

ADMINISTRATIVE POLICIES AND PROCEDURES

SUBJECT: HOW MEMBERS OF THE CITY COUNCIL AND THE PUBLIC HAVE ITEMS PLACED ON THE CITY COUNCIL AGENDA

EFFECTIVE: February 1, 2016 (Replaces policy dated 9/2/75, 10/10/94, 1/1/05 and 2/19/13)

PURPOSE:

To establish a clear, effective, and easily understood process for Members of the City Council and the public to have items placed on the City Council agenda for consideration.

POLICY:

A. Members of the City Council:

During the “City Council Comments” portion of the City Council agenda, any Member of the City Council may request that an item be placed on a future City Council agenda for initial consideration by the City Council. No motion, second, or vote or other action shall be required of the City Council to have the item placed on a future City Council agenda so long as the item is to be on an agenda thirty or more days later. If a City Council Member desires to add an item to a future agenda in less than 30 days, this shall require a motion, second, and a simple majority vote of the City Council. The vote to expedite the item is simply to consider the item on an expedited basis and not an expression of support or non-support on the merits thereof.

B. Members of the Public:

Members of the public shall be provided with three opportunities to have an item placed on the City Council agenda for consideration, consistent with the State’s open meeting law (“Brown Act”).

1. Oral Communications:

Any member of the public may raise any issue within the subject matter jurisdiction of the City Council during the “Oral Communications” section of the City Council’s regular meeting agenda and any special meeting agenda when Oral Communications is listed on the special meeting agenda. After an item is raised by a member of the public, if any Member of the City Council desires to have the item scheduled for further consideration by the entire City Council at least thirty days following the item being raised, the Member shall request the item to be placed on a future agenda which shall occur if at least one other Member of the City Council concurs with the request. If the requesting City Council Member and the concurring City Council Member desire to add an item to a future agenda in less than 30 days, this shall require a motion, second, and a simple majority vote of the City Council. The vote to expedite the item is simply to consider the item on an expedited basis and not an expression of support or non-support on the merits thereof.

2. Written Petitions and Communications:

Any member of the public may submit a letter(s), written petition(s), or other form of writing raising any issue or item within the subject matter jurisdiction of the City Council during the “Written Petitions and Communications” section of the City Council’s regular meeting agenda. After an item is raised by a member of the public in a letter, written petition, or other form of writing, if any Member of the City Council desires to have the item scheduled for further consideration by the entire City Council at least thirty days following the item being raised, the Member shall request the item to be placed on a future agenda which shall occur if at least one other Member of the City Council concurs with the request. If the requesting City Council Member and the concurring City Council Member desire to add an item to a future agenda in less than 30 days, this shall require a motion, second, and a simple majority vote of the City Council. The vote to expedite the item is simply to consider the item on an expedited basis and not an expression of support or non-support on the merits thereof.

3. City Council Comments:

The third way a member of the public may have an item placed on the City Council agenda is to contact a Member of the City Council individually and seek his or her support to sponsor the item under the “City Council Comments” section of the agenda. This will require the individual City Council Member to utilize the process set out in Section A of this policy.

PROCEDURES:

A. Members of the City Council:

Other than the transmittal report substantially in the form of Attachment “A” hereto, no work on an item added by a Member of the City Council shall be undertaken by City staff, including but not limited to, fiscal review, legal review, and policy review for consistency with existing City policies, until the City Council has had the opportunity to provide direction as provided herein. For the purposes of this section, work will be defined as generating, compiling, analyzing, researching, or writing new information, new policies, laws or plans and specifically excludes meetings or discussions with the city manager and department heads jointly to obtain their comments on a Council Member requested item, for example. However, the City Council Member requesting that the item be added shall have the right and privilege of submitting a letter or memorandum (and any other related materials) describing their item and the reasons therefore which shall be included in the City Council agenda packet so long as the letter or memorandum (and any other related materials) is submitted to the City Manager/City Clerk at least one week prior to the City Council meeting. Any other Member of the City Council or the public may also submit written materials on the item which shall be included in the City Council agenda packet by sending the same to the City Manager/City Clerk at least one week prior to the City Council meeting. If any letter or memorandum (and any other related materials) is submitted to the City Manager/City Clerk through the use of email, it is understood that the email should not be copied to other Members of the City Council in order to avoid inadvertent violations of the Brown Act by replies indicating support or opposition outside of the City Council meeting itself.

