



## Staff Reports

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**File #:** 2215-2019, **Version:** 1

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**To:** Honorable Mayor and Members of City Council

**From:** Steve Potter, City Manager

**Prepared By:** Caitlin Saldanha, Deputy City Clerk

**TITLE:**

Discussion on the Use of Official Titles and Vice-Mayor Selection

**RECOMMENDED ACTION:**

Discuss the use of official titles for the Mayor, Vice-Mayor, and Councilmembers, and reconsider the appointment of the Vice-Mayor for the term ending December 15, 2020.

**DISCUSSION:**

At the December 17, 2019 City Council meeting, Councilmember Gentry was appointed to serve as Vice-Mayor for a term ending December 15, 2020. During the discussion held at the January 14, 2020 Special City Council meeting under the City Governance portion of the Council Workshop, Council discussed reconsidering the Vice-Mayor appointment due to the upcoming 2020 General Municipal Election and requested staff to bring back an agenda item on this matter at a future City Council meeting. At the January 21, 2020 City Council meeting, City Manager Potter asked Council for clarification on this matter and Council directed staff to bring back an agenda item regarding a discussion about the use of official titles such as Mayor, Vice-Mayor, and Councilmember.

**Use of Official Titles of Mayor, Vice-Mayor, or Councilmember**

The City Council is committed to conducting business ethically and following all state and local regulations, including the Political Reform Act, the Ralph M. Brown Act, and Council Policy Resolution No. 19 ("Norms of Operation and Rules of Order and Procedure"). Under Policy Resolution No. 19, Section 9.5, "each member of Council shall take care when communicating with the public to distinguish personal opinions and comments from positions of the City Council." Therefore, it is important for each member of Council to carefully consider each individual situation before using their official City titles, since the use of an official City title might be construed (or misconstrued) by a member of the public as an indication of a position taken or opinion stated on behalf of the City.

Members of Council typically act on behalf of the City when conducting business during open and public meetings, noticed and conducted in accordance with the Brown Act. From time to time, individual members of Council may choose to participate in community activities/events, and when an individual member of Council participates in these types of activities/events, they are typically acting in their individual capacity, rather than acting on behalf of the City Council. An individual member of Council is acting on behalf of the City Council only if authorized by the City Council, or if acting under the authority of City Charter Sections 59 or 59A.

According to City Charter Section 59, "The Mayor shall represent the City at all public functions." City Charter Section 59A states that "If by reason of absence from the City, sickness or any other cause, the Mayor is unable to perform the duties of his office, the Vice-Mayor shall act in his place and he shall have all the power and authority which the Mayor would have possessed if personally present to attend to such duties. The Vice-Mayor shall be available to assist and perform such duties as may be requested at the pleasure of the Mayor." Examples of public functions where the Mayor or Vice-Mayor may use their official title to represent the City include ribbon-cutting ceremonies, proclamation presentations, school tours, or Chamber of Commerce luncheons.

### **Appointment of the Vice-Mayor**

The Vice-Mayor is appointed by the City Council in accordance with City Charter Section 59A, which provides that "...at the first regular meeting of the City Council, within thirty days following a General Municipal Election, the City Council shall annually select a Vice-Mayor to serve a one-year term from the duly qualified [Councilmembers] by a majority vote of said Council".

The Council has broad discretion to determine, by majority vote, which Councilmember will be appointed to serve as the Vice-Mayor for each one-year term. In recent history, the City Council has generally made appointments on a rotational basis, including: 2013/2014-Inman; 2014/2015-Sedgley; 2015/2016-Luros; 2016/2017-Inman; 2017/2018 -Mott; 2018/2019 Sedgley; and 2019/2020 Gentry. However, if the Council does not appoint a Vice-Mayor, Charter Section 59A provides that "...the senior Council member shall become Vice-Mayor, based on the longest period of continuous Council service to the City of Napa. In the event that two or more Council members have the same period of continuous Council service, the Council member having received the largest number of votes at the time of his election shall be considered the senior Council member for the purpose of determining the right to become Vice-Mayor."

Although the City Charter does not designate a process for ending the term of a Vice-Mayor, California Government Code Section 36506 provides that any person holding a position as an "appointive officer" of the City Council (such as the Vice-Mayor) holds that office at the pleasure of the City Council. Additionally, Policy Resolution No. 19, Section 7.7.2, authorizes a member of Council to request reconsideration of a previous Council action (within 35 days of the initial action).

### **FINANCIAL IMPACTS:**

None.

### **CEQA:**

The City Manager has determined that the recommended action described in this agenda report is not subject to CEQA, pursuant to CEQA Guidelines Section 15060(c).

### **DOCUMENTS ATTACHED:**

ATCH 1 - Section 59 and 59A - City Charter

### **NOTIFICATION:**

None.