

**CITY OF CEDAR SPRINGS
STANDARD OPERATING POLICY**

SUBJECT: Professional Leadership
Effective Date: April 10, 2014

Policy Number: 8
Amended Date:

PURPOSE:

Cedar Springs 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 and Code of Ordinances, 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 the City Manager for investigation and resolution.

Council should not wait until Council meetings, or invite complaints to be made at Council meetings, to make staff aware of complaints. Complaints should be handled as quickly and routinely as possible by referral to the City Manager.

In submitting complaints to the City Manager, 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 the City Manager, please ensure that the Manager 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. The Manager will expedite the resolution of complaints and will advise the Council member and complainant of delays in resolution and the outcome of the complaint.

C. Media Relationships

The media may ask for commentary about a Council action or position. To the extent that the Council has taken a position, the Mayor or Manager should 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. Staff will avoid giving their personal opinion, if different from the vote of the Council.

D. Ordinance and Resolution Preparation

The City Manager 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, from time to time, involved in negotiations, including labor negotiations with employee organizations, leases, development issues, land acquisitions, etc. The Council's proper role is to provide overall policy direction. Council as a body, and individual Council members, should not conduct negotiations nor should Council intercede in negotiations being conducted 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 City staff 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. 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 City Manager for a determination

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. The Charter states “No Councilman [Councilmember] shall vote on any question in which he [the Councilmember] has a financial interest other than the common public interest or on any question concerning his own conduct, but on all other questions each member who is present shall vote unless excused by unanimous consent of the remaining members present”.

The Attorney may be asked to rule from time to time whether the potential conflict is real or just perceived.

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 or any employee 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.

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.

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. 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.

Council members should advise the City Manager, in private, if they have problems with any City employee 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.

L. Majority

The Council works through its adopted ordinances and resolutions. Those documents, approved by a 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.

M. 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 Manager 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.

N. 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, Manager and the committee members have the same goal.

II. Staff Direction

A. Council and Employee 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 employees to show special deference to certain Council members. Every Council member is to be treated equally, and no favoritism is to be demonstrated. Employees should be cooperative and responsive, but should not play favorites.

C. Lobbying of Council Members

Individual Council members are not to be lobbied by employees for support of their projects, budget requests, etc. Employees work 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. An employee may offer their personal viewpoint when asked directly by a Council member. Employees, 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 City employees 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 an employee is approached by Council members, the employee 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, state/federal law, and past practices.

E. Utilization of the Employees

Employee 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 Staff 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

Normally there are policy proposals under review by the staff 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 employees 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 staff 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 employees 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 employees should be involved. Also it is a good way for the Manager to assess the responsiveness and effectiveness of the departments or employees. 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. 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 employees will comply with policy and will not permit an activity the Manager or Council does not condone.

J. Policy Administration

Staff may sometimes feel unduly pressured by one member of Council or another to follow a course of action. Although the example employees set is heavily weighted toward customer service, it requires a majority will of the entire Council to determine policy which gives focus to the staff. For example, if a majority of Council wishes to fine-tune, accelerate, modify, or change a decision, employees 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 employee pursuing that individual's agenda or an agenda of a minority of the Council, the employee is expected not to do so, and share the occurrence with the Manager.

K. Political Activity

Employees and the Manager are often placed into an arena where a position on local politics is requested. All employees 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 employee should not be involved in individual Council member's or candidate's campaigns for election or re-election. No employee should contribute to campaigns of candidates to City Council.

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. It is the collective will of the majority of the Council which governs policy.