At the meeting where the item is first considered, if a majority of the City Council supports further study of the item, then a full staff analysis shall be prepared thereafter for consideration by the City Council. The date set for further consideration shall be set in light of legal notice requirements, City Council priorities, the urgency of the item, and the advice of the City Manager and staff as to its impact on the timing of existing work and/or projects of the City.

B. Members of the Public:

1. Oral Communications:

Other than the transmittal report substantially in the form of Attachment “B” hereto, no work on an item requested at Oral Communications by a member of the public and added by two City Council Members shall be undertaken by City staff, including but not limited to, fiscal review, legal review, and policy review for consistency with existing City policies until the City Council has had the opportunity to provide direction as provided herein. However, the City Council Member requesting that the item be added and the concurring City Council Member shall have the right and privilege of submitting a letter or memorandum (and any other related materials) describing the item and the reasons therefore which shall be included in the City Council agenda packet so long as the letter or memorandum (and any other related materials) is submitted to the City Manager/City Clerk at least one week prior to the City Council meeting. Any other Member of the City Council or any member of the public may also submit written materials on the item which shall be included in the City Council agenda packet by sending the same to the City Manager/City Clerk at least one week prior to the City Council meeting. If any letter or memorandum (and any other related materials) is submitted to the City Manager/City Clerk through the use of email, it is understood that the email should not be copied to other Members of the City Council in order to avoid inadvertent violations of the Brown Act by replies indicating support or opposition outside of the City Council meeting itself.

At the meeting where the item is first considered, if a majority of the City Council supports further study of the item, then a full staff analysis shall be prepared thereafter for consideration by the City Council. The date set for further consideration shall be set in light of legal notice requirements,

City Council priorities, the urgency of the matter, and the advice of the City Manager and staff as to its impact on the timing of existing work and/or projects of the City.

2. Written Petitions and Communications:

Other than the transmittal report substantially in the form of Attachment “C” hereto, no work on an item requested at Written Petitions and Communications by a member of the public and added by two City Council Members shall be undertaken by City staff, including but not limited to, fiscal review, legal review, and policy review for consistency with existing City policies until the City Council has had the opportunity to provide direction as provided herein. However, the City Council Member requesting that the item be added and the concurring City Council Member shall have the right and privilege of submitting a letter or memorandum (and any other related materials) describing the item and the reasons therefore which shall be included in the City Council agenda packet so long as the letter or memorandum (and any other related materials) is submitted to the City Manager/City Clerk at least one week prior to the City Council meeting. Any other Member of the City Council or any member of the public may also submit written materials on the matter which shall be included in the City Council agenda packet by sending the same to the City Manager/City Clerk at least one week prior to the City Council meeting. If any letter or memorandum (and any other related materials) is submitted to the City Manager/City Clerk through the use of email, it is understood that the email should not be copied to other Members of the City Council in order to avoid inadvertent violations of the Brown Act by replies indicating support or opposition outside of the City Council meeting itself.

At the meeting where the item is first considered, if a majority of the City Council supports further study of the item, then a full staff analysis shall be prepared thereafter for consideration by the City Council. The date set for further consideration shall be set in light of legal notice requirements, City Council priorities, the urgency of the item, and the advice of the City Manager and staff as to its impact on the timing of existing work and/or projects of the City.

3. City Council Comments:

If an item raised by a member of the public is presented by a Member of the City Council during the City Council Comments section of the City Council agenda, the item shall be treated as if it was a request to add an item to the City Council agenda by a Member of the City Council as set forth in Section A above.

APPROVED:



**Steven S. Carrigan
City Manager**

Attachments:

- A.** Sample Administrative Staff Report—City Council Member Request to Add Item
- B.** Sample Administrative Staff Report—City Council Members Request to Add Item Raised During Oral Communications
- C.** Sample Administrative Staff Report—City Council Members Request to Add Item Raised During Written Petitions & Communications



THREE WAYS TO PLACE ISSUES OR CONCERNS ON THE CITY COUNCIL AGENDA

The City Council and City Staff value your opinion and want to hear your concerns. There are three ways to present an issue or concern to the City Council:

(1) Oral Communications**

- Fill out a "Request to Speak" card before the City Council meeting.
- Turn it in to a City Clerk at the meeting.
- You will have 3-5 minutes to speak.
- "Request to Speak" cards are available at the City Council Meeting and also at <http://www.cityofmerced.org/depts/cityclerk/default.asp>.

