



## **DEL MAR CITY COUNCIL AND CITY MANAGER GUIDING PRINCIPLES**

Under California law, the Council-Manager form of City government followed in Del Mar requires elected Councilmembers and the City Manager to understand and adhere to their respective roles. These roles are defined by the general law of California, Del Mar Municipal Code<sup>1</sup>, and City Manager's employment contract. Generally, the Council's role is to set policy much as does a board of directors of a corporation and not to engage in day to day activities or to direct City staff. The Manager's role is to implement the policy set by the Council and oversee the day-to-day operations of the City. The City Manager and City Attorney work for and are hired and fired by the City Council. All other City employees work for, are hired and fired by, and take direction from the City Manager, not the City Council.

To make the best use of City resources, to be effective and efficient, to adhere to their respective roles, and to foster working as a team, the Council and City Manager agree to the following guiding principles to carry out their respective roles. These guiding principles are intended to compliment the requirements imposed by state law, Del Mar Municipal Code, and the Manager's employment contract.

### **COUNCIL AND CITY MANAGER INTERACTIONS**

#### **Councilmembers will:**

- Copy the City Manager on their communications (emails, texts, etc.) to City staff regarding City business.
- Limit direct contacts with City staff (other than the Manager or City Attorney) regarding matters of City business to requests for information, except as authorized by the City Manager.
- Not give direction or assign work to City staff on their own.

#### **The City Manager will:**

- In conformance with the Ralph M. Brown Act, share information equally with all five Councilmembers except where a Councilmember's conflict of interest prevents sharing.
- Promptly respond to all Councilmember requests for information.
- Keep the City Councilmembers equally informed on pending matters of importance.

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<sup>1</sup> See, generally, Cal. Const. art. XI, § 5(b); Cal Gov't Code Section 36501; and DMMC Chapter 2.20 (City Council) and Chapter 2.24 (City Manager Manager.) The city manager's role is further defined by employment contract.

### **REPRESENTING CITY POSITIONS TO OUTSIDE PARTIES**

**With respect to matters of substantive City business, Councilmembers and the City Manager will:**

- Follow Council Policy 202, Section B (Attachment A) regarding their representation of the City to outside agencies, boards, commissions, committees, and subcommittees.
- If it is not clear what the adopted City position is on an issue, Councilmembers and the Manager shall so state and as needed may bring the matter to Council for clarification before stating a City position.

### **COUNCIL CONTACT WITH OUTSIDE AGENCIES**

#### ***Council Contact with Outside Boards, Commissions, and Committees***

Councilmembers may contact an outside agency on which the Councilmember serves as a primary or alternate representative of the City, or as a liaison, at any time and as-needed, on matters related to their representation. However, Councilmembers are encouraged to keep the City Manager informed of matters of importance related to City business so that information can be shared with the full Council.

#### ***Council Contact with Other Elected Officials***

Councilmembers may contact their peers (elected and appointed officials) on matters of City business but are encouraged to keep the City Manager informed of such contacts so that relevant information can be shared with the full Council.

On matters of non-City legislation related to City affairs, Councilmembers are encouraged to refer proposed contacts with federal, state, and local elected officials to the Council's Legislative Subcommittee with a copy to the City Manager so the Subcommittee and Manager can keep the full Council informed.

#### ***Council Contact with Staff Members at Outside Agencies***

Except for a Councilmember's representation on outside Boards, Commission, and Committee's and discussions with staff members of those agencies specific to that representation, contacts with staff from outside agencies should primarily occur at the staff level initiated by City staff, not the City's elected officials. This is the normal practice and expectation for agency-to-agency communications and it causes concern and confusion for other agencies and City staff when not adhered to. As occasions arise when it would be appropriate for members of the Council (i.e., Council liaisons for specific topics) to participate in staff level meetings or discussions with outside agencies, this will be facilitated by the City Manager or City staff. It is expected that

## **Del Mar Guiding Principles**

### **Pg. 3 of 3**

whenever members of the Council are communicating with staff members from outside agencies, specific to City of Del Mar business or City programs or projects, that the City Manager is included and made aware of the communications.

