

**Protocols Portion
only for March
2023 Discussion**



CITY OF
**PALO
ALTO**

DRAFT FOR REVIEW - As of Dec. 14, 2022
(Less Redlined)

CITY COUNCIL PROCEDURES AND PROTOCOLS HANDBOOK

**Procedures and Protocols Approved 02/01/2020 with New Table
of Contents Structure for Review**

*If you have any questions about this handbook, please feel free to contact the City Clerk
by phone at (650) 329-2571 and e-mail at city.clerk@cityofpaloalto.org or the City
Attorney by phone at (650) 329-2171 and e-mail at city.attorney@cityofpaloalto.org.*

City Council Protocols and Procedures Handbook

PART II: CITY COUNCIL PROTOCOLS

The citizens, businesses and organizations of the city are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. To this end, the City Council has adopted Council Protocols and this Code of Ethics for members of the City Council to assure public confidence in the integrity of local government and its effective and fair operation.

Section 1 – City Council Conduct (exist. Protocol Section 2)

1.1. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

1.2. Comply with Law

Members shall comply with the laws of the nation, the State of California and the City in the performance of their public duties. These laws include but are not limited to: the United States and California constitutions, the city Charter, laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of governments and City ordinances and policies.

A. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the City Council by City staff.

1.3. City Council Core Responsibilities (exist. Protocol Sec. 1)

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect.

All Council Members:

- A. Demonstrate honesty and integrity in every action and statement
- B. Comply with both the letter and spirit of the laws and policies affecting the operation of government.
- C. Serve as a model of leadership and civility to the community
- D. Inspire public confidence in Palo Alto government
- E. Work for the common good, not personal interest
- F. Prepare in advance of Council meetings and be familiar with issues on the agenda
- G. Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- H. Do not politicize procedural matters such as minutes approval or agenda order for strategic purposes

City Council Protocols and Procedures Handbook

- I. Participate in scheduled activities to increase Council effectiveness
- J. Review Council procedures, such as these Council Protocols, at least annually
- K. Represent the City at ceremonial functions at the request of the Mayor
- L. Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations
- M. Respect the proper roles of elected officials and City staff in ensuring open and effective government
- N. Provide contact information to the City Clerk in case an emergency or urgent situation arises while the Council Member is out of town

1.4. General Member Conduct

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to improve the quality of life in the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

A. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, boards and commissions, the staff or the public. Rude and unprofessional behavior are also unacceptable.

B. In Public Meetings (exist. Protocol 2.1)

1) Use Formal Titles

The Council should refer to one another formally during Council meetings as Mayor, Vice Mayor or Council Member followed by the individual's last name.

2) Practice Civility and Decorum in Discussions and Debate.

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. Be respectful of diverse opinions.

3) Honor the Role of the Presiding Officer in Maintaining Order and Equity.

Respect the Chair's efforts to focus discussion on current agenda items. Objections to the Chair's actions should be voiced politely and with reason, following the parliamentary procedures outlined in the City Council Procedural Rules.

4) Demonstrate Effective Problem-Solving Approaches.

Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Council members are role models for residents, businesspeople and other stakeholders involved in public debate.

5) Be Respectful of Other People's Time.

Stay focused and act efficiently during public meetings.

City Council Protocols and Procedures Handbook

C. In Private EncountersTreat Others as You Would Like to be Treated.

Ask yourself how you would like to be treated in similar circumstances, and then treat the other person that way.

1.5. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

1.6. Advocacy**A. Representation of Private Interests**

In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any other board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

B. Advocacy

Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City, nor will they allow the inference that they do.

C. Council Voting Delegate Authority at Conferences / Annual Meetings

The Council may authorize a Council member to act as the voting delegate at conferences or meetings of other bodies, including, but not limited to, the League of California Cities annual conference, National League of Cities conference, and the Association of Bay Area Governments (ABAG) annual meeting. Prior to the conference / meeting, the Council may provide the voting delegate with specific direction on proposed resolutions and other matters. When provided specific direction, the voting delegate's authority is limited to matters on which the Council has directed the delegate to vote.

1.7. Council Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, which analyze problems and issues, make recommendations, and implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

A. Treat All Staff as Professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with your Council colleagues, practice civility and decorum in all interactions with City staff.