(2) Written Petition and Communications**

- Submit a letter(s) or written petition(s) to City Council
- If a letter or petition arrives less than a week prior to the meeting, it will be included with the next regular City Council Agenda.
- There is no special form or format required.

(3) City Council Comments**

- Contact a City Council Member
- Seek his/her support to sponsor the item.
- City Council Member contact information is available from the City Clerk and also through the City's website at (http://www.cityofmerced.org/depts/city_council/default.asp.)

When presenting your issue or concern, please state the following:

- i. The issue(s) or concern(s) to be presented.
- ii. The action(s) the City Council should take.
- iii. The reason(s) why the action(s) should be taken.

**** YOUR ITEM WILL NOT LIKELY BE ACTED UPON BY THE CITY COUNCIL IMMEDIATELY AFTER YOU PRESENT IT BECAUSE THE STATE'S OPEN MEETING LAWS REQUIRE NOTICE BEFORE THE CITY COUNCIL CAN VOTE**

SEE "NEXT STEPS" BELOW

NEXT STEPS: After you have presented your issue or concern before the City Council:

If a City Council Member wants the entire City Council to consider the issue or concern:

- The item will be scheduled for further discussion at least thirty (30) days later so that the City staff can research it and the City Council can prepare for the discussion.
- This request must be agreed with by at least one other Member of the City Council.

If you have any questions regarding this process, please contact the City Clerk's Office at (209) 388-7100

Sample Report

Novus AGENDA

Agenda Item:
Meeting Date:



ADMINISTRATIVE REPORT

TO: City Council Members
FROM: John M. Bramble, City Manager
DATE: 00/00/0000
SUBJECT: City Council Member Request to Add Item to Future Agenda

REPORT IN BRIEF

This Administrative Report is in response to City Council Member's _____ request to add _____ to the City Council Agenda for consideration/action pursuant to Administrative Policy and Procedure No. C-01 which also provides that no staff work (policy, legal, or financial review) has been undertaken on this item until the full City Council has had the opportunity to discuss.

RECOMMENDATION:

It is recommended that the City Council consider this request and take action as the City Council determines appropriate.

ALTERNATIVES:

1. Adopt a motion adding the item to a City Council agenda with full staff analysis; or,
2. Adopt a motion referring the item to the annual City Council goal setting session for review for priority and determination if proposal should be undertaken; or,
3. Decline to take action.

AUTHORITY:

Administrative Policy and Procedure No. C-01.

DISCUSSION:

City Council Member _____ requested that this item be considered for inclusion on a future City Council agenda for discussion and action in accordance with Administrative Policy and Procedure No. C-01. A copy of City Council Member _____'s request is found in Attachment " " hereto.

For purposes of Administrative Policy and Procedure C-01, this item is on the agenda for the City Council to determine if they desire to have it fully reviewed and analyzed. No staff work has been undertaken, including any policy, legal, or financial review.

Budget/Appropriate Action:

Under Administrative Policy and Procedure No. C-01, no financial or budgetary review of this subject will occur until the City Council determines that it will be added to a future meeting agenda for consideration on the merits.

Approved By,

John M. Bramble, City Manager

ATTACHMENTS:

No Attachments Available



Sample Report

Novus

Agenda Item:

Meeting Date:



ADMINISTRATIVE REPORT

TO: City Council Members
FROM: John M. Bramble, City Manager
DATE: 00/00/0000
SUBJECT: City Council Members _____ and _____
Request to Add Agenda Item Raised by the Public at Oral
Communications to Future Agenda Regarding

REPORT IN BRIEF

At the City Council Meeting of _____ during Oral Communications, a member of the public requested that an item regarding _____ be placed on the agenda for discussion. Following Administrative Policy and Procedure No. C-01, City Council Members _____ and _____ requested that this item be added and no staff work (policy, legal, or financial review) has been undertaken on this item until the full City Council has had the opportunity to discuss.

