



**CITY OF PALO ALTO  
CITY COUNCIL  
Special Meeting  
Monday, February 26, 2024  
Council Chambers & Hybrid  
5:30 PM**

<b>Agenda Item</b>
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15. Policy and Services Committee Recommendations for Changes to the City Council Procedures and Protocols Handbook based on Prior City Council Referrals (Review of Censure Language). CEQA Status - Not a Project.



## City Council Staff Report

**From: City Manager**

**Report Type: ACTION ITEMS**

**Lead Department: City Manager**

**Meeting Date: February 26, 2024**

Report #:2402-2642

### **TITLE**

Policy and Services Committee Recommendations for Changes to the City Council Procedures and Protocols Handbook based on Prior City Council Referrals (Review of Censure Language).  
CEQA Status - Not a Project.

### **RECOMMENDATION**

The Policy and Services Committee recommends City Council action on the Procedures and Protocols Handbook (Handbook) referral related to censure/enforcement that the City Council sent to Policy and Services in spring 2023. This is one of two remaining Handbook referrals from 2023. The final referral will come to the full City Council in March or April (related to discretionary expenditures).

### **BACKGROUND**

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. At that time, the City Council referred some discussion topics to the Policy and Services Committee. The Committee has discussed these referrals and made recommendations on all but one of the referrals. The specific referrals from City Council were:

1. Procedures Section 1.1: Annual Organization of City Council
2. Procedures Section 5.1a(4): Video Participation for Public Comment
3. Procedures Section 8.2: Censure language was referred to committee for review
4. Protocols Section 2.2: Refrain from Lobbying Board and Commission Members
5. Protocols Section 2.8: The Role of Council Liaison to Boards or Commissions
6. Protocols Section 4: International Travel
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.

The City Council began this discussion on December 18, 2023 and provided direction on February 5, 2024 on items 1, 2, 4, 5, and 6. Item 7 was discussed at Policy and Services Committee (P&S) on February 13, 2024 and will return to the Committee for further discussion in March 2024. Item 3, related to censure language is the remaining P&S recommendation and the focus of this report.

And given that this is a new year, the City Council will also be reviewing the full Handbook again for consideration of new topics to amend. This discussion will occur in the coming months after the completion of the prior year referrals.

### **ANALYSIS**

The specific recommendation from the Committee on the censure referral topic is in the **Attachment A** draft revised Handbook with a short summary below:

Procedures Section 8.2: Censure language was referred to committee for review

- a. **Attachment A** draft Handbook includes Policy and Services Committee recommended censure language. The proposed censure language is on draft Handbook pages 35-39. This was a 2-1 vote at committee.

### **FISCAL/RESOURCE IMPACT**

No known fiscal impact for this particular Handbook section on censure.

### **ENVIRONMENTAL REVIEW**

City Council action on this item is not a project as defined by the California Environmental Quality Act (CEQA) because revisions to the City Council Procedures and Protocols is a continuing administrative or maintenance activity. CEQA Guidelines section 15378(b)(2).

### **ATTACHMENTS**

Attachment A: Draft Updated Procedures and Protocols Handbook with Committee Recommendations November 2023

### **APPROVED BY:**

Ed Shikada, City Manager



# CITY COUNCIL PROCEDURES AND PROTOCOLS HANDBOOK

DRAFT HANDBOOK WITH POLICY AND SERVICES 2023 RECOMMENDATIONS FOR DISCUSSION  
Draft November 2023

**Procedures and Protocols Approved 04/24/2023  
with New Table of Contents (last updated May 2023)**

*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](mailto:city.clerk@cityofpaloalto.org) or the City Attorney by phone at (650) 329-2171 and e-mail at [city.attorney@cityofpaloalto.org](mailto:city.attorney@cityofpaloalto.org).*

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## Introduction

The purpose of this City Council Procedures and Protocols Handbook is to review a set of rules through which the Palo Alto City Council conducts its business in a fair, equitable and effective manner. Adoption of the Handbook is requirement of the Palo Alto Municipal Code:

**Municipal Code 2.04.100 – Handbook of Procedural Rules**

The Council shall adopt by resolution a handbook of procedural rules governing any aspect of the conduct of meetings and hearings for the council and its standing committees, including but not limited to agenda requirements, the order of business, rules of order, rules of evidence, closed session procedures and rules for public participation in meetings. The handbook of procedural rules shall be deemed guidelines and failure to comply with any procedural rule shall not be the basis for challenge to or invalidation of any action of the council, nor shall they be construed to create any independent remedy or right of action of any kind.

**The handbook is organized in two parts:**

**Part I: City Council Procedures**

This section explains the process through which work is done and basic rules for City Council meetings including public participation guidelines.

**Part II: City Council Protocols**

This section explains conduct guidance for the City Council.

If a provision of this Handbook conflicts or is inconsistent with the Charter, the Municipal Code, or State or Federal law, the Charter, Code, or State or Federal law shall govern.

## PART I: CITY COUNCIL PROCEDURES

### SECTION 1 – CITY COUNCIL ORGANIZATION AND STRUCTURE

#### 1.1 Annual Organization of City Council

The Palo Alto Charter, Article III, Section 8 directs Council to elect one of its members to serve as Mayor and one as Vice-Mayor, and sets forth their duties. Palo Alto Municipal Code Section 2.04.060 provides additional detail. Mayor and Vice-Mayor are elected at the first meeting in January each year. Nominations may be made by any Council member and do not require a second.

**Commented [GC1]:** Policy and Services Discussed this at the May 9, 2023 and City Council discussed on February 5, 2024 and provided next steps.

#### 1.2 Council Committees

##### (a) Standing Council Committees

###### ***Policy***

It is the policy of the Council to use standing committees in open and public meetings to study City business in greater depth than what is possible in the time allotted for Council meetings.

###### ***Purpose***

These rules are intended to enhance public participation and committee meetings so that the best possible decisions can be made for Palo Alto.

###### ***General Requirements***

Council standing committees shall be subject to the following procedural rules:

##### 1) Quorum

A majority of the committee membership shall constitute a quorum.

##### 2) Referrals

Only the Council or City Manager shall make referrals to the standing committees. Referrals will generally be directed to only one of the standing committees.

Items may be withdrawn from the committee and taken up for consideration by the Council at any Council meeting with the consent of a majority of the Council, and subject to any applicable noticing or agenda-posting requirements.

##### 3) Attendance by Nonmembers

As required by the Brown Act, Council members who are not on a committee may attend the committee meeting but only as an observer; they may not speak or otherwise participate in the committee meeting.

If Council wishes to allow members who are not serving on the committee to speak, the meeting should be noticed as a meeting of the full Council, and all Council procedural requirements will apply.



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4) Function of committees

The purpose and intent of committee meetings is to expedite Council action by providing more thorough and detailed discussion and study of prospective or current Council agenda items with a full and complete airing of all sentiments and expressions of opinion on City problems by both the committee and the public. Actions of the committee shall be advisory recommendations only except as to matters delegated to the committee by Council.

5) Minutes and Report of Committee

The City Clerk shall be responsible for the preparation and distribution to the Council of the minutes of standing committee meetings. The minutes for these meetings shall be action minutes which reflect the motions made during these meetings. The minutes of each committee meeting serve as the report to the Council and should be included, as appropriate, in subsequent relevant staff reports.

6) Agenda

The presiding officer of each standing committee shall work with staff to prepare the agenda for committee meetings. Items should be scheduled as they are ready, taking into account the sequence of referral, the time required for staff research and analysis to support committee discussions, the time-sensitivity of items, and other factors as determined by the chair and City Manager.

7) Public Participation at Committees

The presiding officer shall determine the time that each speaker is allotted during general public comment and public comment on agenda items. The chair will typically set individual speaker speaking time at 3 minutes per speaker. If extended public participation is desired the chair may provide for a longer period; if there are a large number of speakers or many agenda items, speaking time may be shortened.

8) New Standing Committees

Council may establish new standing committees as needed.

**(b) Policy and Services Committee**

The Municipal Code states that the role of the Council Policy & Services Committee is to consider and make recommendations on matters referred to it by the Council relating to parliamentary and administrative procedures and policy matters pertaining to intergovernmental relations, personnel policies, planning and zoning, traffic and parking, public work, and community and human services. (§2.04.220).

**(c) Finance Committee**

The Municipal Code states that the role of the Council Finance Committee is to consider and make recommendations on matters referred to it by the Council relating to finance, budget, financial audits, capital planning and debt. (§2.04.210).

**(d) Council Appointed Officers (CAO) Committee**

The CAO Committee meets on an as-needed schedule to address issues that Council has referred to the Committee related to Council's four direct appointees: the City Manager, City Attorney, City Clerk and City Auditor. For example, the committee may be tasked with duties related to performance evaluations, compensation, and the filling of vacancies.

**(e) City Schools Liaison Committee**

The City-Schools Liaison Committee is composed of two Council members and two members of the Board of Education of the Palo Alto Unified School District. The committee's purpose is to share information, collaborate, and coordinate on issues related to Palo Alto's school-aged children and youth.

**(f) Ad Hoc Committees*****Policy***

The Council may create Ad Hoc Committees on a limited basis where necessary to study City business in greater depth than what is possible in the time allotted for Council and Standing Committee meetings.

***Purpose***

These rules are intended to clarify the distinctions between Standing and Ad Hoc Committees and to set up guidelines for creation of Ad Hoc Committees.

***General Requirements***

Council Ad Hoc Committees shall be subject to the following procedural rules:

**1) Definition of Ad Hoc Committee**

An Ad Hoc Committee is a temporary advisory committee composed solely of less than a quorum of members of the Council or any Council Standing Committee. The work of an Ad Hoc Committee has a limited or single purpose. An Ad Hoc committee is not intended to be perpetual but rather to be dissolved in a finite period time, once its specific task is completed. By contrast, a Standing Committee has continuing subject matter jurisdiction over a variety of related topics.