B. Channel Communications through the Appropriate Senior City Staff

City Council Protocols and Procedures Handbook

Questions of City staff should be directed only to the City Manager, Assistant City Manager, City Attorney, City Clerk, Assistant City Clerk, City Auditor, Senior Assistant City Attorneys, or Department Heads. The Office of the City Manager should be copied on any request to Department Heads. Council members should not set up meetings with department staff directly, but work through Department Heads, who will attend any meetings with Council members. When in doubt about what staff contact is appropriate, Council members should ask the City Manager for direction. However, nothing in these protocols is intended to hinder the access Council-appointed liaisons (e.g. to the San Francisquito JPA or NCPA) may require in order to fulfill their unique responsibilities.

- D. In order to Facilitate Open Government, All Council Members Should Make Decisions with the Same information from Staff** on Agendized or Soon- to be- Agendized Items (Items on the Tentative Agenda or in a Council Committee)

- E. Never Publicly Criticize an Individual Employee, Including Council Appointed Officers.** Criticism is differentiated from questioning Facts or the opinion of staff.
All critical comments about staff performance should only be made to the City Manager through private correspondence or conversation. Comments about staff in the office of the City Attorney, City Auditor or City Clerk should be made directly to these CAOs through private correspondence or conversation.

- F. Be Cautious in Representing City Positions on Issues**

Before sending correspondence related to a legislative position, check with City staff to see if a position has already been determined. When corresponding with representatives of other governments or constituents remember to indicate if appropriate that the views you state are your own and may not represent those of the full Council.

As a Council member, it is important to remember to indicate when the views you state are your own versus views which represent those of the full Council. This is relevant whether sending correspondence related to a legislative position or corresponding with constituents or representatives of other governmental agencies or organizations.

In the case where the Council has appointed a Council member to serve on a regional governing body to represent the interests of the entire region, the Council member serving on that regional body should clearly state if they are representing the City or the regional board or commission in their positions.

- G. Do Not Attend Staff Meetings Unless Requested by Staff**

Even if the Council member does not say anything, the Council member's presence may imply support, show partiality, intimidate staff, or hampers staff's ability to do its job objectively.

- H. Depend upon the Staff to Respond to Citizen Concerns and Complaints**

It is the role of Council members to pass on concerns and complaints on behalf of their constituents. It is not, however, appropriate to pressure staff to solve a problem in a particular way. Refer citizen complaints to the appropriate senior staff member, according to the protocol on channeling communications. The senior staff member should respond according to the Policy

City Council Protocols and Procedures Handbook

and Procedure for Responding to Customer Complaints. Senior staff is responsible for making sure the Council Member knows how the complaint was resolved.

I. Do not Solicit Political Support from Staff

The City Charter states that “Neither the city manager or any other person in the employ of the city shall take part in securing or shall contribute any money toward the nomination or election of any candidate for a municipal office.” In addition, some professionals (e.g., City Manager and the Assistant City Manager) have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship. Council members should avoid any staff interactions that may be construed as trying to shape staff recommendations to be presented to the Council as a whole.

J. Use of Public Resources

Members shall not use public resources, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

J. Use of City Letterhead

Official Mayor/City Council letterhead should only be used for correspondence signed by the Mayor or City Council members when specifically directed by the Council or consistent with prior City Council direction. This applies to the use of any stationery that could be interpreted as official letterhead.

1.8. Use of Staff Time

A. Do Not Get Involved in Administrative Functions (exist. Protocol 2.3 E)

The key provisions on Council-staff relations found in section 2.04.170 of the Palo Alto Municipal Code:

“Neither the council nor any of its committees or members shall direct, request or attempt to influence, either directly or indirectly, the appointment of any person to office or employment by the city manager or in any manner interfere with the city manager or prevent the city manager from exercising individual judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.”

B. Respect the “One Hour” Rule for Staff Work

Requests for staff support should be made to the appropriate senior staff member, according to the protocol for channeling communications. Any request, which would require more than one hour of staff time to research a problem or prepare a response, will need to be approved by the full council to ensure that staff resources are allocated in accordance with overall council priorities. Once notified that a request for information or staff support would require more than one hour, the Council Member may request that the City Manager place the request on an upcoming Council agenda. The 1-hour rule applies to all Council members equally.