#### **VIOLATIONS/ENFORCEMENT**

**First Offense:** Will result in discussion in closed session or, if required by the Brown Act, in open session. The discussion shall focus on the nature of the alleged transgression and how it might be remediated.

**Second or Subsequent Offense:** Will result in discussion in closed session or, if required by the Brown Act, in open session as noted above under First offense. In addition, the offender may be subjected to remediation requirements as directed by the Council. Such measures may include the issuance of corrections to any improper communications, to removing the offender from Council committee assignments, and/or from regional agency representation of the City, or to formal censure. Where such proceedings are required to be held in open session, they shall be placed on the Council agenda for action.


#### **PUBLIC RECORDS**

The Council and Manager recognize that all written communications (by letter, email, text, or other written or electronic means) are potentially disclosable as public records under the California Public Records Act and the Del Mar Municipal Code.

#### **COMMENTS**

- Each Councilmember is independently elected. These guidelines are intended to facilitate communication, information sharing, and effective City governance without diminishing the authority and responsibilities of any elected Councilmember.
- Only the City Manager and the City Attorney report directly to the Council. All other department heads and City employees report to the Manager. These guidelines are not intended to change that.
- These guidelines are a working document to be revised and updated by the full council as needed.

Adopted by the Del Mar City Council on September 7, 2021

 <b>CITY OF DEL MAR</b> <b>CITY COUNCIL POLICY BOOK</b>			
<b>202</b>	<b>RESPONSIBILITIES AND EXPECTATIONS OF COUNCIL LIASIONS TO CITY ADVISORY COMMITTEES AND OF COUNCIL REPRESENTATIVES TO OUTSIDE AGENCIES</b>	<b>DATE REVISED:</b>	11-19-2018
		<b>BY RESOLUTION:</b>	2018-82
		<b>PAGES:</b>	1 OF 4

**POLICY:**

The following are guidelines to assist council members in performing their duties as liaisons to city advisory committees, Del Mar Community Connections (DMCC), Del Mar Village Association (DMVA), various Del Mar non-profits, and as Del Mar representatives to outside agencies. These guidelines also apply to the appointed community representatives to outside agencies, including the Del Mar Representative to the San Diego County Water Authority Board.

**A. City Advisory Committees****1. Council Liaison primary responsibilities include:**

- a. Assist with the recruitment of qualified volunteers and encourage them to apply to serve on the committee when vacancies occur, recognizing that the city's goal is to have at least two qualified applicants for each position.
- b. Recruit another Council member to attend meetings in their place when the liaison is unable to attend.
- c. Assist Committee Chairs with the following:
  - i. How to run a meeting;
  - ii. How to accommodate public testimony and input;
  - iii. How to prepare and distribute agendas, including review of draft agendas with the chair (A sample agenda is attached to use as a template);
  - iv. Clarifying the process for committee members and the public to get something on the committee agenda;
  - v. Ensuring that the committee stays on task;
  - vi. Knowing when city staff should, and should not, be asked for assistance. Generally, simple requests for information from staff can be made directly by the chair or committee members while requests for staff work should go through the Liaison(s) who can carry them to the City Manager and staff for response;
  - vii. Establishing goals and a work plan for the committee each March in conjunction with the City's budget and goal setting process.
- d. Inform and assist the committee as a whole including:
  - i. Understanding the city's system of advisory committees including:



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		<b>BY RESOLUTION:</b>	2018-82
		<b>PAGES:</b>	2 OF 4