**2) Brown Act**

The procedural requirements of the Brown Act apply to all committees that have either: (a) continuing subject matter jurisdiction over a matter or group of related matters; or (b) a regular meeting schedule set by Council action. All Standing Committees are Brown Act bodies. Ad hoc committees are generally not Brown Act bodies, provided that they are temporary bodies, formed for the purpose of addressing a limited or single purpose, include only members of Council, and do not have a regular meeting schedule set by Council action. When Council creates an Ad Hoc committee that is not a Brown Act body, Council may, at its discretion, direct that the committee follow Brown Act procedures.

3) Creation and Appointment

The Mayor or the City Council may create an Ad Hoc Committee and appoint three or fewer members of the Council to serve. In contrast, only the Council and not the Mayor alone can create a Standing Committee. The Mayor makes appointments to Standing and Ad Hoc Committees. The Mayor will publicly announce any Ad Hoc Committee created by her or him and its membership and stated purpose. The Clerk shall post this information on the Council website. The City Manager shall prepare a report to Council about the anticipated time commitment required for staff to assist the Ad Hoc Committee.

4) Duration

Ad Hoc Committees are created for a finite period of time. If an Ad Hoc Committee does not complete its task by the end of the calendar year, it shall not continue unless reappointed by the new Mayor in the following year.

5) Members

Ad Hoc Committees shall consist of less than a quorum of Council members only, and shall not include any other persons, including members of other legislative bodies.

6) Reporting

Ad Hoc Committees shall report their recommendations to the Council in the timeframe directed by Council. Any Council Member may ask during 'Council Member Questions, Comments And Announcements' that an updated Ad Hoc Committee report be placed on an upcoming meeting agenda.

7) Termination of Ad Hoc Committee by Majority of Council

A majority of the Council may vote to terminate any Ad Hoc Committee following placement of the issue on an agenda.

8) Conclusion

A public announcement shall be made any time the Ad Hoc Committee has concluded its work and/or upon dissolution.

**1.3 Respect the Work of the Council Committees**

Council should respect the work of Council committees, as their purpose is to provide focused, in-depth discussion of issues to help inform and expedite Council business. If a matter is taken forward to the full Council for approval after receiving a unanimous vote at committee, the item will be placed on the Consent Calendar, unless otherwise recommended by the committee, Mayor, City Attorney or City Manager.

\* \* \*

## SECTION 2 - GENERAL PROCEDURES FOR CITY COUNCIL MEETINGS

The purpose of these guidelines is to facilitate the orderly and efficient conduct of Council business. This purpose recognizes the value of establishing a community understanding of meeting procedures so that broad public participation is encouraged. This purpose also recognizes that Council members must have a common approach to the discussion and debate of City business so that meetings are both streamlined and thorough.

These are guidelines, rather than rules. The Council intends that City staff and Council members will follow these guidelines. However, these guidelines should not be used in a way that leads to inefficiency, unfairness, or the promotion of form over substance.

In addition to Council-adopted guidelines, State law establishes a variety of *mandatory* meeting rules that the City must follow in order to ensure open government and fair process, regardless of unusual situations and consequences. (See Cal. Govt Code section 54950.)

### 2.1 Meeting Schedules, Agendas and Supporting Materials

#### (a) Meeting Schedules for Regular and Special Meetings

The City Council generally conducts two different kinds of meetings: regular meetings and special meetings.

The Municipal Code provides that regular City Council meetings are conducted at City Hall on the first three Monday nights of each month, except during the Council's annual summer and winter recesses, at 5:30 p.m.

The Council also schedules periodic special meetings, which are meetings on any day or time other than the regular meeting time. This may include meetings on the regularly-scheduled first three Mondays where the start time is 5 p.m. or earlier, or meetings on a fourth or fifth Monday, or meetings scheduled on any other day or time.

The Mayor or Council may call a special meeting on a minimum of 24 hours' notice. Special meetings need not be held at City Hall, as long as the alternate location is within the City. The Council makes every effort to provide notice well in advance of 24 hours, especially when the special meeting is for the purpose of conducting a Study Session.

#### (c) Posting of Agendas

Under the Brown Act, meeting agendas must be posted no later than 72-hours prior to regular meetings and 24-hours prior to special meetings. It is City policy to make every effort to post the agenda on Thursday, 11 days prior to Monday meetings, whether regular or special. Agendas are posted in King Plaza by the elevators and are uploaded to the City Council web page.

**(d) Supporting Reports and Materials**

It is City policy to make every effort to provide supporting reports and materials at the time the agenda is posted. Typically, this will occur 11 days before the meeting. Materials that are not available at the time of agenda posting will be distributed as soon as feasible before the meeting. Materials that are distributed to a majority of Council will be made available to the public at the same time, as required by law. Some materials, such as presentation materials or “supplemental memoranda” (previously referred to as “at places” memoranda) may be distributed to Council members and the public at the meeting.

**(e) Late Submittal of Correspondence or Other Information Related to Planning Applications**

In order to allow for adequate staff review and analysis and to ensure public access to information, all plans, correspondence, and other documents supporting planning applications being heard by the City Council must be submitted to staff not later than noon five (5) working days prior to the release of the Council Agenda Packet. If any correspondence or other information is submitted after this deadline to Council members or staff, and staff determines additional review is needed, staff will reschedule the item for a future Council meeting.

If a Council member receives planning application materials from a project applicant, or receives other significant material related to the application from any source, he or she shall notify the City Clerk and the City Manager as soon as possible so that all relevant material can be entered into the official record and made available to all parties and the public. At the meeting the City Council may determine whether to continue or refer the item to the appropriate board and/or commission if significant changes to a project or significant new information become known.

**2.2 The Mayor and Vice Mayor Should Work with Staff to Plan the Council Meetings**

There are three purposes to the pre-Council planning meeting: 1) to plan how the meeting will be conducted, including review of approximate time allocation of Staff Report presentations and to ensure adequate time for large complex items; 2) to identify any issues or questions that may need greater staff preparation for the meeting; and 3) to discuss future meetings. Consideration in building the agenda should be given to the potential length of the meeting and at what point items of significant public concern may be heard.

The purpose of the meeting is not to work on policy issues. Normally, only the Mayor and Vice Mayor are invited and expected to attend the pre-Council meetings with the City Manager, other CAOs, and department managers. The Mayor and Vice Mayor’s role is to represent the interest of the entire Council.

**2.3 Attendance Procedures****(a) Attendance Required**

Council members, the City Clerk, City Attorney, and City Manager, along with any other City officers and department heads that have been requested to be present, shall take their regular stations in the Council Chambers at the start of every scheduled meeting. The presiding officer will ensure that each meeting will include at least one 15-minute break. The Council expects its members to attend regularly and notify the City Clerk of any planned absences. The Council may levy fines of

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up to \$250.00 against Council members who willfully fail to attend meetings (PAMC section 2.04.050).

### **(b) Remote Attendance of Council Members at Council and Committee Meetings**

Council members are strongly encouraged to attend meetings in person. State law allows Council members to attend meetings remotely by following the procedures outlined in Government Code Section 54953(b) ("Standard Remote Attendance") or the procedures outlined in Assembly Bill 2449 (2022) ("AB 2449 Remote Attendance"). For convenience, these procedures are summarized below and are current as of the date of Handbook revision. If state law is subsequently amended, the amended terms of State law will apply.

Council members are encouraged to consult in advance with the City Clerk and, if needed, the City Attorney to ensure compliance with all required procedures.

#### 1) Number of Remote Appearances

Remote attendance shall be permitted not more than **3 five (5)** times a year per legislative body (for example, five times a year for full Council meetings and five additional times a year for each Council committee). AB 2449 rules still apply which state that no more than two meetings may be attended remotely during a calendar year for "just cause," as described below.

#### 2) General Procedures for Appearing Remotely

Council members must follow mandatory procedures set forth in State law. At any meeting where a Council member is attending remotely, the following requirements must be met:

- (A) At least a quorum of the Council must participate from a singular physical location within the City.
- (B) The agenda must identify and include an opportunity for the public to attend and directly address the council member through a call-in option, an internet-based service option, and in-person at the location of the meeting.
- (C) Council may not take action if there is an unresolved disruption to the meeting broadcast or to the ability to take call-in or internet-based public comment.

If the above threshold requirements are met, the Council member attending remotely must ensure they follow the procedures associated with either Standard Remote Attendance or AB 2449 Remote Attendance.

#### 3) Standard Remote Attendance Procedures

A Council member attending remotely using these procedures must ensure that:

- (A) The meeting agenda identifies the remote attendance location and is posted at that location in an area that is accessible and visible 24 hours a day for at least 72 hours prior to a regular meeting and 24 hours prior to a special meeting.
- (B) The remote attendance location is open and fully accessible to the public, and fully accessible under the Americans with Disabilities Act, throughout the entire

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meeting. These requirements apply to private residences, hotel rooms, and similar facilities, all of which must remain fully open and accessible throughout the meeting, without requiring identification or registration.

- (C) The remote attendance technology used is open and fully accessible to all members of the public, including those with disabilities.
- (D) Members of the public who attend the meeting at the remote attendance location have the same opportunity to address the Council from the remote location that they would if they were present in Council Chambers.
- (E) The remote attendance location must not require an admission fee or any payment for attendance.
- (F) If the meeting will include a closed session, the Council Member must ensure that there is a private location available for that portion of the meeting. A private location means a closed room such that no other person can hear any portion of the closed session.

If the Council Member intends to follow the procedures of Standard Remote Attendance but determines that any or all of these requirements cannot be met, he or she shall not participate in the meeting remotely using Standard Remote Attendance procedures.

### 4) Standard Remote Attendance Guidelines

- (A) Five days written notice in advance of the publication of the agenda must be given by the Council member to the City Clerk's office about their intent to participate remotely; the notice must include the address at which the remote attendance will occur, and the address the Council packet should be mailed to, if a hard copy is requested.
- (B) The Council member is responsible for posting the Council agenda in the remote location, or having the agenda posted by somebody at the location and confirming that posting has occurred. The City Clerk will assist, if necessary, by emailing, faxing or mailing the agenda to whatever address or fax number the Council member requests; however, it is the Council member's responsibility to ensure that the agenda arrives and is posted. If the Council Member will need the assistance of the City Clerk in delivery of the agenda, the fax number or address must be included in the five-day advance written notice above.
- (C) The Council Member must ensure that the location will be publicly accessible while the meeting is in progress.
- (D) The Council Member must state at the beginning of the Council meeting that the posting requirement was met at the location and that the location is publicly accessible and must describe the location.

