



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of City Council
FROM: Thomas Frutchey, City Manager
MEETING DATE: July 15, 2015
SUBJECT: The Council's Inquiry Role
CEQA: Does not Constitute a "Project" per California Environmental Quality Act (CEQA) Guidelines

RECOMMENDATION

Provide overall direction on the nature and scope of Council inquiry into City operations that the Council desires over the coming year. This direction will assist staff in further developing our information collection and management systems to support the Council's efforts.

DISCUSSION

The City operates under the Council/Manager form of local government. This system combines the political and policy-making leadership of the elected Council with the managerial expertise of a professional local-government manager. The Council establishes policy, approves all ordinances and resolutions, adopts the budget, places items on the ballot for the public's consideration, and performs other legislative and quasi-judicial functions. The City Council appoints the City Manager, who serves solely at the pleasure of the Council and functions as the city's top executive officer. The Manager has overall responsibility for hiring and supervising staff, conducting the day-to-day administration of municipal affairs, and ensuring the satisfactory implementation of adopted Council policy.

One of the primary tools of the Council in conducting its oversight of the City Manager and City operations is its right of inquiry. Article 21 of the Charter specifically notes the Council's ability to conduct inquiry, and to direct that inquiry to any employee or contractor, not just to the City Manager. The Council has the right to a full spectrum of types of inquiry, falling within two broad categories, including, among others:

At any time, by any Council member, or within the bounds of any Council meeting agenda:

- Asking questions regarding specific agenda items (e.g., how would a proposed sign ordinance impact existing businesses; what are the criteria used to determine which streets shall receive surface treatments such as slurry seal)
- Asking for brief updates on issues of current community interest (e.g., status of a recent sewer spill; how many children are participating in our summer Recreation programs)

Requiring an initiated agenda item:

- Asking for in-depth program updates, including performance metrics and other hard data (e.g., budget status, by fund and program; crime statistics, by type of crime and area of the community; status of staffing vacancies, with milestones for their successful filling; investment performance, including each investment vehicle, the amount invested, the

term, and the return on investment; building permit activity, by type of occupancy and permit, with trends over time)

- Asking for items under the City's purview to be brought to Council (i.e., agenda setting) for its consideration (e.g., an analysis of the future of fire protection services; the status of the Ground Water Recharge project, projected costs, and impacts on sewer rates)
- Asking for an analysis and recommendations on the City's approaches to governance (e.g., the nature and scope of decision-making authority exercised by boards and commissions serving as advisory bodies to the Council; the transparency of City operations and data, including placing permit activity on the City's website or placing that data on the website in machine-readable format, to facilitate independent analysis by the public; the nature and scope of communication with the general public)
- Commissioning formal inquiries and audits of selected City operations, such audits to be conducted by recognized, outside experts (e.g., the annual fiscal audit)

The above list provides only major examples of the types of inquiry available to the Council; the Council has full authority to undertake these and other approaches to inquiry, at any time, on any subject within the City's purview.

Periodically, it is appropriate for the Council to review its options and determine if there are additional types of inquiry that it wishes to undertake. Without exercising this authority, there are program activities that aren't likely to come to the Council's attention during a two-year term, even when of a high priority. As such, it is an important part of the Council's oversight role. Inquiry needs to be undertaken on both a planned and ad hoc basis, to verify that the trust placed in administrative operations continues to be deserved and that the public knows that its government is an appropriate steward of the community.

The more formal options involve considerable effort, have not consistently been undertaken in at least the recent past, and require performance data and analytic skills that are currently in short supply within the organization. It is already a goal throughout the City's programs to significantly improve the collection and management of performance metrics. Proficiency will require significant emphasis and time.

OPTIONS

1. Do nothing.
2. Provide alternative direction to staff.

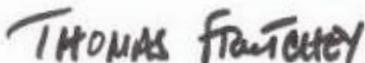
FISCAL IMPACT

Unknown; depends on the nature and scope of inquiry undertaken.

ATTACHMENTS

1. John Nalbandian Article

RESPECTFULLY SUBMITTED,



Thomas Frutchey
City Manager

Preparing Councils for Their Work

by Julia Novak and John Nalbandian

The legitimacy of an individual councilmember's power comes directly from the electorate, but respect and influence cannot be presumed; they have to be earned through action. The manager's position, however, comes from professional qualifications to manage and provide policy guidance. In contrast with members of the council, the local government manager and professional staff benefit from a long-term familiarity with issues, specialization, and technical expertise and also from an organizational structure familiar to all.