City Council Protocols and Procedures Handbook

* * *

SECTION 2 - City Council Conduct with Palo Alto Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect. Council members serve as liaisons to Boards and Commissions, according to appointments made by the Mayor, and in this role are expected to represent the full Council in providing guidance on Council processes or actions to the Board or Commission. Refrain from speaking for the full Council on matters for which the full council has not yet taken a policy position. In other instances, Council members may attend Board or Commission meetings as individuals, and should follow these protocols:

2.1. If Attending a Board or Commission Meeting, Identify Your Comments as Personal Views or Opinions.

Council members may attend any Board or Commission meeting, which are always open to any member of the public. Any public comments by a Council Member at a Board or Commission meeting, when that Council Member is not the liaison to the Board or Commission should make a point to clearly state it is an individual opinion and not a representation of the feelings of the entire City Council.

2.2. Refrain from Lobbying Board and Commission Members.

It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer, or to advocate a particular policy perspective. It is acceptable for Council members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

2.3. Remember that Boards and Commissions are Advisory to the Council as a Whole, not as Individual Council Members.

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. Council members should not feel they have the power or right to unduly influence Board and Commission members. A Board and Commission appointment should not be used as a political reward.

2.4. Concerns about an Individual Board or Commission Member Should be Pursued with Tact.

If a Council member has concerns with a particular Board or Commission member fulfilling his or her roles and responsibilities and is comfortable in talking with that individual privately, the Council member should do so. Alternatively, or if the problem is not resolved, the Council Member should consult with the Mayor, who may address the issue to the Council as appropriate.

City Council Protocols and Procedures Handbook

2.5. Be Respectful of Diverse Opinions.

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council members may have a closer working relationship with some individuals serving on Boards and Commissions but must be fair to and respectful of all citizens serving on Boards and Commissions.

2.6. Keep Political Support Away from Public Forums.

Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Council member.

2.7. Maintain an Active Liaison Relationship.

Appointed Council liaisons or alternates are encouraged to attend all regularly scheduled meetings of their assigned Board or Commission.

2.8 Role of Council Liaison to Board or Commission

The role of Council liaison to a Board or Commission is to share prior Council discussions and actions on issues as applicable, and assist the Board or Commission in understanding likely Council perspectives on issues as well as how the Board or Commission might support Council decision-making.

* * *

SECTION 3 - STAFF CONDUCT WITH CITY COUNCIL

3.1. Respond to Council Questions as Fully and as Expeditiously as is Practical

The protocol for staff time devoted to research and response is in application here. If a Council Member forwards a complaint or service request to a department head or a Council Appointed Officer, there will be follow-through with the Council Member as to the outcome.

3.2. Respect the Role of Council Members as Policy Makers for the City

Staff is expected to provide its best professional recommendations on issues. Staff should not try to determine Council support for particular positions or recommendations in order to craft recommendations. The Council must be able to depend upon the staff to make independent recommendations. Staff should provide information about alternatives to staff recommendations as appropriate, as well as pros and cons for staff recommendations and alternatives

3.3. Demonstrate Professionalism and Non-Partisanship in all Interactions with the Community and in Public Meetings

3.4. It is Important for the Staff to Demonstrate Respect for the Council at all Times. All Council members Should be Treated Equally

City Council Protocols and Procedures Handbook

* * *

**THIS SECTION UNDER REVIEW To be
reviewed in 2023****SECTION 4 - CITY COUNCIL AND BOARDS AND COMMISSIONS POLICY FOR TRAVEL AND MISCELLANEOUS EXPENSE REIMBURSEMENT**

This policy is set by the City Council and applies to Council members and to Board and Commissions members, who will be referred to as “Officials” in the policy. In reimbursing travel and miscellaneous expenses, a municipal purpose requiring the expenditure of public funds must be in evidence; also, in accord with the Charter and Municipal Code, such expenditures must be from authorized appropriations.

4.1. Eligible Activities

The following activities (“Eligible Activities”) are recognized by the Council as advancing municipal purposes and are eligible for expense reimbursement, subject to limitations on activities and specific and total expenditures described elsewhere in this policy:

- A. Communicating with representatives of regional, state and national government on adopted city policy positions;
- B. Attending educational seminars designed to improve officials’ skill and information levels;
- C. Participating in regional, state and national organizations whose activities affect the City’s interest;
- D. In collaboration with City staff, implementing a city-approved strategy for attracting or retaining businesses to the City.

All other expenditures require prior approval by the City Council at a regular or special meeting.