RECOMMENDATION:

It is recommended that the City Council consider this request and take action as the City Council determines appropriate.

ALTERNATIVES:

1. Adopt a motion adding the item to a future City Council agenda with full staff analysis; or,
2. Adopt a motion referring the item to the annual City Council goal setting session for review for priority and determination if the item should be undertaken; or,

3. Decline to take action.

AUTHORITY:

Administrative Policy and Procedure No. C-01.

DISCUSSION:

At the City Council Meeting of _____, _____, a member of the public, requested that the City Council consider the issue of _____. In accordance with Administrative Policy and Procedure No. C-01, City Council Members _____ and _____ requested that this item be placed on a future agenda for discussion by the City Council.

For purposes of Administrative Policy and Procedure C-01, this item is on the agenda for the City Council to determine if they desire to have it fully reviewed and analyzed. No staff work has been undertaken, including any policy, legal, or financial review.

Budget/Appropriate Action:

Under Administrative Policy and Procedure No. C-01, no financial or budgetary review of this subject will occur until the City Council determines that it will be added to a future meeting agenda for consideration on the merits.

Approved By,

John M. Bramble, City Manager

ATTACHMENTS:

No Attachments Available



Sample Report

Novus

Agenda Item:

Meeting Date:



ADMINISTRATIVE REPORT

TO: City Council Members
FROM: John M. Bramble, City Manager
DATE: 00/00/0000
SUBJECT: City Council Members _____ and _____
Request to Add Item Raised by the Public During the
Written Petitions and Communications Section of the City
Council Agenda to Future Meeting Agenda Regarding
_____.

REPORT IN BRIEF

At the City Council Meeting of _____ during the Written Petitions and Communications section of the agenda, a member of the public requested that an item regarding _____ be placed on the agenda for discussion. Following Administrative Policy and Procedure No. C-01, City Council Members _____ and _____ requested that this item be added. In accordance with the Administrative Policy and Procedure No. C-01, no staff work (policy, legal, or financial review) has been undertaken on this item until the full City Council has had the opportunity to discuss.

RECOMMENDATION:

It is recommended that the City Council consider this request and take action as the City Council determines appropriate.

ALTERNATIVES:

1. Adopt a motion adding the item to a future City Council agenda with full staff analysis; or,

2. Adopt a motion referring the item to the annual City Council goal setting session for review for priority and determination if proposal should be undertaken; or,

3. Decline to take action.

AUTHORITY:

Administrative Policy and Procedure No. C-01.

DISCUSSION:

At the City Council Meeting of _____, _____, a member of the public, requested that the City Council consider the issue of _____. In accordance with Administrative Policy and Procedure No. C-01, City Council Members _____ and _____ requested that this item be placed on a future agenda for discussion by the City Council.

For purposes of Administrative Policy and Procedure C-01, this item is on the agenda for the City Council to determine if they desire to have it fully reviewed and analyzed. No staff work has been undertaken, including any policy, legal, or financial review.

Budget/Appropriate Action:

Under Administrative Policy and Procedure No. C-01, no financial or budgetary review of this subject will occur until the City Council determines that it will be added to a future meeting agenda for consideration on the merits.

Approved By,

John M. Bramble, City Manager

ATTACHMENTS:

No Attachments Available

ADMINISTRATIVE POLICIES AND PROCEDURES

SUBJECT: DISTRIBUTION OF CITY AWARDS AND OTHER FORMS OF RECOGNITION FROM THE CITY COUNCIL

Effective: 10/10/94 (Replaces policy dated 10/20/87)

PURPOSE:

To establish a policy governing the distribution of City awards and commendations, and to prescribe what authorization is needed for each.

POLICY AND PROCEDURE:

1. Wood Plaques

a. Wood plaques are to be given only in very special circumstances. Plaques may be presented:

- To outgoing City Council members;
- As retirement award for City employees;
- To the recipient of the annual Employee of the Year award.
- To a community group/organization/individual who has shown continued and outstanding participation (financial or personal effort) in the programs, projects and obligations of the City of Merced;
- To an individual/organization/community group in recognition of their outstanding achievement (of communitywide significance) which the above will want to remember such achievement.
- Presented to outgoing members of the City Planning, Recreation and Parks, Personnel, Airport, and Project Area committees or commissions who have served 4 or more years.

b. Requests for use of the wood plaques will be made through the City Manager's office. With approval, City staff will have the appropriate nameplate prepared for a formal presentation.