As we know, linking politics and the work of a governing body with the management of government involves an ongoing set of tasks and challenges. The idea of council-manager government is that political and administrative realms can be in partnership and not dependent on the system of checks and balances that characterizes our state and federal governments, where separation of legislative and executive powers is valued.

The relationship between the manager and the elected officials sets a tone for the entire local government. Although some elected officials shy away from acknowledging a team or partner relationship between and among members of council and between the council and the staff, it is critical

2009 ICMA Conference

How managers can help build council capacity is going to be the topic of the authors' presentation at the Eldon Fields Colloquium, which will be held at ICMA's 2009 Annual Conference in Montréal, Québec, Canada, Sept. 13–16.

that the professional manager prepares the council for its work.

In part, this takes place as the manager helps the council build its capacity to work as a body, earning respect for one another and in an effective partnership with staff. In this article, we set out some of the ways the manager can facilitate the building of council capacity.

CENTRAL TASKS OF A GOVERNING BODY

In a formal sense, the role of a governing body is set out in a typical statement such as “the council is charged with providing overall leadership for the local government by enacting laws and allocating resources for programs, services, and activities.” Individuals are elected by voters who, in turn, expect the council to listen to their concerns and address their individual issues.

As accurate as these phrases are, they do not fully convey the work of the council, and they are insufficient to help new councilors understand what is expected of them. In fact, short phrases only rarely capture the council’s work. Local norms and tradition are as important as any charter when it comes to understanding the council’s work. In addition, the composition of a council can influence how the council and the individual members see their roles.

To be effective, councilmembers must talk about their work, what they think is expected of them, and what they expect of each other.

OBSTACLES TO EFFECTIVE GOVERNANCE

Although councils differ, three obstacles to council effectiveness are fundamental. First, councils that are willing to deal with big issues will have to confront conflicting political values. These values include representation, efficiency, social equity, and individual rights. Choices among values are not choices between right and wrong, and councils searching for “correct” answers to policy issues are bound to become frustrated.

Second, councilors must confront the difficult values work they are responsible for in the absence of hierarchy—the mayor is not the boss. How many jobs have you had where no one was in charge?

The third obstacle is the difference in perspective between council and staff—differences that are often difficult to understand because while

council and staff use the same words, they speak a different language.

The tools we identify below are intended to enable a willing council to deal with difficult issues by building council capacity. An important piece of that capacity is an effective partnership with staff.

TOOLS TO BUILD GOOD GOVERNANCE

Adopting policy in open session where political values are constantly colliding is not for the faint at heart. What can the manager do to prepare the council, largely made up of amateur politicians (no disrespect intended), for its work?

It is essential to put new members in contact with former councilmembers who are regarded as exemplars and, if possible, make them part of the orientation.

First, we want to emphasize that staff can *help* prepare the council for its work, but the council is responsible for that work, and the council bears a good deal of responsibility for building its own capacity. The goal is a partnership, and staff members who take too much responsibility for the council’s work may actually create a dependency rather than an effective partnership.

In our collective 50 years of experience working with and for elected and appointed local government professionals, we have seen several practices that are effective tools in managers’ tool kits to help overcome the barriers to council and staff working effectively.

ORIENTATION

Ideally, the orientation process begins before the election, when individuals declare their candidacy for council. The manager’s opportunity to prepare them begins then: open the doors of city hall to the candidates and provide them with nonconfidential correspondence and copies of agenda materials. After the election, meet individually with those elected to find out their concerns; offer to allow them to explore areas of community business of particular interest.

As soon as practical after the election, the manager should arrange for a full orientation for new members of the governing body—invite the continuing members to attend as well—and provide them with “Government 101.” Brief them on current issues, the status of long-range plans and capital projects, and the budget process. In its orientation, Shoreline, Washington, covers both the basics of members’ service on the council as well as specific government projects (see the box on page 26).

Provide tours of operational facilities. Let them see the garage where the city cares for its fleet and even the shop where it stores and maintains its lawnmowers. A tour of water and wastewater treatment facilities is fascinating and allows the behind-the-scene workers who do the city’s business every day to shine.

But also remember that if staff prepare the agenda for the orientation, the agenda likely will be based on what staff members think the council needs to know in order to be effective. Every new councilmember must face two crucial questions: How do I get my issues on the political agenda of other councilmembers and staff? How do I influence other councilmembers effectively? Rarely do staff-developed orientations include discussion of these kinds of questions.