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### 5) AB 2449 Remote Attendance Procedures

In 2022 the Legislature adopted AB 2449, which amended the Brown Act to allow remote participation in certain narrow circumstances (listed below) without publishing the remote location on the meeting agenda and without providing public access from the remote location.

Where the requirements of AB 2449 are met, a Council member is not required to follow the procedures described in Section 2.3(b)(3)(A)-(E), above.

A Council member may use AB 2449 if the Council member has either “just cause” or “emergency circumstances” that require remote participation, as defined by AB 2449.

#### (A) Just cause.

##### i. “Just cause” is defined as:

- a. a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires remote attendance,
- b. a contagious illness that prevents in-person attendance,
- c. a need related to a physical or mental disability which cannot be resolved by a request for reasonable accommodation, or
- d. travel while on the business of a state or local agency.

- ii. Notice. A Council member with “just cause” to attend remotely must notify the Council or Council committee and the City Clerk at the earliest possible opportunity, including at the start of the meeting, of their need to participate remotely and provide a general description of the circumstances.

#### (B) Emergency Circumstances.

“Emergency circumstances” is defined as a physical or family medical emergency that prevents a Council member from attending the Council meeting in person.

##### i. Notification and acceptance.

- a. A Council member attending remotely due to “emergency circumstances” must notify the Council or Council committee and the City Clerk at the earliest possible opportunity.
- b. The Council or Council committee must request a general description of the circumstances relating to the Council member’s need to appear remotely. The description does not need to have more than 20 words, and the Council member does not have to disclose any personal medical information.
- c. At the earliest opportunity available to it, the Council or Council committee must, by a majority vote of its members, take action on the request to approve or disapprove it. If the request does not allow sufficient time to place it on the agenda for the meeting for which the request is made, the legislative body must take action on the request at



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the beginning of the meeting by majority vote.

(C) Disclosures. Council members attending remotely must publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with the individual.

(D) Technology. Council members attending remotely shall participate using both audio and visual technology.

If the Council member intending to follow the procedures of AB 2449 Remote Attendance determines that any or all of these requirements cannot be met, he or she shall not participate in the meeting remotely using AB 2449 Remote Attendance procedures.

6) AB 2449 Remote Attendance Sample Scripts

At the start of the meeting, the Council member attending remotely may use the following language to identify under which provision they are attending remotely:

**Just Cause:**

"I have just cause to attend this meeting remotely under AB 2449. I have not attended a meeting remotely due to just cause more than once this calendar year. I have attended [NUMBER] meetings remotely this calendar year. I must attend this meeting remotely because...

1. "... I must provide caregiving to [RELATION]."
2. "... a contagious illness prevents me from attending in person."
3. "... I have a need related to a disability which could not be accommodated at this meeting."
4. "... I am travelling while on official business of [STATE OR LOCAL AGENCY]."

"In this room, I am accompanied by...

1. "...no one over the age of 18."
2. "...one or more individuals over the age of 18. They are [RELATION (e.g., my spouse, coworker, medical provider)]."

**Emergency Circumstances:**

"Due to emergency circumstances, I request to attend this meeting remotely under AB 2449. I have attended [NUMBER] meetings remotely this calendar year. The [PHYSICAL OR FAMILY] medical emergency I am facing requires my remote attendance because [BRIEF DESCRIPTION]."

"In this room, I am accompanied by...

1. "...no one over the age of 18."
2. "...one or more individuals over the age of 18. They are [RELATION (e.g., my spouse, coworker, medical provider)]."

#### 2.4 Colleagues' Memos

Council members may bring forward a colleagues' memo on any topic to be considered by the entire Council. A minimum of two Council members are required to place such a memo on the agenda, reflective of the Council procedure requiring a motion and a second for consideration of a motion by the Council. Up to three Council members may sign a colleague memo. To comply with the Brown Act, three is the maximum number Council members who may discuss or sign onto a colleagues' memo.

Prior to preparing a colleagues' memo, Council members should consult with the City Manager to determine whether the City Manager is able to address the issues as part of their operational authority and within current budgeted resources. Colleagues memos should include a section drafted by the City Manager that identifies any potential staffing or fiscal impacts of the contemplated action. Council members shall provide a copy of the proposed memo to the City Manager and City Attorney prior to finalization. Completed Council colleagues' memos should be provided to the City Manager, City Attorney and City Clerk with as much advance notice as possible, to provide time for staff to prepare the resource impact section and prepare the memo for placement on the agenda.

The Council will not take action on the night that a colleagues' memo is introduced if it has any implications for staff resources or current work priorities which are not addressed in the memo. The Council will discuss the colleagues' memo and refer it to a committee or direct the City Manager to agendize the matter for Council action. Action may be taken immediately by the Council on colleagues' memos where there are no resource or staffing implications, or where these implications are fully outlined in the colleagues' memo. The Brown Act requires that the public be fully informed of the potential action by the Council when the agenda is published. In order to satisfy the Brown Act requirements, the Council should consult with the City Attorney to ensure that the proposed title to the colleagues' memo contains all actions that the Council members want completed on the night of the Council review.

Council members nearing the end of their term desiring to submit a colleagues' memo should consider submittal timing and steps needed in order to ensure Council discussion prior to the end of their term. Staff will make best efforts to agendize such memos prior to the end of the Council term.

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### SECTION 3 - CITY COUNCIL MEETING ORDER OF THE AGENDA

City Council agendas will be prepared by the City Clerk and presented to the City Council in the order described below, except as determined otherwise by the Mayor in consultation with the City Manager. In setting the agenda, the typical order of agenda items is as shown below but the ordering can be changed in the agenda-setting process if needed. The City Manager, with prior approval of the Mayor, is authorized to designate upon the agenda items that shall be taken up first or at a specific time during the course of the meeting (PAMC section 2.04.070.) The City Council may take matters up out of order upon approval by a majority vote of those present:

***Call to Order******Special Orders of the Day******Closed Session******Agenda Changes, Additions and Deletions******General Public Comment******Council Member Questions, Comments and Announcements******Study Session******Consent Agenda***

Items may be placed upon the consent calendar by any council-appointed officer whenever, in such officer's judgment, such items are expected to be routinely approved without discussion or debate. Council Minutes are approved on Consent. The consent calendar shall be voted upon as one item.

***City Manager Comments******Action Items******Adjournment***

Items Considered After 10:30 p.m.: The Council makes every effort to end its meetings before 11 p.m. With that goal in mind, the Council generally does not start discussion of new matters after 10:30 p.m. Before 10 p.m. the Council will decide and announce whether it will begin consideration of any agenda items after 10:30 p.m. and, if so, which specific items will be taken up.

**3.1 Call to Order**

The meeting can be called to order in recognition of a holiday or special designation to bring awareness and show appreciation of that holiday or special designation. The Mayor will determine such recognitions in consultation with the Manager, and dates will primarily originate from a calendar adopted by the Council.

**3.2 Special Orders of the Day**

Council may acknowledge a special appreciation for individuals or groups for achievements, holidays (dates included in the annual Council-adopted calendar), etc., through the Special Order of the Day. This can be done through:

- A certificate of recognition for individuals linked to a certain event or holiday
- Information read by Council members in honor of a group or individual
- A proclamation or resolution presented to a group or individual
- Informational presentation from a community group about their program.

**3.3 Closed Sessions**

Closed sessions are the only part of a Council meeting that the public cannot attend though to the public may make public comments before the start of the closed session. Council may meet in closed

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session only as specifically authorized by State law. The most common types of closed sessions are labor negotiations, litigation, employment issues, and real estate negotiations.

The Council will make a public report after the session where required by State or local law.

### (a) Closed Session Requirements

- 1) Announcements Before Closed Sessions  
The Mayor/City Clerk shall announce the item or items to be considered in closed session by reference to the appropriate agenda number or letter, or in an alternate form that shall be provided by the City Attorney.
- 2) Public Comments  
Members of the public are permitted to make public comments on closed session matters. The City Clerk shall be present in the open session to record Council attendance and any statements made by the public or by the Council.
- 3) Vote to Go into Closed Session  
The Council shall vote to go into closed session.
- 4) Attendance  
The City Manager and City Attorney, or their designees, shall attend closed sessions unless it is necessary to excuse them. Additional staff and consultants may attend, but only to the extent that their attendance is necessary to support Council's consideration of the item.
- 5) Public Reports  
State and local law require the Council to make a public report after a closed session when certain kinds of actions are taken (PAMC section 2.04.030). Reports from closed sessions shall be made by the Mayor, the Vice Mayor in the Mayor's absence, or such other City representative as designated by the Council. Such designated person is the only individual authorized to make public statements concerning the closed session.

It is the policy of the Council to inform the public of action taken in closed session to the greatest extent possible. It is recognized, however, that the need for confidentiality is inherent in closed sessions and that certain matters if revealed may be a detriment to the results desired. The Council shall publicly report:

- (A) any decision to appoint, employ, or dismiss a public employee and the roll call vote thereon at its next public meeting;
- (B) actions related to litigation and the roll call vote on such actions, unless the report would, in the written opinion of the City Attorney for specifically stated reasons, clearly jeopardize the City's ability to effectuate service of process on one or more unserved parties or impair the City's ability to resolve the matter through negotiation, mediation or other form of settlement. Notwithstanding the City Attorney's written opinion, the Council may under any circumstance, by majority vote, determine that it is in the City's best interests to disclose actions taken in

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closed session related to litigation. The public report shall be given as soon as possible, but no later than the next regular meeting, and shall include the vote or abstention of every member present. The City Attorney's written opinion shall be made public, along with any action taken and any vote thereon, as soon as any litigation is concluded. The City Attorney shall record any action and vote upon such forms as the City Attorney may deem desirable;

(C) Other matters as required by law.