If at all possible, requests should be made at least two (2) weeks before the presentation is scheduled.

1. Community Service Awards

Community Service award certificates shall be given in the following situations as a token of the City's appreciation:

- To outgoing members of various City committees and commissions who are not receiving a wood plaque as noted in 1a above. The award will also be given to public and staff members of special City committee and boards in acknowledgement of their participation.
- To community groups/organizations/individuals who have donated their time and/or money to a particular city project or program of lasting significance and benefit, less than community-wide in nature.

Requests for issuance of a Community Service Award, should be made through the City Manager's Office. With approval, City staff will prepare a certificate for formal presentation. All Community Service awards will be presented unframed unless staff is directed otherwise.

2. Employee Service Awards

The Support Services Department shall choose and distribute employee service awards to eligible City employees at the annual employees award ceremony, or in whatever way the Director of Support Services so determines.

3. Proclamations

City proclamations are utilized to proclaim special promotional activities within the community or to acknowledge special efforts made by some person or organization annually in the community, when the effort did not involve contributions to a city project warranting a Community Service Award or will not be of lasting benefit to some part of the community. Proclamations originate from a formal written request made by community organizations to the City Manager's Office.

The City Manager's Office shall administer the preparation and placing of proclamations on the City Council agenda or other suitable manner of presentation. All requests for proclamations should be forwarded to the City Manager's Office for processing. If approved by the City Manager, the proclamation shall be issued. If not approved, the City staff will contact the requesting party to improve the proclamation, or return said proclamation.

Administrative Policies and Procedures

C-1

Page 3

4. Other Recognitions

- a. Flowers may be sent upon the death or serious injury, requiring hospitalization, of a current or past Council member or a current City employee, or other occasions with City Manager's approval.
- b. Other City mementoes or items of recognition may be acquired and distributed in keeping with adopted budgets and City Manager or department head direction.

5. Exceptions:

Any exceptions tot his policy must be approved in advance by the City Manager.

APPROVED:

City Manager

ADMINISTRATIVE POLICIES AND PROCEDURES

SUBJECT: CITY COUNCIL EXPENSE REIMBURSEMENT POLICY FOR ELECTED AND APPOINTED OFFICIALS.

Effective: March 1, 2007

PURPOSE:

To establish a procedure for reimbursement of expenses for elected and appointed officials.

POLICY:

The attached policy shall govern all matters relating to expense reimbursement for elected and appointed officials, as defined in California Government Code Sections 54952, as required by Government Code Sections 53232.2 and 53232.3 and as permitted by the City Charter of the City of Merced.

All prior resolutions and policies pertaining to the expense reimbursement of elected and appointed officials for expenses incurred in the performance of their official duties are superseded by the attached resolution and policy.

PROCEDURE:

To obtain approval for attending meetings, conferences or other events involving overnight accommodations, or cash advances, the following procedures must be followed.

1. Officials must complete a "Travel Request Report and Payment Authorization Form" five (5) business days in advance. This request to be forwarded to the City Manager.
2. The City Manager will review all travel requests. An approved travel request will be forwarded to the Finance Department. Unapproved requests will be returned to the official.
3. The Finance Department will verify that funds are available and that the official has no outstanding Travel Expense Reports due from prior travel. If funds are not available or there are outstanding Travel Expense Reports, the request will be returned to the City manager detailing the reason the request is being returned. If funds are available, the request will be processed.
4. Within ten (10) business days after returning from travel, the official must complete the Travel Expense Report per the attached policy. The Travel Expense Report shall be submitted to the City Manager for review and approval of reimbursement. The Travel Expense Report shall be audited by the Finance

Department for accuracy and proper receipts. The official shall be contacted to resolve any discrepancies.

5. Any unused advance must be returned to the City treasury within ten (10) business days of the official's return, along with an expenses report and receipts documenting how the advance was used in compliance with his expense policy.

