Council meeting. However, if any elected official or any other interested individual unduly asserts pressure or provides any individual opinion intended to result in the Manager, Department Heads, Attorney, or any other staff pursuing that individual's agenda or an agenda of a minority of the Council, the Administrative staff member is expected not to do so, and share the occurrence with the Manager.

The Charter states in part:

Except as provided in Section 7. 1 (e) and for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager.

K. Political Activity

Administrative staff members and the Manager are often placed into an arena where a position on local politics is requested. All administrative staff members will refrain from any discussions about local elections and local party politics and should not be expected to contribute to, or participate in, local campaigns or party politics. The Manager, Department Heads, Attorney, and any Administrative staff member should not be involved in individual Council member's or candidate's campaigns for election or re-election. No Administrative staff members should contribute to campaigns of candidates to City Council or Mayor.

The Administration cannot allow its roles to be confused with political contests in any way, shape, or manner. To do so would make our form of Council/Manager government less than that desired by the authors of the Charter and suggests that the Council/Manager form of government in Alpena is unduly susceptible to politics.

It is actually not material to day-to-day operations of the City under the Council/Manager form of government which personality occupies the offices of Mayor and Council members because elected officials establish policy through their collective, official actions which are then implemented. City government is dictated by ordinances, resolutions, and policies, not personalities. The Charter of the City of Alpena sought to avoid the impacts of strong personality-driven systems involving party politics, ward representation, precinct captains, or a strong mayor form of government. It is the collective will of the majority of the Council which governs policy. Such majority policy is to be carried out by the City Manager. Section 7.2 of the Alpena City Charter recites:

“The City Manager shall be the chief administrative officer of the city government. He shall serve at the pleasure of the Council and shall be selected on the basis of training and ability alone, without regard to his political or religious preferences...”

CITY OF ALPENA
ALPENA, MICHIGAN

PROCEDURES OF THE CITY COUNCIL

INTRODUCTION

The City of Alpena is a municipal corporation responsible for managing its finances, rights, interests, buildings, and property; to enter into contracts; to do any act to advance the interests, good government, and prosperity of the City and its inhabitants; and to protect the public peace, morals, health, safety, and general welfare. In the exercise of such powers, the City may enact ordinances, rules, and regulations, and take such other action as may be required, not inconsistent with law. The City does all of this through and by actions of its City Council.

The City Council is the legislative branch of the City of Alpena. The City Charter outlines the responsibilities, rights, and duties of the City and its officers. The City of Alpena uses the City Manager form of government. The City Manager is responsible for enforcing and administering the ordinances, rules and regulations, contracts, and all other actions taken and directed by the City Council.

The City Council generally meets on the first and third Monday of each month for a regular Council meeting in the Council Chambers of the Alpena City Hall, 208 N. First Avenue, at 8 p.m. If a meeting date falls on a holiday, the City Council will meet on the following day. Special Council meetings and work sessions may be called in accordance with the City Charter and the Open Meetings Act.

The Mayor presides at all City Council meetings and is in charge of the meetings. In the absence of the Mayor, the Mayor Pro Tem presides at the meeting.

PROCEDURES FOR CITY COUNCIL

In an attempt to utilize time efficiently, the following guidelines will be applied.

A. Council Meetings

Rules of procedures for the City Council meetings are recited in Council Policy Statement No. 19, Meetings and Agenda.

B. Decision Making of Issues/Topics/Agenda Items

1. Council should read Council packet materials and ask questions about agenda items before coming to the meeting so staff has time to prepare answers.
2. Generally, Council does not want to shorten productive debate of an issue. It is accepted that some issues will take longer to discuss than others in order to resolve, due to their complexity or political nature. Council members should keep discussion limited to advantages and disadvantages about an issue. Reference to personalities and poor quality of work should not be made during a meeting.

3. Issues that will be reviewed by Council several times should have an outlined process. The process should be put in time line form to Council so each Council member is aware of it.
4. Council should actively determine what issues can be given to Administration (City Manager and City Departments) for their approval. If parameters are established for the Administration, it may not be necessary for certain items to be placed on a Council agenda.

C. Trust/Team Building Between Council Members and with the Administration

1. Boundaries should be put in place for Administration, Boards and Commissions, and Council. It is recognized that Council members have different definitions and levels of trust for each other and the Administration. Through the development of boundaries or limits, trust should increase.
2. Council members do not want to read about issues/topics in the newspaper without being advised first. The Administration is responsible for advising Council of issues in advance. Council recognizes that in some instances the Administration does not always control or know about issues that are reported on.
3. The Mayor is responsible for stopping Council members if they become disrespectful, create a sense of interrogation, make rude comments, or in any other way appear to be less than civil in a meeting toward each other, petitioners, and the general public.
4. Council members should advise the City Manager, in private, if they have problems with any City staff or City department. If Council members are not satisfied with the solution or if problems continue, the Council member may bring it up during a meeting to get it on the public record, but they shall do so in a polite manner.
5. Council members should familiarize themselves and abide by the Open Meetings Act.

D. Limit the Amount of Paper Work and Reading

1. The amount of back-up information in agenda packets should be kept to a minimum. Memoranda from staff should indicate what back-up information is available for inspection at the Clerk/Treasurer/Finance Director's office. Additional information should be provided when requested. This may require Council members to pick up additional information.