6) No Minutes

No minutes of closed sessions shall be kept. The City Attorney shall record the information necessary to comply with State law and Municipal Code section 2.04.030.

7) Confidentiality

No person in attendance at a closed session may disclose the substance or effect of any matter discussed during the session (PAMC section 2.04.040), except to the extent authorized by a majority vote of Council or as required by a court.

### 3.4 Agenda Changes, Additions, and Deletions

(a) By majority vote, Council may change the order or delete an item from the agenda. Council may not add items to the agenda except in cases of emergency as defined by State law.

(b) When the Council decides to reschedule business items, the business items will generally be rescheduled as follows:

1) Items Rescheduled to a Date Uncertain

When Council reschedules an item to a date uncertain, the City Manager, Clerk and Mayor shall confer on an appropriate date to reschedule the item.

2) Items Rescheduled to a Date Certain

Council may reschedule an item to a specific future Council meeting.

### 3.5 General Public Comment (see Section 5 on Public Participation for more details about "General Public Comment")

### 3.6 Council Member Questions, Comments, and Announcements (including reports on Boards, Commissions, and Committees)

The purpose of this agenda item is to allow Council to briefly ask staff about matters upon which Council has taken action or given direction, make general comments as a reference to staff on factual matters of community concern, or make brief announcements in a manner consistent with Government Code section 54952.2. If more than brief statements are desired, the item shall be agendaized for a future meeting in the manner otherwise provided by these Procedures, such as by the City Manager or through a Colleagues Memo. Major policy issues and new assignments will not be discussed or considered in this item. To the extent possible, Council will confer with staff before raising matters under this agenda item. This agenda item will generally last up to 15 minutes and the

public may not comment.

### **3.7 Study Sessions**

Study Sessions are agenda items during which the Council receives information about City business in an informal setting. Study sessions are intended to be discussion items only. The Decorum rules still apply to the behavior of the Council and public.

#### **(a) Study Session Procedures**

- 1) Time  
Special study sessions will be held as needed.
- 2) Topics and Process  
Study sessions are intended to be conducive to in-depth factual presentations by City staff and detailed questioning and brainstorming by Council on issues of significant interest. The Council may discuss the material freely without following formal rules of parliamentary procedure, and the shall have discretion to determine the appropriate process for conducting the study session, including when public comment will be heard.
- 3) Public Participation  
Members of the public are allowed to make public comments on study session matters at the time directed by the presiding officer. The general rules of decorum apply.
- 4) No Action Taken  
Staff may be directed to bring matters back for Council consideration at future meetings, as no action can be taken.

### **3.8 Consent Agenda**

The Consent Agenda is the section where items not anticipated to require discussion can be presented and acted upon efficiently by Council. This generally includes administrative items; implementation of policies and programs previously approved by Council, including contracts; and other routine or non-controversial items. The Mayor and City Manager should be sensitive to high dollar value contracts and consider placing those items in the action agenda section. The consent section may include:

#### **(a) Ordinances and Resolutions**

The following ordinances and resolutions may appear on a consent calendar:

- 1) Second Reading (passage and adoption) of Ordinances.
- 2) Resolutions that are ceremonial in nature.
- 3) Ordinances or resolutions that implement a prior Council policy direction in the manner contemplated by the Council's previous actions, in the Adopted Budget (including the Capital Improvement Program and especially in the department key plans), the Council Priorities, and other similar sources.

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- 4) Budget amendments that accept funding such as grants or gifts, provided Council has previously approved the activity or program.
- 5) Resolutions approving funding applications, such as grants or loans, provided that the program or activity has been previously approved by Council.
- 6) Clerical amendments to local laws.
- 7) Conforming amendments to local laws that are required by State law, except items of significant public interest.

### **(b) Administrative Matters Including Contracts, Appointments, Approval of Applications, and Any Other Matter**

An administrative matter may be placed on the consent calendar if it is:

- 1) An action that is merely the administrative execution of previous Council direction. The Council direction and vote will be quoted in the Staff Report accompanying the item.
- 2) Contracts for which the subject or scope of work has been previously reviewed by the City Council.
- 3) A contract for goods, general services, professional services, public works projects, dark fiber licensing contracts or wholesale commodities, purchases, as outlined in the Purchasing Ordinance, provided such contracts represent the customary and usual business of the department as included in the Adopted Budget. Examples include routine maintenance contracts, annual audit agreements software and hardware support agreements, janitorial services, and copier agreements or postage machine agreements.
- 4) Designation of heritage trees.
- 5) Designation of historic building at the request of the property owner if there are no unusual policy ramifications.
- 6) Approval of funding applications, such as grants or loans, provided that Council has previously approved the general program or activity.
- 7) Items identified in the Municipal Code for placement on Consent. This includes, for example, certain appeals of determinations of the Director of Planning and Development Services.
- 8) Approval of minutes.
- 9) Referral of an item to a Standing Committee, Committee, Board, Commission, or Council Appointed Officer.
- 10) Other similar matters as determined by the City Manager, in consultation with the Mayor.

### **(c) Items Unanimously Recommended for Approval by a Council Committee or Council-Appointed Board or Commission, Unless Otherwise Recommended by the Committee/Commission, Mayor, City Attorney or City Manager**

Items recommended unanimously for approval by Council committees and Council-appointed boards and commissions are generally placed on Consent, except as otherwise recommended by

the Committee, Board or Commission, or the Mayor, City Manager or City Attorney, or as required by law.

**(d) Public Comment on Consent Agenda**

Members of the public wishing to speak to items on the Consent Calendar shall be permitted to speak prior to Council Member requests to remove an item or the vote to adopt the Consent Calendar.

**(e) No Discussion or Debate; Voting; Recusals; Speaking to a No Vote**

There shall not be discussion or debate on any item on the Consent agenda. A Council member who needs to recuse themselves from a Consent item shall inform the Mayor and make any public disclosure that is required. The Clerk shall record the recusal on the item.

Any Council member may request that his or her vote be recorded as a "no" on any item or items on the Consent agenda. Any Consent item not receiving the number of "yes" votes required for the item is not approved.

Council members may explain their "no" votes at the end of the Consent Agenda, with 3-minutes permitted for non-appeal items and 5 minutes for appeal items for each Council member. Council members may also submit statements in writing to the City Clerk before action is taken. The City Clerk shall preserve and make available such written statements in a manner consistent with the Brown Act and shall assure that the minutes of the meeting make reference to the existence and location of such written statements.

**(f) Council Requests to Remove Items from Consent Agenda**

Three Council members may request that an item be removed from the Consent Agenda except where otherwise required by the Municipal Code. Under the Municipal Code, four votes are required to remove a second reading of an ordinance from the Consent Agenda.

Removed items will be heard either later in the meeting or agendized for a subsequent meeting, depending upon the number of speakers, the anticipated length of the items that have been officially scheduled for discussion on a particular evening, the availability of staff required to support the discussion, and legally- required noticing procedures. The Mayor, in consultation with the City Manager, will decide when any removed items will be heard.

Council members who intend to request to remove an item should strive to inform the City Manager's office no later than noon the Sunday before the meeting. This is so that the Manager can assess the operational impacts of rescheduling a removed item to a later agenda and, if appropriate, can arrange for appropriate staff to attend Council to support consideration of the item.

### **3.9 City Manager's Comments**

### **3.10 Action Items**

### **3.11 Adjournment**



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**SECTION 4 - PROCEDURES AT CITY COUNCIL MEETINGS****4.1 Council Motion and Voting Processes throughout the Agenda (exist. Procedures 2.4 U and V)****(a) Motions, Debate & Voting*****Policy and Summary of Rules***

It is the policy of the Council to follow simplified rules of parliamentary procedure for motions, debate and voting as an alternative procedure to Robert's Rules of Order. These rules focus on the types of motions the Council can make and when those motions are properly used. See the Summary Table below.

***Purpose***

The purpose of these rules to facilitate orderly and thorough discussion and debate of Council business in order to create open respectful discussion and results that serve the public interest.

**(b) Motions**

A motion is a formal proposal by a Council member asking that the Council take a specified action. A motion must receive a second before the Council can consider a matter. Motions may be provided to the City Clerk in advance of the Council meeting so that the Clerk can efficiently post the motion on the screen for the convenience of the community and Council members.

There are two types of motions; these are the "main" motion and any secondary motions. Only one main motion can be considered at a time. The main motion is the first motion to be made and receive a second. A secondary motion is described below which can be considered while a main motion is pending.

**4.2 Motion Procedures****(a) Main Motion Procedures****1) Get the Floor**

A Council member should seek permission of the presiding officer before making a motion.

**2) State the Motion**

A motion is made by a Council member (the "maker") stating his or her proposal. Longer proposals can be written.

**3) Second Required**

Any other Council member (including the presiding officer) who supports the proposal (or who simply wishes it to be considered) may "second" the motion without first being recognized.

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- 4) Motion Transcribed  
The Clerk shall transcribe the motion so that Council members, the public and staff can read it.
- 5) Lack of a Second  
If there is no second stated immediately, the presiding officer should ask whether there is a second. If no Council Member seconds the motion the matter will not be considered.
- 6) Discussion  
The maker shall be the first Council member recognized to speak on the motion if it receives a second. The seconder shall be the second Council member to speak on the motion. Generally Council members will speak only once with respect to a motion. If the presiding officer or Council permits any Council member to speak more than once on a motion, all Council members shall receive the same privilege.
- 7) Secondary Motions  
Secondary motions may be made by a Council member upon getting the floor.
- 8) Action  
After discussion is complete the Council will vote on the motion under consideration.

### **(b) Secondary Motion Procedures**

Only one main motion may be entertained by Council at a time. The Council recognizes the following secondary motions which may be considered while a main motion is pending. These motions shall have precedence in the order listed below. This means that a secondary motion that is higher on the list will be considered ahead of a pending secondary motion that is lower on the list:

The purpose of the allowed secondary motions is summarized in the following text and table.