APPROVED:

City Manager

ADMINISTRATIVE POLICIES AND PROCEDURES

SUBJECT: CITY COUNCIL SPECIAL MEETINGS

Effective: April 15, 2013

PURPOSE:

To formalize the procedure to have at least two Special City Council meetings annually with a town hall format in locations other than the Civic Center.

POLICY:

The Merced City Charter indicates in Sections 408 and 409 that the City Council can hold Special Meetings in a location other than the Council Chambers of City Hall so long as the meeting is within the corporate limits of the City.

The City Council has indicated that the town hall format allows citizens to speak out on a variety of City topics within their neighborhoods and enhances transparency and community conversations that allow the citizens in a less formal setting to address the City Council.

The City Council will conduct a minimum of two town hall meetings annually to obtain citizen input on City programs, projects and community policy issues.

PROCEDURE:

1. The City Manager will schedule an Agenda Item prior to the last City Council meeting of December each year to schedule the two Special Meetings (town hall format) with the City Council.
2. Upon Approval of two meeting dates by the City Council, the City Manager will schedule the two meetings in locations other than City Hall. School Buildings will be preferred sites for the meetings.
3. The City Manager will select one or two topics that will provide the citizens with information regarding City programs as part of the agendas. The majority of the agenda will be an open forum for citizen comments.
4. All Special Meetings (town hall format) will be scheduled at least 30 days in advance of the meetings and will preferably be held on a day other than a Monday in order to reflect that it is a special meeting for the residents.
5. The City Manager will make every effort to have interpreters for Spanish and Hmong available for the meetings.

APPROVED:


City Manager

ADMINISTRATIVE POLICIES AND PROCEDURES

SUBJECT: CITY COUNCIL MEETING MINUTES

Effective: January 4, 2016

PURPOSE:

Confirming the use of action style minutes for all regular City Council Meetings and brief summary style minutes for City Council Meetings where Council policy direction may be given but no official actions (votes) are taken.

POLICY:

City Council minutes shall be prepared in a manner consistent with the intent of the Government Code. All components of minutes shall be for the primary purpose of memorializing decisions made by the City Council. Any minute component that does not serve this primary purpose should be minimized or eliminated; this includes comments by individual Council members.

The City Clerks Association of California (CCAC) Guidelines for Preparing Minutes for Governmental Agencies (Attached) shall be used as a template by the City Clerk when creating City Council meeting minutes.

PROCEDURE:

1. For all regular City Council meetings, the City Clerk shall prepare action style minutes as described in the CCAC Guidelines.
2. For all City Council meetings where no official actions (votes) are taken (i.e. Town Hall meetings, Budget Planning Sessions and Priority Setting Sessions), the City Clerk shall prepare brief summary style minutes as described in the CCAC Guidelines.
3. Any request for copies of meeting video by citizens shall be provided by the City Clerk for a nominal fee.

APPROVED:

A handwritten signature in blue ink, appearing to read "John M. Bramble".

City Manager

ADMINISTRATIVE POLICIES AND PROCEDURES

**SUBJECT: PERFORMANCE EVALUATION OF CITY MANAGER, CITY ATTORNEY
AND FINANCE DIRECTOR**

EFFECTIVE: May 3, 2016

PURPOSE:

To establish a protocol for the City Council's evaluation of the City's three Charter Officers: the City Manager, City Attorney and Finance Officer ("Charter Officers").

POLICY:

To provide the highest levels of service to the citizens of Merced, it is the policy of the City Council to ensure that the City's Charter Officers be given annual performance evaluations to receive feedback on their performance, and to have objectives set for the upcoming year.

APPLICABILITY:

This Policy is applicable to the City's Charter Officers, including those serving in the role of an Acting or Interim Charter Officer.

PROCEDURES:

1. City Manager and City Attorney

Beginning one year after the City Manager and City Attorney's respective dates of hire, and thereafter on an annual basis, the City Council will meet with each individually in closed session to conduct a formal performance evaluation. The City Manager and City Attorney will coordinate and ensure the timely placement of their performance evaluations on the City Council's closed session agenda. It is the desire of the City Council that a constructive evaluation of these employees occur at a City Council meeting when the entire City Council is present to afford each Councilmember the opportunity to participate in the evaluations. However, the performance evaluations should not be unduly delayed due to an extended absence of one or more Councilmembers.