4.2. Out-of-Town Conferences or Meetings**A. Reimbursement**

All payments for travel and meetings shall be on the basis of either reimbursement of expenses advanced by the Council Member/Official or payments made directly to travel agencies/websites, hotels, airlines or the organization sponsoring the meeting. All requests for payments or reimbursements must be accompanied by invoices or paid detailed receipts and a copy of descriptive literature about the conference or meeting. The City Clerk, Mayor or Chair for Officials must approve, in advance, individual travel requests for out-of-town meetings and conferences, e.g., Annual League of California Cities Conference, National League of Cities Conference, etc., including Eligible Activates.

Allowable expenses for local or Bay Area Eligible Activates do not require prior approval by the Mayor or Chair.

City Council Protocols and Procedures Handbook

The total reimbursement shall not exceed the budget adopted by the Council for this purpose.

All reimbursements shall comply with the limits of Policy and Procedures 1-02 (Citywide Travel Policy).

Expense reports should be submitted within 30 days of end of trip. Inability to provide such documentation in a timely fashion may result in expense being borne by the Council Member or Official.

- **Meals**

The City will provide a per diem (“per day”) allowance for meals and incidentals to Council members or Officials who are approved to travel overnight for official City business. Council members or Officials will receive a flat rate for meals and will not be required to submit receipts.

The per diem rate varies and is dependent on the destination of travel. The rates for the various travel destinations are available on the U.S. General Services Administration website (<http://www.gsa.gov/portal/content/104877>). When meals are provided at an event, the value of that meal will be deducted from the daily per diem rate. Travelers will receive 75% of the daily per diem amount on days requiring transportation to and from the location (i.e., departure day and return day) regardless of departure and arrival times. Meals provided on days of travel shall be deducted at full-value.

C. Lodging Expense

Council members or Officials shall select single occupancy, standard, non-deluxe accommodations and should stay at hotels offering economical lodging rates. When possible, travelers attending a conference or seminar should stay at conference hotels, which offer a negotiated rate.

The City will not reimburse any cost related to the extension of a hotel stay beyond the time necessary to complete the event. An out-of-state trip involving cross-county travel may require hotel accommodations both before and after the conference or training.

Within California and adjoining states, an extra night’s hotel stay should not be necessary if flight arrangements can be made the same day.

The use of hotels is restricted to cities located beyond 50 miles (one-way) from the City of Palo Alto or the traveler’s residence (whichever is shortest). For example, if the destination is Sacramento and you live in Palo Alto (118 miles) or Oakland (81 miles), you would qualify for a hotel (and per diem for meals). However, if you live in Vacaville (35 miles) or Lodi (36 miles) you would not qualify for a hotel.

Expenses incurred for guests of the traveler and the like are not reimbursable.

City Council Protocols and Procedures Handbook

Incidental expenses related to City business shall be reimbursed at cost as supported by submitted receipts. Incidental expenses may include hotel parking charges, Internet connection services, and telephone charges.

The actual costs for parking will be reimbursed when approval to use a personal vehicle or rental car is obtained in advance. Council members or Officials should use the lowest cost alternative for parking within a reasonable area from the destination. Internet connection services purchased to conduct City business are reimbursable. Other charges on the hotel bill, such as pay-TV movies, cleaning, laundry, room service charges or charges for additional guests are not reimbursable.

D. Transportation

1) Air Transportation

Council members or Officials shall fly economy class on the lowest flight available for the most direct route to the final destination, which could reasonably include scheduled layovers. Council Members or Officials are encouraged to make air reservations as early as feasible to obtain the greatest discount and to consider the use of alternate but nearby airports to take advantage of the lowest fares. Extension of the trip to cover a weekend stay to obtain a lower airfare does not entitle the Council Member or Official to be reimbursed for the extra day's hotel.

Council members or Officials may use City travel to qualify for frequent flyer credits, but the selection of an airline for a given trip shall not be made for the purpose of accumulating such credits. Council members or Officials that choose to use their personal frequent flyer miles for City business shall not be reimbursed for the value of the tickets. If the airline charges for all checked baggage, the City will cover the cost for one checked bag only. Excess baggage charges are not reimbursable.

2. Rental Cars

Rental cars shall be approved if other ground transportation, such as shuttles or taxis, is more expensive during the stay at the destination. Only economy or compact car models may be rented unless an upgrade is provided by the rental agency at no additional cost. Because the City is self-insured, Council members or Officials should decline any additional insurance offered by the rental company. Council members or Officials must also decline the Fuel Purchase Options (which allows for prepayment of a gas tank refill) and shall refuel prior to returning the rental car. Rental car options such as GPS devices and any other extra optional charges are not reimbursable.