That is why it is essential to put new members in contact with former councilmembers who are regarded as exemplars and, if possible, make



New Councilmember Orientation Shoreline, Washington

Part I: Nuts & Bolts

1. Council meetings
 - Open Public Meetings Act
 - E-meetings/public records
2. Council rules and procedures
 - Various types of council meetings: Business meeting, study session, workshop dinner meeting, and executive sessions
 - Agenda process
 - First council meeting: Swearing-in ceremony and election of mayor
3. Council-staff communications
4. Council office
 - Council correspondence process: E-mail, letters
 - Business expense policy
 - Miscellaneous: Council voice mail, Web site, e-mail, payroll, health benefits, conferences, council photo

Part II: Council Goals, Boards & Commissions, Projects, Issues

5. Council goals
 - Council goal-setting process: Retreat
 - 2008–09 council goals/council work plan
 - Council Work Plan quarterly reports
6. Council boards and commissions
 - Council of Neighborhoods
 - Library Board
 - Parks Board
 - Economic Development Advisory Committee
 - Planning Commission
7. Projects and emerging issues
 - Long-range financial planning
 - City Hall project
 - Point Wells
 - Aurora corridor project
 - Parks bond projects
8. Wrap-up
 - Additional information/briefings/tours?

a body, during its time in office. The most effective councils hold annual sessions where goals are revisited, updated, and validated.

These sessions, like the orientation, should be seen as annual events so there is no debate on whether they should take place. Goal setting occurs most effectively in a retreat environment where the entire day (or two) is set aside for the purpose of reaching consensus on council priorities. Having department heads attend these discussions provides staff with important context for understanding the “why” behind the priorities.

As part of setting goals, the council and staff should come to an agreement on how the council wants to be informed about progress on goals and objectives. During the retreat the council can also focus on improving working relationships within the council by discussing norms and behavior and exploring personal styles in a guided discussion with a trainer and facilitator.

An exploration of styles should not be minimized. It is important because all councilmembers are equals. The unintended consequence of equality is that no one has the power and authority to resolve conflict or set or legitimize plans and direction.

In the absence of the hierarchical structure we are all accustomed to day in and day out, a gathering of equals who are dealing with problems for which there are no correct answers highlights differences in ways individual members exercise influence, how much information they need, the extent to which they see themselves as a group, how they deal with conflict, and even the kinds of concerns individually they think are worth considering.

REGULAR ONE-TO-ONE MEETINGS

Although the formal relationship is between the manager and the councilmembers as a body, nurturing individual relationships is an important component of creating a productive working relationship between council

them part of the orientation. Importantly, these exemplars should represent a range of styles so new members can become acquainted with and relate to at least one former councilmember.

RETREATS AND GOAL SETTING

During a council retreat, probably the most important activity of the governing body is spending time articulating what it wants to accomplish, as

and staff. At a minimum, the manager should have one-to-one time with members of council at least once each quarter. Many managers visit much more frequently with individual councilmembers.

This is especially important when the council itself is divided. If the manager meets only with members of the majority, the manager plays into the perception that the staff is supporting the majority at the expense of the minority. Although the manager is bound to implement the policy adopted by the majority, the relationship the manager develops must be with the body as a whole as well as with each individual who makes up the body.

Local government managers clearly are spending more time than ever with councilmembers. What is not clear is the changing role of department heads in light of the new allocation of the manager's time. It used to be a bonus to find department heads who could understand the council's politics and the work of the manager's office.

Today, that need has become imperative because the manager does not have sufficient time to spend with department heads.

APPROPRIATE ACCESS TO DEPARTMENT HEADS

Having the council interact directly with staff can be a touchy issue for some managers, but it is a direct consequence of managers having to spend more time on the politics of the jurisdiction. The primary council-staff relationship should be with the manager, but allowing councilmembers access to department heads can actually build trust between the council and the manager.

Open dialogue between the manager and the department heads about how that interaction happens and what is shared back with the manager ensures that the manager is properly informed and the council is well served. Shoreline, Washington, has developed written guidelines for council-staff communications that strike an appropriate balance (see the box on this page).



**Council-Staff Communications Guidelines
Shoreline, Washington**

Governance of a city relies on the cooperative efforts of elected officials, who set policy and priorities, and city staff, who analyze problems and issues, make recommendations, and implement and administer the council's policies. Here are general guidelines to help facilitate effective communications between the city council and city staff.

- Channel communications through the appropriate city staff.
- All council members should have the same information with which to make decisions.
- Depend upon the staff to respond to citizen concerns and complaints as fully and as expeditiously as practical.
- The city council sets the direction and policy—city staff are responsible for administrative functions and city operations.
- In order to provide the council with timely information, please strive to submit questions on council agenda items ahead of the meeting.
- Respect the will of the “full” city council.
- Depend upon the staff to make independent and objective recommendations.
- The city manager and staff are supporters and advocates for adopted council policy.
- Refrain from publicly criticizing an individual employee. Criticism is differentiated from questioning facts or the opinion of staff.
- Seeking political support from staff is not appropriate.