- 1) Fix the time to which to adjourn  
This motion sets a time for continuation of the meeting. It requires a second, is amendable and is debatable only as to the time to which the meeting is adjourned.
- 2) Adjourn  
This motion ends the meeting or adjourns it to another time. It requires a second and is not debatable except to set the time to which the meeting is adjourned, if applicable. A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion; (b) when made as an interruption of a member while speaking; (c) when the previous question has been ordered; and (d) while a vote is being taken.
- 3) Take a recess  
This motion interrupts the meeting temporarily. It is amendable but is not debatable.
- 4) Raise a question of personal privilege  
This motion allows a Council Member to address the Council on a question of personal

privilege and shall be limited to cases in which the Council Member's integrity, character or motives are questioned or when the welfare of the Council is concerned. The maker of the motion may interrupt another speaker if the presiding officer recognizes the "privilege." The motion does not require a second, is not amendable and is not debatable.

- 5) Lay on the table  
This motion is used to interrupt business for more urgent business. A motion to lay on the table requires a second, is not amendable and is not debatable. It shall preclude all amendments or debate of the subject under consideration. If the motion prevails, and the subject is tabled, the matter must be reagendized in the future if further consideration is to be given to the matter.
- 6) Previous question  
This motion "calls the question" by closing debate on the pending motion. A motion for previous question requires a second, is not debatable and is not amendable. It applies to all previous motions on the subject unless otherwise specified by the maker of the motion. If motion for previous question fails, debate is reopened; if motion for previous question passes, then vote on the pending motion. A motion for previous question requires a two-thirds vote of those Council members present and voting.
- 7) Limit or extend debate  
This motion limits or extends the time for the Council or any Council Member to debate a motion. It requires a second, is amendable and is not debatable. The motion requires a two-thirds vote of those Council members present and voting.
- 8) Continue to a certain time  
This motion continues a matter to another, specified time. It requires a second, is amendable and is debatable as to propriety of postponement and time set.
- 9) Refer to a city agency, body, committee, board, commission or officer  
This motion sends a subject to another city agency, body, committee, board, commission or officer for further study and report back to Council, at which time subject is fully debated. It requires a second, is amendable, and is debatable only as to the propriety of referring. The substance of the subject being referred shall not be discussed at the time the motion to refer is made.
- 10) Amend or substitute  
A motion to amend retains the original motion and modifies it in some way. A substitute motion deletes the original motion and replaces it with a different motion. Both require a second, are amendable, and are debatable only when the motion to which they apply is debatable. A motion to amend an amendment is in order, but one to amend an amendment to an amendment is not. An amendment modifying a motion is in order but an amendment raising an independent question or one that is not germane to the main motion shall not be in order. Amendments take precedence over the main motion and the motion to postpone indefinitely.

### C. Motion Process Reference Chart

Motion	Description	2 <sup>nd</sup> Required	Debatable	Amendable	2/3 Vote
Fix the time to which to adjourn	Sets a next date and time for continuation of the meeting	YES	Only as to time to which the meeting is adjourned	YES	NO
Adjourn	Sets time to adjourn. Not in order if (a) repeated without intervening business (b) made as an interruption of a member while speaking; (c) the previous question has been ordered; and (d) while a vote is being taken	YES	Only to set the time to which the meeting is adjourned	NO	NO
Take a recess	Purpose is to interrupt the meeting	YES	NO	YES	NO
Raise a question of privilege	Allows member to address Council on a question of personal privilege limited to Council welfare or cases where a member's personal integrity, character, or motives are questioned.	NO	NO	NO	NO
Lay on the table	Interrupts business for more urgent business	YES	NO	NO	NO
Previous question (close debate or "call the question")	Closes debate on pending motion	YES	NO	NO	YES
Limit or extend limits of debate	Purpose is to limit or extend debate	YES	NO	YES	YES
Motion to continue to a certain time	Continues the matter to another, specified time	YES	YES	YES	NO
Refer to committee	Sends subject to another city agency, body, committee, board, commission or officer for further study and report back to council, at which time subject is fully debated	YES	Only as to propriety of referring, not substance of referral	YES	NO
Amend or substitute	Modifies (or reverses course of) proposed action. Cannot raise independent question. Can amend an amendment, but no further	YES	Only if underlying motion is debatable	YES	NO
Motion to Reconsider	Motion that can be made only during the meeting or adjourned meeting in which the action was taken	YES	YES	NO	NO

#### 4.3 Voting and Debate of Agenda Items

**(a) Presiding officer to review motion**

The presiding officer shall assure that all motions are clearly stated before allowing debate to begin. The presiding officer and the maker of the motion should work with the City Clerk to clarify the motion before allowing debate to begin. The presiding officer may review the motion prior to voting.

**(b) Presiding officer may debate and vote**

The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Council members. The presiding officer shall not be deprived of any of the rights and privileges of a Council member.

**(c) Division of question**

If the question contains two or more divisible propositions, each of which is capable of standing as a complete proposition if the others are removed, the presiding officer may, and upon request of a Council member shall, divide the same. The presiding officer's determination shall be appealable by any Council member.

**(d) Withdrawal of motion**

A motion may only be withdrawn by the maker with the consent of the Council Member seconding it.

**(e) Change of vote**

Council members may change their votes before the next item on the agenda is called.

**(f) Voting**

On the passage of every motion, the vote shall be taken by voice or roll call or electronic voting device and entered in full upon the record, except where state law requires a roll call vote

**(g) Failure to vote**

It is the responsibility of every Council member to vote unless the member is recused. No Council member can be compelled to vote.

**(h) Abstaining from vote**

Council members should only abstain if they are not sufficiently informed about an item, e.g., when there was a prior meeting on the topic and they were unable to view the prior meeting before the current meeting. In the event of an abstention, or silence during a vote, the abstainer in effect, "consents" that a majority of the quorum of the Council members present may act for him or her.

**(i) Not participating**

A Council member who is recused from an item due to a conflict of interest, common law bias, or other legal prohibition shall make disclosures required by law, leave the dais if required, and not participate in any way in the discussion or determination of the item. A Council member may otherwise disqualify themselves to avoid an appearance of impropriety.

**(j) Tie votes**

Tie votes may be reconsidered during the time permitted by these rules on motion by any member of the Council voting yes or no during the original vote. Before a motion is made on the next item on the agenda, any member of the Council may make a motion to continue the matter to another date. To the extent allowed by law, it is the Council's intention that any continuance hereunder shall suspend the running of any time in which action of the Council is required by law. Nothing herein shall be construed to prevent any Council member from recommending the agendaing of a matter that resulted in a tie vote for a subsequent meeting.

**(k) Motion to reconsider**

A motion to reconsider any action taken by the Council may be made only during the meeting or adjourned meeting when the action was taken. A motion to reconsider requires a second, is debatable and is not amendable. The motion must be made by one of the prevailing side of an issue but may be seconded by any Council member. A motion to reconsider may be made at any time and shall have precedence over all other motions, or while a Council member has the floor, providing that no vested rights are impaired. The purpose of reconsideration is to bring back the matter for review. If a motion to reconsider fails, it may not itself be reconsidered. Reconsideration may be moved only once on the same motion. However, a Council member may make a motion to rescind such action at a subsequent meeting of the Council, provided an appropriate item is on the published agenda.

**(l) Appeal from the decision of presiding officer**

When the rules are silent, the presiding officer shall decide all questions of order, subject to appeal by a Council member. When in doubt, the presiding officer may submit the question to the Council, in which case a majority vote shall prevail. Any decision or ruling of the presiding officer may be appealed by request of any member. The presiding officer shall call for a roll call or electronic voting device vote to determine if the presiding officer's ruling shall be upheld. If said vote passes or results in a tie vote, the presiding officer's ruling shall stand. If said vote fails, the decision or ruling of the presiding officer is reversed.

**(m) Getting the floor; improper references to be avoided**

Every Council member desiring to speak shall address the presiding officer and, upon recognition by the presiding officer, every Council member shall be confined to the question under debate, avoiding all indecorous language and personal attacks.

**(n) Interruptions**

Except for being called to order, a Council member once recognized, shall not be interrupted when speaking, except as otherwise provided for in these rules. A Council member called to order while speaking shall cease speaking until the question or order is determined, and, if in order, said Council member shall be permitted to proceed.

**(o) Council Member Speaking Time**

The presiding officer shall give each Council member up to five (5) minutes to speak in each round of discussion during discussions on Council items where discussion takes place. The Council shall be guided by the speaking times set by the presiding officer and shall conclude comments at the

direction of the presiding officer. The presiding officer shall endeavor to treat all members equitably.

#### 4.4 Quasi-Judicial Matters

##### (a) Quasi-Judicial Matters

It is the policy of the Council to assure that the due process rights of all persons are protected during City hearings. A “quasi-judicial” hearing is a hearing that requires a higher level of procedural due process because of the potential impact on life, liberty or property. Usually, quasi-judicial hearings involve consideration of an application to develop real property. The City, including Council and associated Boards and Commissions, reaches a determination by applying standards and requirements in existing law to the facts and evidence submitted in the hearing. Findings must be stated to explain the evidentiary basis for Council’s final decision.

##### ***Purpose***

These rules are intended to assure that City Council decision making on quasi-judicial matters is based upon facts and evidence known to all parties and to support the role of Boards and Commissions in making independent recommendations to Council.

##### ***General Requirements***

1) Quasi-Judicial Proceedings Defined

Quasi-judicial proceedings subject to these procedural rules include hearings involving the following matters:

- (A) Conditional Use Permits
- (B) Variances
- (C) Home Improvement Exceptions
- (D) Design Enhancement Exceptions
- (E) Subdivisions, other than final map approvals
- (F) Architectural Review
- (G) Other Matters as Determined by the City Attorney

2) Restrictions on Council Communications Outside of Quasi-Judicial Hearings

It is the policy of the Council to discourage the gathering and submission of information by Council members outside of any noticed public meeting, prior to final recommendations by the Architectural Review Board or Planning & Transportation Commission. The following procedural guidelines are intended to implement this policy but shall not be construed to create any remedy or right of action.

3) Identification of Quasi-Judicial Matters

The City Attorney, in conjunction with the City Clerk and City Manager, will identify agenda items involving quasi-judicial matters on both the tentative and regular Council agendas. This identification is intended to inform the Council, interested parties, and the public that this policy will apply to the matter.

