



Policy & Services Committee

Staff Report

From: Chantal Gaines, Deputy City Manager

Meeting Date: August 8, 2023

TITLE

City Council Referral to Discuss and Recommend Council Procedures and Protocols on: Censure Policy and other City Council referrals related to the City Council Procedures and Protocols. CEQA status - not a project.

RECOMMENDATION

Staff recommends that the Policy and Services Committee discuss the referral from the City Council related to Censure Policy and make a recommendation to the Council for inclusion in the City Council Procedures and Protocols Handbook.

BACKGROUND AND ANALYSIS

The City Council discussed the City Council Procedures and Protocols Handbook on January 30 and March 20, 2023 and adopted the most recent version on April 24, 2023. The City Council referred a few discussion topics to the Policy and Services Committee during these discussions. The Committee has made progress on these referrals and the progress is included in parentheses next to the referrals listed below:

1. Procedures Section 1.1: Annual Organization of City Council (P&S discussed on May 9, 2023 and requested staff to bring this to City Council in the 4th quarter for City Council to evaluate whether a ballot measure should be placed before the voters¹).
2. Procedures Section 5.1a(4): Video Participation for Public Comment. Staff noted that this would be studied and, if found feasible, it would just be implemented instead of it being a discussion at Committee. This exploration language was included in the April 24th Adopted Handbook in this section.
3. Procedures Section 8.2: Censure language was referred to committee for review (discussion planned for August 8, 2023).

¹ May 9, 2023 Policy and Services Committee Agenda Item number three (3):
<https://cityofpaloalto.primegov.com/Portal/Meeting?meetingTemplateId=12150>

4. Protocols Section 2.2: Refrain from Lobbying Board and Commission Members. (P&S discussed this with Board/Commission Chairs on June 13, 2023 and recommended language for Council consideration²).
5. Protocols Section 2.8: The Role of Council Liaison to Boards or Commissions. (P&S discussed this with Board/Commission Chairs on June 13, 2023 and recommended language for Council consideration³).
6. Protocols Section 4: International Travel (P&S Discussed on April 26, 2023 - Staff to bring back a brief draft to P&S in Q3).
7. Protocols Section 4.1: Miscellaneous Expenditures. Council referral for the committee to discuss the establishment of appropriate parameters for Council discretionary expenditures and whether to allocate \$2,000 annually from the Council contingency fund for each Council member to decide its purpose.

These topics are being scheduled to Committee throughout the year to balance workload. The topic highlighted for Committee discussion at the August 8, 2023 meeting is the Censure Policy Draft Language. If time allows, the Committee can share thoughts about any other of the referral topics listed above.

Staff previously shared draft language outlining a procedure for adopting a resolution of censure against a Council member with the Policy and Services Committee on December 13, 2022⁴ and subsequently with the City Council during the Handbook discussion. That language was not accepted by the full City Council and the City Council asked the Committee to work on this topic more (summary minutes of the January 30th City Council discussion are below).

² June 13, 2023 Policy and Services Committee Meeting agenda item number two (2):
<https://cityofpaloalto.primegov.com/Portal/Meeting?compiledMeetingDocumentFileId=8289>

³ June 13, 2023 Policy and Services Committee Meeting agenda item number two (2):
<https://cityofpaloalto.primegov.com/Portal/Meeting?compiledMeetingDocumentFileId=8289>

⁴ December 13, 2022 Policy and Services Committee Agenda Packet:
<https://cityofpaloalto.primegov.com/Public/CompiledDocument?meetingTemplateId=8939&compileOutputType=1> (pdf page 50 for early draft censure language)

Excerpt of the January 30, 2023 Summary Minutes (related to the Censure section)⁵:

Council Member Lythcott-Haims asked for hypotheticals of examples of what a Council member might do that would put censure in place.

City Manager Shikada outlined the discussion P&S had.

Council Member Burt questioned how severe a violation should warrant censure, and would censure be considered if there were severe persistent violations or a single egregious violation.

Council Member Veenker wondered if this should be referred to P&S to set more specific standards and guidelines and to discuss what an extreme case might look like.

Council Member Lauing was happy to sign up for such a discussion. Gradation may need to be considered.

Council Member Lythcott-Haims would love to see reference to the City Attorney added as to whether censure would be appropriate. She worried that it may be used politically. She would like P&S to address this.

MOTION Moved by Vice Mayor Stone, seconded by Mayor Kou to approve Section 8 with the following amendments:

- A. Exclude the censure language and refer to Policy & Services Committee for language modifications

Council Member Burt stated there should be guidance that censure would not occur for political motivations or reasons.

MOTION PASSED: 7-0

At the April 26, 2023 Policy and Services Committee meeting, the Committee requested that Staff return to the Committee with updated draft language. Staff attached some updated draft Censure language to this staff report as a starting place for the Committee discussion of language to present to the City Council. The draft is included as **Attachment A** to this report.

FISCAL/RESOURCE IMPACT

No fiscal impact.

ATTACHMENTS

Attachment A: Updated Draft Censure Policy

Report #: 2307-1782

⁵ January 30, 2023 City Council Meeting Summary Minutes:

<https://cityofpaloalto.primegov.com/Public/CompiledDocument?meetingTemplateId=1126&compileOutputType=1>