DOCUMENTED BUSINESS PRACTICES

The day-to-day business of government involves responding to correspondence, e-mails, and constituent requests. Establishing a practice of how to handle these items ensures fair treatment among all members of the governing body. Some jurisdictions call these rules of procedure, and they are adopted by resolution and govern how the council conducts itself.

Topics include everything from receiving and responding (or not) to public comment at public meetings and when it is appropriate to use official letterhead, to how items get placed on agendas and how many logo shirts each councilmember receives—and everything in between.

THE COUNCIL MUST MANAGE ITSELF

The manager's job is to create opportunities for the council to be prepared so the members can operate in an environment of mutual understanding. Each of the steps outlined in this article can help create the environment for effective governance, but there will be exceptions.

Individuals sometimes ignore rules, and toxic personalities sometimes create challenges for professionals. But do not forget—difficult personalities on the council create a challenging and uncomfortable environment for the council itself. This is not just a staff problem, and often there is no silver bullet.

In the end, the council must manage its own behavior and seek compli-

ance from its own members. Staff can do only a limited amount to support a dysfunctional council, and inviting councilmembers to vent to the manager and staff about other councilors at worst can create an expectation that it is the manager's job to somehow fix the council. That simply cannot happen.

BENEFITS OF LEADERSHIP

In their training video, *Leadership: An Art of Possibility*, Ben and Rosamond Zander talk about the art of leadership as creating a possibility to live into rather than a standard to live up to. Preparing the council for its work lays the groundwork for establishing an environment where the council-staff partnership can flourish and good governance can be supported by good management. **PM**

Julia Novak, ICMA-CM, is regional vice president, Management Partners, Inc., Cincinnati, Ohio, and is a former city manager (jnovak@managementpartners.com). John Nalbandian is a faculty member in the Public Administration Department at the University of Kansas, Lawrence, Kansas. He is a former councilmember and mayor in Lawrence, Kansas (nalbandj@gmail.com).

Upcoming
PM
Contents:

- **Public Safety Communication Systems**
- **No Pre-Existing Conditions**

PM What's Your Elevator Speech?

In the May 2009 issue of *PM*, readers were asked to submit their "two-minute elevator speech" that explains to someone they've just met or that helps a citizen quickly understand what they do for a living. Here are the replies that were received:

My two-minute elevator speech does not last two minutes. I tell the public that any success I have had comes from having the ability do what I am told. In my role as a city manager, the city council sets the policy direction, and it is my job to use the resources of the city, in partnership with the city employees, other governmental agencies, not-for-profits, businesses, and citizens to carry out that policy with the highest degree of success possible.

—Michael Van Milligen
City Manager
Dubuque, Iowa
ctymgr@cityofdubuque.org

Being part of a team of ethical professionals dedicated to facilitating our community's success—that is my role in local government as a deputy city manager.

My job is to assist the city manager in her efforts to implement tangible policies and programs that will shape the progress our city council seeks to achieve.

Day to day, I apply best management practices to ensure that public resources are being used effectively and efficiently for the community's benefit. I do that by leading a department focused on neighborhood services—the municipal functions that directly affect residents, like solid waste, transit, code enforcement, and animal services.

As a professional manager, I maintain open lines of communication with division supervisors and field staff about the city council's goals and objectives and the city manager's direction. As a neighborhood services team, our common mission is to ensure that the work we do every day complements and is consistent with the direction that our elected officials wish to lead the community.

The work is fun, exhilarating, and very challenging. The best reward comes when we hear from a resident that a job is "well done!" and we see in our performance measurements that progress is being made in providing the highest quality services at the best value to taxpayers. Local government management is a great field, and I hope to pursue my career in it for years to come.

—Cody Tubbs
Deputy City Manager
Elk Grove, California
ctubbs@elkgrovecity.org

ICMA CONSULTING SERVICES

A Holistic Approach to Local Government Management Consulting



If you need help addressing the most critical issues in your jurisdiction, from community problem-solving, to police and fire mergers to smart growth codes, consider ICMA. If you want a team of local government management experts who can provide your community with a solution that will improve the lives of your residents, hire ICMA.



For nearly 100 years, ICMA has provided technical consulting support to local governments nationwide. We've helped large and small communities solve some of their most critical problems by offering support in the following areas:

Management Services

Growth and Development Services

Public Safety Services



Call **202-289-ICMA**

Email us at customerservices@icma.org

Or visit us online at icma.org/consultingservices