1. Understanding the role of a committee member;
  2. Understanding the scope of the committee's charge;
  3. Understanding the relationship between the committee, council, public, and city staff; and
  4. Understanding any budgetary constraints applicable to the committee's work.
- e. Ensuring the committee stays on task and within the scope of its charter and mission, adopted council goals, and any direction provided by council.
- f. Ensuring the committee understands its role is advisory only.
- g. Assisting the committee in completing its advisory recommendations to Council in a timely manner.
- h. Effectively communicating committee advisory recommendations to Council.
- i. Facilitating transition to a successor liaison when there is change.
- j. Where appropriate, advocating for committee recommendation.
- 2. Reporting:**
- a. **To the committee.** The liaison(s) to a committee should give a brief report to the committee at the beginning of each meeting covering:
    - i. Any recent actions of the City Council or upcoming Council agenda items relevant to the committee's work; and
    - ii. Any recent actions of outside entities or governments, of which the liaison has knowledge, relevant to the committee's work.
  - b. **To the Council, staff, and public.** The liaison(s) should give a report, in public session, at council meetings covering:
    - i. Updates on the committee's work;
    - ii. Identification, and discussion as appropriate, of any difficulties the committee is experiencing and recommendations for how assistance can be provided;
    - iii. Any committee actions/recommendations;



**CITY OF DEL MAR  
CITY COUNCIL POLICY BOOK**

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		<b>BY RESOLUTION:</b>	2018-82
		<b>PAGES:</b>	3 OF 4

- iv. Any specific requests from the committee for assistance, guidance, or other support; and
- v. In addition to providing oral updates to the Council, written reports are encouraged for matters of importance as a written report can be included in the public agenda packet and accessible following the Council meeting. A sample form for such reports is attached.

**3. Attendance:**

- a. Council Liaison attendance. It shall be the policy of the City Council that Council Liaison(s) assigned to Council advisory committees make it their goal to attend the advisory committee meetings. The liaison(s), in communication with the committee chair and each other, may determine whether one, both, or neither of the committee liaison(s) are needed at a particular committee meeting. It is also the goal of the City Council to promote the continued progress of the advisory committees and not require that a Council liaison be in attendance in order for that committee to meet.
- b. Committee member attendance. Del Mar Municipal Code, Chapter 2.30 states that if a member of a commission, board, or committee is absent from three meetings within a 12-month period without cause, the term of said member is automatically vacated. Council liaison(s) shall work with committee chairs to determine whether absences are for cause and will notify the Administrative Services Department when a committee member has three or more absences without cause within a 12-month period.

**B. Council or Council Appointed Representatives to Outside Agencies**

**1. Responsibilities:**

- a. Represent Del Mar to the outside agency, its staff, and to the public in conformance with the city’s goals, priorities, and objectives in a manner consistent with the city’s adopted policies and priorities and with any direction from council as a whole.
- b. Attend meetings of the outside agency to which the Council member or appointee serves as a representative, securing the services of an alternate where possible on those occasions where the primary Council member or appointee is unable to attend.
- c. Be diligent in reviewing agenda materials and preparing for meetings.



## CITY OF DEL MAR CITY COUNCIL POLICY BOOK

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		<b>BY RESOLUTION:</b>	2018-82
		<b>PAGES:</b>	4 OF 4

- d. Speak up, orally or in writing, to the outside agency to represent Del Mar's positions on issues relevant to Del Mar and be an advocate for Del Mar's positions.
- 4. Reporting:** The Council representative or appointee should report to the Council, staff, and public at council meetings as follows:
- a. A summary of the outside agency's activities since the prior report.
  - b. Any specific actions, policies, or directions of the outside agency that affect Del Mar.
  - c. Any significant upcoming activities of the outside agency of potential interest to Del Mar.
  - d. On any outside agency committee or subcommittee changes affecting Del Mar.
  - e. In addition to providing oral updates to the Council, written reports are encouraged for matters of importance as a written report can be included in the public agenda packet and accessible following the Council meeting. A sample form for such reports is attached.
- 5. Arranging Presentations.** From time to time it may be appropriate for a Council liaison or appointee to an outside agency to arrange for a presentation by the agency to the full Council in a public meeting. When this seems appropriate, the following guidelines can be followed:
- a. Bring the request to Council for discussion and concurrence before taking it up with the outside agency;
  - b. Work with the Mayor and staff to put the presentation on a Council meeting agenda; and
  - c. Work with the outside agency to assist them in preparing their presentation.