The performance evaluation criteria shall be in a format and manner chosen in the discretion of the City Council. The performance criteria shall include the Council's stated standards and expectations which are formulated by a consensus of the Council. The City Council may provide the City Manager and City Attorney with written feedback or a summary of their performance reviews to ensure that he or she is aware of his or her job performance, strengths and weaknesses and any issues that are in need of improvement. The City Council may also provide guidance on future efforts.

2. Finance Officer

Beginning one year after the Finance Director's date of hire, and thereafter on an annual basis at a time approximate to the employee's anniversary date (in that position), the Finance Officer will have a formal performance review. Pursuant to the City Charter, the City's Finance Officer is hired, and may be removed by a majority vote of the City Council, yet he or she works at the direction of the City Manager. It is the stated policy of the City Council that the task of conducting the Finance Officer's annual performance evaluation be delegated to the City Manager. Thereafter, before becoming final, City Council reserves the right to discuss and provide input on the Finance Officer's performance evaluation in closed session, at a City Council meeting when the entire City Council is present to afford each Councilmember the opportunity to provide input. An extended absence of one or more Councilmembers should not unduly delay the finalization of the performance review. The City Manager shall coordinate the timely placement of the performance review on the City Council's closed session agenda.

The performance evaluation criteria shall be in a format and manner acceptable to the City Council, and shall include stated standards and expectations. The City Manager and City Council may provide the Finance Officer with written feedback or a summary of his or her performance review to ensure that he or she is aware of his or her job performance, strengths and weaknesses and any issues that are in need of improvement. Guidance on future efforts may also be provided.

3. Right to Review

Nothing in this policy shall prevent the City Council (or the City Manager in relation to the Finance Officer) from scheduling an informal or formal

performance review of a Charter Officer at any time during the year, in accordance with the City Charter, Personnel Rules and Regulations and/or any applicable employment agreements.

APPROVED:

A handwritten signature in blue ink, appearing to read "Steve Carrigan", with a long horizontal flourish extending to the right.

**Steve Carrigan
City Manager**

ADMINISTRATIVE POLICIES AND PROCEDURES

SUBJECT: DISPLAY OF FLAGS AT CITY FACILITIES

EFFECTIVE: July 6, 2021

1. PURPOSE:

The purpose of this Policy is to establish guidelines for the display of flags at City facilities. In adopting this Policy, the City Council declares that City flagpoles or other areas where flags may be displayed at City Facilities are not intended to and shall not serve as a forum for free expression by the public.

The display of flags at City Facilities is solely intended to serve as an expression of the City's speech and its official sentiments. This Policy applies to all City Facilities and employees, officers, and agents of the City.

2. DEFINITIONS:

A. "California Flag"

The State Flag of California (also known as the "Bear Flag"), as defined by California Government Code Section 420.

B. "City Facility"

Any real property that is owned, operated, or maintained by the City.

C. "City Flag"

The official flag of the City of Merced, as defined by California Government Code Section 435.

D. "Commemorative Flag"

Any flag other than the U.S. Flag, the POW/MIA Flag, the California Flag, or City Flag.

E. “Military Flag”

The official flag of each of the five (5) uniformed services. The Military Flag will be displayed in accordance with the Order of Precedence determined by the Department of Defense.

F. “POW/MIA Flag”

The flag of the National League of POW/MIA Families, as defined by California Military and Veterans Code Sections 1830 and 1831.

G. “U.S. Flag”

The flag of the United States, as defined by 4 USC 1.

3. COMPLIANCE APPLICABLE LAW:

Flags shall be displayed at City Facilities in accordance with this Policy and with applicable federal, state, and local rules, including but not limited to, Title 4, Chapter 1 of the United States Code and Sections 430 through 439 of the Government Code.

4. DISPLAYING THE U.S. FLAG, CALIFORNIA FLAG, CITY FLAG AND POW/MIA FLAG:

A. The City shall display the U.S. Flag and the California Flag at City Facilities.

B. The City Manager may display the City Flag at City Facilities.

C. The City Manager may display Military Flags at City Facilities to show our pride in our military and the service branches they symbolize.

D. The City Manager may display the POW/MIA Flag at City Facilities as a symbol of the City’s commemoration and recognition of the sacrifices of those members of the United States Armed Forces, as well as nonmilitary personnel and civilians from the United States, who remain prisoners of war or are missing in action.