4) Council to Track Contacts

Council members should track contacts with any person or entity pertaining to quasi-judicial matters. Contacts include conversations, meetings, site visits, mailings, or presentations during which substantial factual information about the item is gathered by or submitted to the Council Member.

5) Disclosure

When a quasi-judicial matter is agendaized at Council, Council members will disclose on the record any contacts they have had outside of a noticed meeting, identify any new or different information they have received, and note information that may influence their preliminary views or opinions about the item. Disclosures may be oral or written and should explain the substance of the contact so that the project applicant, other Council members, interested parties, and the public will have an opportunity to learn of the factors influencing the Council's decision and have an opportunity to controvert or rebut any such factor during the hearing. Disclosure alone will not be deemed sufficient basis for a request to continue the item. A contact or the disclosure of a contact shall not be deemed grounds for disqualification of a Council Member from participation in a quasi-judicial matter unless the Council Member, in consultation with the City Attorney, determines that the nature of the contact is such that it is not possible for the Council Member to reach an impartial decision on the item.

6) No Contacts after Hearings

Following closure of a quasi-judicial hearing, and prior to a final decision, Council Members will refrain from any contacts pertaining to the item, other than clarifying questions directed to City staff.

7) Written Findings Required

On any matter for which state law or City ordinance requires the preparation of written findings, the staff report and other materials submitted on the matter will contain findings proposed for adoption by the Council. Any motion directly or impliedly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated.

8) Rules of Evidence

Council hearings need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons rely in the conduct of serious affairs. The presiding officer may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings while ensuring basic fairness and full consideration of the issues involved. Evidentiary objections shall be deemed waived unless made in a timely fashion before the Council.



9) Council Members Who are Absent During Part of a Hearing

A Council member who is absent from any portion of a hearing conducted by the Council may vote on the matter provided that he or she has watched the video record of the entire portion of the hearing from which he or she was absent and if she or he has examined all of the exhibits presented during the portion of the hearing from which he or she was absent. Council members who were absent should state for the record that they have reviewed the proceedings and materials.

**(b) Presenting at Quasi-Judicial Hearings**

In the case of a quasi-judicial hearing, single applicants and appellants shall be given 10 minutes for their opening presentation and 3 minutes for rebuttal before the hearing is closed. In the case of a quasi-judicial hearing for which there are two or more appellants, the time allowed for presentation and rebuttal shall be divided among all appellants, and the total time allowed for all appellants shall be a total of twenty minutes for the opening presentation and six minutes for rebuttal before the hearing is closed; however, each individual appellant shall be given a minimum of 5 minutes for presentation and 3 minutes for rebuttal. In the event a request is made and the need for additional time is clearly established, the Presiding Officer shall independently, or may upon advice of the City Attorney, grant sufficient additional time to allow an adequate presentation by the applicant or appellant.

**(c) Submittal of Materials Directly to Council**

If Council Members receive materials related to a quasi-judicial agenda item they should notify the City Clerk and the City Manager as soon as possible so that the materials can be placed in the official record and distributed to all Council members, parties to the proceeding, staff and the public.

\* \* \*

## SECTION 5 - HOW THE PUBLIC ENGAGES WITH THE CITY COUNCIL

### 5.1 Public Participation During City Council Meetings

#### *Overview*

The Council welcomes members of the public to participate in meetings through public comment opportunities. It is the policy of the Council to assure that members of the public have the opportunity to speak to any regular or special meeting agenda item before final action. These rules are intended to enhance public participation and Council debate so that the best possible decisions can be made for Palo Alto. Palo Alto has a long and proud tradition of open government and civil, intelligent public discourse. Open government meetings must allow everyone to be heard without fear of cheers or jeers. For these reasons, the Council takes these rules seriously. Disruptive or unruly behavior in violation of the law can result in removal from the Council meeting and/or arrest and prosecution.

**(a) Access to Meetings**1) In-Person and Remote Participation

Council meetings are available in person in the Council Chambers and through an online meeting platform. Members of the public are welcome to attend the meeting in person or to join the online meeting platform.

2) Translators

Speakers may bring a translator as needed and will be allotted additional time, as appropriate.

3) ADA Access

Palo Alto makes every reasonable effort to accommodate the needs of the disabled consistent with law. Any provision of these rules may be modified if needed to provide reasonable accommodation. Persons needing assistance should contact: the City Clerk, City of Palo Alto, 650-329-2571 (voice) or email at [City.Clerk@cityofpaloalto.org](mailto:City.Clerk@cityofpaloalto.org).

## 4) If found feasible by staff, members of the public may be given the opportunity to activate their personal video during their public comments.

**Commented [GC2]:** City Council discussed on February 5, 2024 and provided next steps. Language to be updated to reflect Council motion.

**(b) Summary of Rules for Public Participation**

Every regular Council agenda has two different kinds of opportunities for the public to speak. The first is during **General Public Comment**. The second is during the public comment or public hearing portion of each agenda item.

1) General Public Comment

This part of the meeting is provided so that the public can speak to any subject that is in the Council's jurisdiction, when there is no item listed on the agenda on that topic. The Council limits the total time to up to 30 minutes per meeting for General Public Comment. State law does not permit the Council to act on or discuss an item raised at that meeting in General Public Comment. Council members shall not enter into debate with speakers, but Council members may ask brief clarifying questions and may ask City staff to follow up on any concerns raised.

2) Public comment or public hearing portion of each agenda item

The Brown Act requires the opportunity for public comment on all listed agenda items, except ceremonial items, procedural items (Agenda Changes and Deletions) and brief announcements (City Manager Comments and Council Member Questions, Comments and Announcements). Public comments or testimony must be related to the matter under consideration.

**(c) Time Limits**1) Individual Speakers

The presiding officer may announce the time that each speaker may use. The Council generally allows 3 minutes per speaker, but a shorter time may be designated when there are many speakers, numerous items on the agenda, or items anticipated to be lengthy. For example, if there are fewer than 10 speakers, the presiding officer may allow speakers 3

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minutes to speak. Or if there are more than 10 speakers, then the presiding officer may choose to reduce the time for each speaker.

2) Spokesperson for a Group

When a group of people wishes to address the Council on the same subject matter, they may designate a spokesperson to address the Council. Spokespersons are subject to the same time limits as other speakers, except that spokespersons who are representing a group of five or more people who have requested to speak and are verified as present in the Council Chambers or online will be allowed 10 minutes and will, to the extent practical, be called upon ahead of individual speakers. If the presiding officer reduces the speaking time for individual speakers, the total speaking time for a spokesperson will also be reduced as determined by the presiding officer.

**(d) Gaining Permission to Speak**

Any person who wants to make a spoken public comment on an item on the Council agenda can do so if they are attending either in person or virtually. If attending in person, members of the public should fill out a speaker card and hand it in to the City Clerk prior to the end of the staff presentation. Members of the public participating virtually should use the “raise hand” function in the online meeting platform, or if participating via phone, hit \*9 to notify the Clerk that they wish to speak. The Clerk will provide the names of the speakers to the Mayor or Vice Mayor so that the speakers can be identified and organized in an orderly way.

The presiding officer will endeavor to identify in advance the time when public comment cards will no longer be accepted.

**(e) Public Decorum During Meeting**

The presiding officer at Council meetings (usually the Mayor or Vice-Mayor) is authorized and required to “preserve strict order and decorum.” (PAMC section 2.04.080(b).) This is important in order to assure a fair opportunity for everyone to participate in an open and civil setting.

- 1) No person, other than a Council member and the person having the floor, shall be permitted to speak without the permission of the presiding officer.
- 2) All remarks should be addressed to the Council as a body and not to any *individual* member or staff person.
- 3) No person, besides staff or the Council, shall enter the staff area of the Council dais without the permission of the presiding officer or appropriate Council Appointed Officer.
- 4) The Palo Alto Municipal Code makes it unlawful for any person to: (1) Disrupt the conduct of a meeting; (2) Make threats against any person or against public order and security while in the Council Chambers; (3) Use the Council Chambers during meetings for any purpose other than participation in or observation of City Council Meetings.

Any Council Member may appeal the presiding officer’s decision on a decorum violation to the full Council. Decorum violations are a misdemeanor and may lead to a person being removed from the Council

meeting. (PAMC sections 2.04.120, 2.04.150.)

**(f) Record of Speakers**

- 1) Persons wishing to address the Council within the meeting room, shall use the microphone provided for the public. All public speakers, whether in person or virtual participants shall speak in a recordable tone, either personally or with assistance, if necessary.
- 2) Speakers are requested to state their name but cannot be compelled to do so as a condition of addressing the Council.

**(g) End of Public Comment After a Council Motion**

Following the time for public input and once the matter is returned to the Council no person shall address the Council without first securing the permission of the presiding officer to do so, subject to approval of the City Attorney with respect to any hearing required by law.

\* \* \*

## **SECTION 6 - CITY COUNCIL QUESTIONS ON AGENDA-RELATED ITEMS**

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 (i.e., items on the tentative agenda or in a Council Committee). The Council adopted protocols provide a framework for the policy on e-mail communications between Council members and staff on agenda-related items, including the following:

### **6.1 Submit Questions on Council Agenda Items Ahead of the Meeting**

In order to focus the Council meetings on consideration of policy issues and to maintain an open forum for public discussion, questions which focus on the policy aspects of agenda items should be discussed at the Council meeting rather than in one-on-one communications with staff prior to the meetings. Any clarifications or technical questions that can be readily answered can be handled before the meeting. Council members are encouraged to submit their questions on agenda items to the City Manager or other appropriate Council Appointed Officer by 5:00 p.m. the Wednesday prior to the meeting so staff can be prepared to respond before or at the Council meeting. If a staff report is incomplete by 5:00 p.m. Thursday, there will be an extension to submit Council questions until 5:00 p.m. Friday. Council members are strongly discouraged from asking questions already addressed in the staff report.