The use of a rental car, in lieu of a private auto, to travel to and from an out-of-town event will be reimbursed either at the current IRS mileage rate or the car rental cost apportioned for the number of days used for City business, whichever is less.

3. Private Automobiles

Private automobiles may be used for personal or group transportation on extended trips.

City Council Protocols and Procedures Handbook

Reimbursement shall be made at the current IRS mileage rate. The distance to be reimbursed shall be measured from the place of work and from the employee's home, and the calculated mileage reimbursement shall be based upon which of the two distances is shorter. Mileage reimbursement for private automobiles shall not exceed the cost of roundtrip air transportation (economy class) for a reservation made at least seven days in advance of the trip.

4.3. Local or Bay Area Activities

Council members or Officials who have been requested or designated to represent the City may receive the actual cost of:

- A. Meals, if they are a scheduled feature of the activity, e.g., SCCCA dinner meetings.
- B. Registration fees where applicable.
- C. Mileage if activity is outside the City (mileage claims should be submitted monthly, with details: date and type of meeting, number of miles traveled to be indicated), consistent with City Policy and Procedures 1-02.
- D. Council members and Officials may be reimbursed by the City for use of a private bicycle to attend local or Bay Area activities outside the City of Palo Alto consistent with City Policy and Procedures 2-9.

4.4. Other Expenses

Ethics Training Expenses – AB1234 requires ethics training every two years and such fee and related expenses are eligible for reimbursement.

4.4. Activities Not Considered Reimbursable

- A. Voluntary attendance at any conference or meeting, not representing the City.
Meetings of social or service organizations.
 - B. Meetings of voter groups or with individual citizens concerned with agenda items.
- Election campaign activities.
 - Alcohol and entertainment expenses.
 - Personal portion of the trip and other non-mileage automobile expenses.

4.6. Reports to Council

Council members and officials shall provide brief verbal reports on meetings attended at the City's expense at the next regular Council/Board/Commission meeting. If multiple Officials attended, a joint report may be made. All related documents are subject to the Public Records Act and can be periodically reviewed by auditors.

4.7. Violation of This Policy

Use of public resources or falsifying expense reports is in violation of this policy and may result in

City Council Protocols and Procedures Handbook

any or all of the following:

- Loss of reimbursement privileges
- A demand for restitution to the City
- The City reporting the expenses as income to the elected or appointed Official to state and federal tax authorities
- Civil penalties of up to \$1000 per day and three times the value of the resources used
- Prosecution for misuse of public resources

4.8. Mayor and Vice Mayor Additional Compensation

The Mayor shall receive \$150 monthly and the Vice Mayor \$100 monthly to defray additional expenses of these offices.

4.9. Support Services

The City Clerk's Office makes travel arrangements for Council members. This service includes conference registration, hotel reservations, per diem advances and reimbursement of unforeseen expenses. The department liaison for each board and commission will be responsible for arrangements for Officials.

4.10. Miscellaneous Expenditures

New Language: Miscellaneous Expenditures

Existing Language
None
Proposed New Language (updated after Dec. 13 P&S Discussion)
<p>X.1 Expenditure of City Council Contingency Funds Expenditures from the City Council Contingency budget must be directed by Council motion, either via a colleagues memo or as part of an agendized item.</p> <p>X.2 City Purchase of Tickets or Sponsorship of Non-Profit Organization Events the City Manager may purchase tickets or sponsor events by non-profit organizations, subject to budget availability, under any of the following circumstances:</p> <ol style="list-style-type: none"> 1. where the event serves a City educational purpose, 2. recognition for work done by staff (not including elected or appointed officials), or 3. expending budget allocations specifically intended for event attendance. <p>x.3 Expenditure for Annual Holiday Event Expenditures from the Council special event budget may be directed to be expended for an annual holiday celebration, subject to budget availability for attendance by Council members, executive leadership staff and community leaders. Event details will be coordinated by the Mayor and facilitated by staff.</p>

* * *

City Council Protocols and Procedures Handbook

SECTION 5 - Confidentiality, Conflicts of Interest, Gifts And Favors

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests. There are many State laws regarding confidentiality, conflicts of Interest, and gifts and favors. Council members should stay apprised of and comply with State law on these topics.