5. DISPLAYING COMMEMORATIVE FLAGS:

A. The City may display Commemorative Flags at City Facilities as “government speech” (as that phrase is used in *People for the Ethical Treatment of Animals, Inc. v. Glittens* (2005) 414 F.3d 23), only to the extent

that the City Council has adopted a resolution to authorize City staff to implement the communication of a particular City message, in accordance with this Policy, or as specifically set forth herein. The display of Commemorative Flags shall solely serve as expression of the City's official sentiments and shall not create or serve as a forum for public expression. The City shall not display any Commemorative Flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.

B. In January of each year, the City Council will consider the display of Commemorative Flags for the upcoming year. After an initial agendaized discussion, staff will return to a subsequent City Council meeting with a resolution supporting the City's display of the flag(s) chosen. A majority of the City Council must vote affirmatively for said resolution.

C. In addition to the annual consideration, a Council Member may, at any time during the year, suggest the display of additional flags meeting the criteria of this Policy. Consideration will be conducted in accordance with Administrative Policies and Procedures C-1.

D. Commemorative Flag(s) are authorized to be displayed at Bob Hart Square unless otherwise approved by City Council.

E. No more than one Commemorative Flag will be displayed at a time.

F. The dates for display of a Commemorative Flag shall be reasonably related to the City message that is intended to be communicated.

G. The resolution authorizing the display of a Commemorative Flag shall document compliance with all elements of this Policy, including the City message to be communicated and the dates for display of the flag.

H. The City Manager may display a Commemorative Flag for one of the City's sister cities to commemorate an event involving the sister city. The dates for the display shall correspond to the event being commemorated.

I. Commemorative Flags may be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than thirty-one (31) continuous days.

6. ORDER OF DISPLAY OF FLAGS:

- A. The United States Flag shall be displayed in the first position of honor.
- B. The California State Flag shall be displayed in the second position of honor.
- C. The City Flag shall be displayed in the third position of honor.
- D. The POW/MIA Flag shall be displayed in the fourth position of honor.
- E. Commemorative Flags shall be displayed in the fifth position of honor.

7. FLYING FLAGS AT HALF-STAFF:

- A. Federal or State Occasions.

Flags shall be flown at half-staff on the death of Federal or State officials or in the event of, or to commemorate an event of, nationwide significance on instructions from the President of the United States or Governor of California.

- B. Memorial Day.

Flags shall be flown at half-staff until noon on this day, then raised to full staff for the remainder of the day at City Facilities operating on Memorial Day.

- C. Local Prerogative.

Presidential Proclamation 3044 allows for the display of the flag at half-staff “in accordance with recognized customs and practices not inconsistent with law.”

Accordingly, the City Manager may direct the flag at all City Facilities to be flown at half-staff upon the death of a City employee, whether killed in the line of duty or not.

The Mayor may direct the flags at all City Facilities to be flown at half-staff upon the death of a prominent Merced citizen, a current or former Merced City Councilmember, or a current or former Merced resident killed in the line of military duty.

The Police Chief or the Fire Chief may direct the flags at all City police department locations and fire stations to be flown at half-staff upon the death, in the line of duty, of any public safety members in the State of California or upon an extraordinary loss of life of public safety members nationwide.

Flags should be flown at half-staff until the burial of the deceased, but not for more than three days.

D. Placing the Flags at Half-Staff.

To place the flags at half-staff, they shall first be raised briskly to the peak of the staff, then slowly lowered to the midpoint. Before lowering the flags, they are to be raised to the peak again and then lowered all the way.

8. CARE OF FLAGS:

Flags are to be dry-cleaned or replaced when they have been soiled. Flags that are torn are not to be flown but are to be burned.

9. RESPONSIBILITY:

The Facilities Section staff shall be responsible for bringing the flag displays at City Facilities into compliance with this Policy. On weekends and holidays, the Fire Department duty Battalion Chief shall be responsible for bringing the flag displays at City Facilities into compliance with this Policy.

The City Clerk and/or City Manager's Office shall coordinate the proper display of flags with the Facilities Section staff for special ceremonies.

APPROVED:


City Manager