### **6.2 City Council emails for Agenda-Related Items Procedure**

- (a) Council members should direct any questions on staff reports and agenda items only to the City Manager or designee. Questions on reports from the City Auditor, City Attorney, or City Clerk should be directed to the appropriate Council Appointed Officer.
- (b) Council members should submit questions on agenda items no later than 5 p.m. on the Wednesday prior to the Council meeting at which the item will be discussed. Staff will make best reasonable efforts to post written responses to timely-submitted questions by Thursday 5 p.m.

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Any questions received after 5 p.m. on the Wednesday before the meeting may be responded to via e-mail, or alternatively, will be responded to at the Council meeting.

- (c) Staff will not engage in “dialogues” with individual Council members regarding questions; however, follow-up questions to initial questions will be responded to at the Council meeting.
- (d) Staff will give highest priority to responding prior to the Council meeting via e-mail only on items on the Consent Agenda. Questions which address the policy aspects of the item on the Council agenda will not be responded to prior to the meeting, although Staff welcomes such questions in advance of the meeting in order to prepare for the Council and public discussion. Technical and clarifying questions on non-Consent Calendar items will be responded to as time permits.
- (e) If the staff will be responding to a Council members Consent Agenda question at the meeting rather responding to the question via e-mail, Staff will inform the Council member as early as possible after receipt of the question(s).
- (f) Questions and all staff-prepared responses will be forwarded to all Council members as well as posted online for public review of Council agenda questions and staff responses. Staff will include the name of the Council member posing the questions in the “subject” field of the e-mail response.
- (g) Copies of all Council member agenda questions and staff responses will be emailed to the Council p and posted publicly on the meeting agenda. If staff responses are not released until the meeting date, they will be provided in printed form at the dais.

\* \* \*

## SECTION 7 – COUNCIL VALUES AND ANNUAL COUNCIL PRIORITIES

### (a) Council Values

In November 2022, the Council adopted a set of values as described here:

The Palo Alto City Council holds these values to help guide decisions that:

- 1) Balance revenues and expenses, now and in the future.
- 2) Are environmentally sustainable.
- 3) Integrate equity into our decisions, considering how decisions affect people differently based on their identity or circumstances.
- 4) Make decisions that create a healthy, safe and welcoming community for all.
- 5) Safeguard public trust through transparent practices and open communication.
- 6) Embrace innovation.

**(b) Annual Council Priorities*****Priorities Background and Definition***

The City Council adopted its first Council priorities in 1986. Each year the City Council reviews its priorities at its Annual Council Retreat. On October 1, 2012 the City Council formally adopted the definition of a Council priority, and the Council's process and guidelines for selection of priorities.

There is a goal of no more than three to four priorities per year and priorities generally have a two- to three-year time limit. Council can identify two to three specific objectives within a priority.

A Council priority is defined as a topic that will receive particular, unusual and significant attention during the year. This varies from a Council value which is defined as an enduring goal and intention to guide the work of the City Council. The values (shared above) allow the City Council to maintain these enduring intentions while also selecting annual priorities that reflect shorter-term projects and goals.

***Purpose***

The establishment of Council priorities will assist the Council and staff to better allot and utilize time for discussion and decision making.

***Process***

In advance of the annual Council Retreat, staff will solicit input from the City Council on the priorities to be reviewed and considered for the following year.

- 1) Council members may submit up to three priorities.
- 2) Priorities should be submitted no later than December 1.
- 3) As applicable, the City Manager will contact newly elected officials for their input by December 1.
- 4) The City Manager and the City Clerk will solicit for the public to share proposed priorities prior to the Council retreat. The Policy and Services Committee shall recommend to the Council which suggestions if any shall be considered at the City Council retreat.
- 5) Staff will collect and organize the recommended priorities into a list for Council consideration and provide to Council in the packet for the City Council retreat.
- 6) If needed, the Policy and Services Committee, each year at its December meeting, shall make recommendations about the process that will be used at the Annual Retreat paying particular attention to the number of priorities suggested by Council members. The recommended process is to be forwarded to Council for adoption in advance of the Council retreat.

\* \* \*

**SECTION 8 - PROCEDURES AND PROTOCOLS REVIEW AND ENFORCEMENT****8.1—Commit to Annual Review of Important Procedural Issues**

~~Once each legislative year, the Council will review the Procedures and Protocols Handbook. The Council will not politicize these procedural issues.~~

**8.2—Enforcement**

~~Council members have the primary responsibility to assure that these protocols are understood and followed, so that the public can continue to have full confidence in the integrity of government. As an expression of the standards of conduct expected by the City for Council members, the protocols are intended to be self-enforcing. They therefore become most effective when members are thoroughly familiar with them and embrace their provisions. For this reason, Council members entering office shall sign a statement affirming they have read and understood the Council protocols. In addition, the protocols shall be annually reviewed by the Policy and Services Committee and updated as necessary.~~

~~Under circumstances where Council members believe that actions by another Council member are inconsistent with this Handbook and require formal review and potentially action, a public discussion and censure are available steps for review and enforcement.~~

**8.1. Annual Review and Update of the Handbook**

Once each legislative year, the Policy and Services Committee shall initiate a review and update of the Procedures and Protocols Handbook and may make recommendations to Council. Council will review the Handbook and the recommendations of Policy and Services and approve updates as appropriate.

The Council will not politicize these procedural issues.

**8.2. Commitment to Follow the Procedures and Protocols Handbook**

Councilmembers have the primary responsibility to assure that these procedures and protocols are understood and followed, so that the public can continue to have full confidence in the integrity of government. As an expression of the standards of conduct expected by the Council for Councilmembers, the procedures and protocols are intended to be self-enforcing. They are most effective when members are thoroughly familiar with them and embrace their provisions. For this reason, Councilmembers entering office shall sign a statement affirming they have read and understood the Council procedures and protocols.

**8.3 Procedures for Enforcement**

When a concern arises regarding a Councilmember's conduct, the concerned Councilmember or members are encouraged, where possible, to raise and attempt to resolve the concern at the lowest possible level, such as through one-on-one direct conversations (consistent with the Brown Act) or through the Mayor.

Under circumstances where Councilmembers believe that actions by another Councilmember are inconsistent with federal, state or local law, this Handbook, or any other document adopted by the Council, and that those actions require formal review and potential Council response, a public discussion and potential

**Commented [GC3]:** This is the proposed language recommended by Policy and Services Committee in October 2023. (2-1 vote).

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disciplinary action are available steps for review and enforcement. The following enforcement procedures are intended for serious or ongoing concerns that are not amenable to resolution through informal means.

- (a) Purpose. This policy provides the mechanism by which the City Council may adopt a resolution of censure or take other disciplinary action expressing the Council's disapproval of the conduct of a Council member if the Council finds, subject to the procedures set forth herein, that a Council member's conduct violates federal, state or local law, this Handbook, or any other document adopted by the Council.
- (b) Types of Disciplinary Actions. This section refers to the following types of disciplinary actions:
  - (1) Admonition. An admonition is a warning or reminder. Council may direct an admonition to any or all members of the City Council, reminding them that a particular type of behavior is in violation of law or City policy, and that if it occurs or recurs, could make a member subject to a reprimand or censure. An admonition does not necessarily require an investigation or separate hearings to determine whether an allegation is true. However, while an admonition may be issued by the City Council prior to a formal investigation or any findings of fact regarding allegations, a significant factual basis should exist before issuing an admonition. In general, Council will provide its members with an opportunity to respond to the alleged violation before taking any action, including issuing an admonition.
  - (2) Informal Reprimand and Direction to Correct. An informal reprimand is a reprimand directed to a Councilmember or members based on a particular action or set of actions that the Council determines violates law or City policy but is considered to be not sufficiently serious to require formal censure. The Council may include direction to the subject Councilmember or members to correct the particular behavior or the result of the behavior that violated law or City policy.
  - (3) Resolution of Censure. Censure is a formal statement of disapproval expressed through a resolution. Censure is the strongest sanction available to Council, and is typically reserved for serious or recurring conduct, such as conduct that has substantially disrupted Council's work, brought approbation on the City, or damaged public trust in City government. A resolution of censure may include the imposition of sanctions against the Councilmember, as allowed by law. Such sanctions may include, for example, removal from a committee or restrictions on City-related travel privileges.
- (c) Procedures. The following procedures are intended to guide Council to reach accurate and appropriate conclusions in an expeditious manner, while providing fairness and transparency for all Councilmembers and the public. Council will endeavor to adhere to these procedures, except where extraordinary circumstances require alternative steps be taken. In all cases, an opportunity to be heard will be afforded to any Councilmember who may be subject to informal reprimand or censure.
  - (1) Should two or more Councilmembers believe that actions by a Councilmember are inconsistent with federal, state or local law, this Handbook, or any other document adopted by the Council, those Councilmembers may use a Colleagues Memo to schedule



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public discussion of the matter at an upcoming City Council meeting. A Colleagues Memo may initiate a discussion of Councilmember conduct and Council expectations, may propose that Council protocols be clarified or a new protocol be included in this Handbook, or may propose initiation of disciplinary action. Proposed disciplinary actions may include admonition, informal reprimand, direction to correct, and/or censure.

- (2) If a Colleagues Memo proposes discipline of a Councilmember, the Memo must contain the specific charges on which the proposed discipline is based. Completed Council Colleagues Memos shall be provided to the City Clerk's staff by noon on the Thursday 11 days prior to the Council meeting that the memo is intended to be agendized, to provide time for the City Clerk to process for the Council packet. The City Clerk will provide a copy of the Colleagues Memo to the Councilmember who is the subject of the memo no later than the Thursday 11 days prior to the meeting at which the memo is agendized.
- (3) The Councilmember who is the subject of the proposed disciplinary action may address the matter in writing or at the Council meeting or both. If the Councilmember submits written materials, those must be published in a supplemental packet, no later than 72 hours before the meeting.
- (4) During the Council meeting at which the Colleagues Memo is agendized, the Council will decide, by majority vote, whether:
  - (i) A formal disciplinary hearing should be agendized for a future City Council meeting;
  - (ii) Further investigation of the allegations is required;
  - (iii) Further investigation is not warranted and an admonition should be issued;
  - (iv) Council's procedures and protocols should be clarified or a new procedure or protocol should be introduced; or
  - (v) No further action is necessary.
- (5) If the Council determines that further investigation is required, the Mayor (or the Vice Mayor if the Mayor is the subject of the proposed disciplinary action) may designate an ad hoc committee to conduct the investigation. The Council or the ad hoc committee may select an independent investigator to assist in conducting the investigation. The independent investigator would be managed by the ad hoc committee or other official designated by Council. The ad hoc committee shall review the findings of the investigation and arrive at a recommendation to Council. The ad hoc committee should proceed as promptly as reasonably possible.
- (6) Upon receipt of the report of the ad hoc committee, the City Clerk shall place the matter on the Council's next agenda in order for the Council to receive the committee report and determine appropriate next steps. If the Council decides to set the matter for censure hearing, it shall schedule the hearing as soon as possible but no sooner than three weeks after its determination to hear the matter. Council shall give due consideration to requests from the subject Councilmember for additional time to prepare. The Council

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shall not schedule the matter during any previously scheduled excused absence of the subject Councilmember.

(7) The Mayor (or the Vice Mayor if the Mayor is the subject of the proposed disciplinary action) will designate a Councilmember responsible for preparing and submitting to the City Clerk a censure resolution and supporting materials. Final materials shall be submitted to the Clerk by noon on the Thursday 11 days prior to the Council meeting that the hearing is intended to be agendized, to provide time for the City Clerk to process the materials for the Council packet. The Councilmember assigned to prepare the materials will submit the draft resolution and supporting materials to the City Attorney's Office no later than the Thursday 18 days before the hearing, to give the City Attorney's Office adequate time to review the materials before publication. The City Clerk shall deliver written notice of the hearing, along with the report, proposed resolution, and supporting materials, to the Councilmember subject to the censure by close of business on the Thursday 11 days prior to the Council meeting for which the hearing is agendized.

(8) The Councilmember who is the subject of the proposed disciplinary action may address the matter in writing or at the hearing or both. If the Councilmember submits written materials, those must be submitted in time to be published in a supplemental packet no later than 72 hours before the hearing.

(9) At the disciplinary hearing, the Councilmember who is the subject of the request for disciplinary action shall have the opportunity to rebut the allegations in the censure resolution and to question any known complainants or witnesses if they agree to be questioned. The member subject to the charges may be represented and may have the representative speak or ask questions on their behalf. The questioning or cross-questioning of witnesses may be reasonably limited by the Mayor (or Vice Mayor if the Mayor is the subject of the proposed disciplinary action). Testimony shall be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration. However, the rules of evidence and judicial procedure applicable in courts of law shall not be apply to this hearing, and the procedures shall be generally informal.

(d) Disciplinary Action. If, at the close of the hearing, a majority of the City Council finds that the subject member's conduct violates federal, state or local law, this Handbook, or any other document adopted by the Council, the Council may take one or more of the following actions:

(1) Issue an Admonition. An admonition may be directed to any or all members of the City Council, reminding them that a particular type of behavior is in violation of law or City policy.

(2) Issue an Informal Reprimand with possible Direction to Correct. An informal reprimand may be issued to a Councilmember or members based on a particular action or set of actions that the Council determines violates law or City policy but is considered to be not sufficiently serious to require formal censure. The Council may include direction to the subject Councilmember or members to correct the particular behavior or the result of the behavior that violated law or City policy.

(3) Adopt a Formal Resolution of Censure, with or without additional sanctions. The City

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Council may adopt a resolution of censure based on clear and convincing facts supporting the allegations of misconduct giving rise to the censure. A resolution of censure may include the imposition of sanctions against the Councilmember as a majority of the City Council deems appropriate, as allowed by law. Such sanctions may include, for example, removal from a committee and/or restrictions on City-related travel privileges.

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## 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

#### 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.

##### (a) All Council Members:

- 1) Demonstrate honesty and integrity in every action and statement
- 2) Comply with both the letter and spirit of the laws and policies affecting the operation of government.
- 3) Serve as a model of leadership and civility to the community
- 4) Inspire public confidence in Palo Alto government
- 5) Work for the common good, not personal interest
- 6) Prepare in advance of Council meetings and be familiar with issues on the agenda
- 7) Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others

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- 8) Do not politicize procedural matters such as minutes approval or agenda order for strategic purposes
- 9) Participate in scheduled activities to increase Council effectiveness
- 10) Review Council procedures, such as these Council Protocols, at least annually
- 11) Represent the City at ceremonial functions at the request of the Mayor
- 12) Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations
- 13) Respect the proper roles of elected officials and City staff in ensuring open and effective government
- 14) 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. Council members are expected to share factual information during meetings and within the public domain and Council members should refrain from repeating false and misleading information.

#### (b) In Public Meetings

- 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.

**(c) In Private Encounters**

- 1) Treat 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. In the absence of explicit direction, when the Council member is aware of a prior position the Council has taken, the Council member will adopt that position.

**(d) 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.

Council Members appointed to regional boards, commissions, or agencies shall stay informed of any positions adopted by Council relevant to the jurisdiction of the Board and shall consider such positions along with other pertinent information in carrying out their duties on the regional body. In the case where a Council member is speaking publicly on an issue on which Council has taken a position, and that Council member also serves on a regional body that has also taken a position, the Council member should clearly state whether they are speaking on behalf of the City or the regional body.

**(e) 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.

**1.7 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**

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.

**(c) 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)**

**(d) 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.

**(e) 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.

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

**(g) Do not Solicit Political Support from Staff**

The City Charter states that "Neither the city manager or any other person in the employment 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 shall refrain from coercing staff in making recommendations to the Council as a whole.

**(h) Use of Public Resources**

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

## **1.8 Use of Staff Time**

**(a) Do Not Get Involved in Administrative Functions**

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



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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.

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### 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. 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 better understand a position taken by the Board or Commission or the status of an ongoing matter.~~

**Commented [GC4]:** PCity Council discussed on February 5, 2024 and provided next steps. Language to be updated to reflect Council motion.

#### 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

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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. If needed, the Councilmember may involve a Chair of a commission or the liaison to the commission if there is one. 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.

### 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. The role of Council liaison to a Board or Commission is to be a point of contact with Council and a resource to the Board and Commission, as well as to share prior Council discussions and actions on issues as applicable, and assist the Board or Commission in understanding how it might inform Council decision-making. The liaison is expected to attend Board or Commission meetings as requested by the body.~~

**Commented [GC5]:** City Council discussed on February 5, 2024 and provided next steps. Language to be updated to reflect Council motion.

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## 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 shall 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

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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

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## **SECTION 4 - CITY COUNCIL AND BOARDS AND COMMISSIONS POLICY FOR TRAVEL AND MISCELLANEOUS EXPENSE REIMBURSEMENT**

### **4.1 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.

### **4.2 Miscellaneous Expenditures**

#### **(a) Expenditure of City Council Contingency Funds**

Requests for expenditure of Council Contingency Funds up to \$10,000 should be made to the Mayor and Vice Mayor. Where the Mayor and Vice Mayor agree with the request, it will be announced during Council Member Questions, Comments and Announcements. The expenditure will be considered approved unless two or more Council members request additional information or discussion, in which case the expenditure will be agendaized at a future meeting. Expenditures over \$10,000 require action by Council motions, which shall be by Colleagues Memo placed on Consent, or as part of an agendaized item.

#### **(b) 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:

- 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.

#### **(c) Expenditure for Annual Holiday Event**

Expenditures of up to \$1,500 from the Council Special Events budget may be directed to be expended from 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.

### **4.3 Council and Boards and Commission Travel Policy**

Council member travel expenses and reimbursements will adhere to the Citywide Travel Arrangements and Expense Reimbursement Policy (Administrative Policy 1-02/ASD)

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~~This~~ The following additional policy is set by the City Council and applies to Council members and to Board and Commissions members. In reimbursing travel and miscellaneous expenses, a municipal purpose requiring the expenditure of public funds must be in evidence; also, in accordance with the Charter and Municipal Code, such expenditures must be from authorized appropriations. Council members are limited to six (6) times per year for travel reimbursements, subject to budget availability. Council member travel will be approved by the Mayor.

(a) Travel Related to Sister Cities, Sibling City, or shared interests with another city abroad

- 1) Given the City's relationship with many Sister Cities and a Sibling City, there may be a need to send a Palo Alto delegation to another city abroad or within the United States related to Sister Cities, Sibling City, or shared interests between Palo Alto and another city abroad. The following will apply when a Council member travels abroad or domestically on behalf of the City as part of Sister City, Sibling City, or shared interests efforts. Note, such a trip would count towards the six (6) total trips cap described above.

The proposed travel must include an approved Pre-Travel Authorization Request for travel that explains how the travel will advance the City's interests or policy/Council objectives and a consideration of the cost/value relationship of the trip. The request should also explain why virtual attendance is not effective in that circumstance. The Council will be responsible for ensuring that visits to any individual city will be reasonably spaced apart. The Pre-Travel Authorization Request will be approved by the Mayor. If the Mayor is the requested traveler, the request will be approved by the Vice Mayor.

- 2) Annually, the total amount the City Council will budget for international and domestic travel related to Sister Cities, Sibling City, or shared interests between Palo Alto and another city abroad will be capped at \$40,000 with reasonable annual adjustments beyond 2024 to account for inflation. This funding will be distributed equitably amongst Council members who meet the guidelines above and express an interest to travel.

(b) **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.

(c) **Activities Not Considered Reimbursable**

- 1) Voluntary attendance at any conference or meeting, not representing the City.
  - A) Meetings of social or service organizations.
- 2) Meetings of voter groups or with individual citizens concerned with agenda items.
- 3) Election campaign activities.
- 4) Alcohol and entertainment expenses.

**Commented [GC6]:** City Council discussed on February 5, 2024 and provided next steps. Language to be updated to reflect Council motion.

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- 5) Personal portion of the trip and other non-mileage automobile expenses.

**(d) 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.

**(e) Violation of This Policy**

Use of public resources or falsifying expense reports is in violation of this policy and may result in any or all of the following:

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

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**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.

Resource Links to be added here.