



# City of Palo Alto

## City Council Staff Report

(ID # 11499)

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**Report Type: Study Session**

**Meeting Date: 8/3/2020**

**Summary Title: Council Discussion on Virtual Meetings**

**Title: City Council Discussion of Procedures for Virtual Council Meetings**

**From: City Manager**

**Lead Department: City Manager**

### **Recommendation**

Staff recommends that Council review its procedures for the conduct of virtual meetings.

### **Background**

The Coronavirus pandemic has necessitated dramatic changes in the nature of public meetings across the nation. In California, on March 17, 2020 Governor Newsom signed Executive Order N-29-20 that suspends, on an emergency basis pursuant to Government Code § 8571, certain provisions of the Brown Act's general requirements for public meetings. The suspension will remain in effect only as long as state or local public health officials have imposed or recommended social distancing measures. Similarly, the Palo Alto City Council's Procedures and Protocols [Handbook](#) contains a number of provisions, such as "telephonic attendance," that are not applicable to completely virtual meetings.

The Palo Alto City Council has been holding completely virtual meetings since April 6, 2020 and continues today. At this time there is no indication of a date at which the council will return to in-person meetings. Following the July recess, this is an opportune time to review and affirm best practices for conducting virtual meetings.

### **Discussion**

Mayor Fine and Councilmember Cormack have prepared the attached set of suggested practices for council discussion. Subject to council discussion, these practices can be informally implemented, or incorporated as a temporary addendum to the Council's Procedures and Protocols Handbook.

### **Environmental Review**

This is not a project as defined by the California Environmental Quality Act (CEQA).

**Attachments**

A: Mayor Fine and Councilmember Cormack notes

B: City Council Procedures and Protocols Handbook (Feb 1, 2020)

C: California Governor's Executive Order N-29-20 (Mar 17, 2020)

**Attachments:**

- Attachment A: Memo From Cormack and Fine
- Attachment B: 3.17.20-N-29-20-Executive Order

**TO: HONORABLE COUNCIL MEMBERS**

**FROM: COUNCIL MEMBER ALISON CORMACK AND MAYOR ADRIAN FINE**

**DATE: AUGUST 3, 2020**

**SUBJECT: BEST PRACTICES FOR ONLINE PUBLIC MEETINGS**

### **Best Practices for Online Public Meetings**

As our nation and community grapple with concurrent major crises, public participation in government decision-making is of even greater importance. But it is also more challenging due to the remote or virtual nature of our meetings. Additionally, the issues we face have brought many new voices - and passion - to our City Council meetings. In order to effectively manage and execute the public's business, these guidelines can help us all provide input, ask questions, and make better decisions in the community's interest.

The City of Palo Alto is committed to making it easy and accessible for members of the public to attend and participate in public meetings. The following is a list of best practices for councilmembers, members of the public, and city staff to participate in remote, online public meetings. Some of these are best practices while others are codified in the City Council Procedures and Protocols Handbook.

Ultimately, it is up to each of us to behave professionally and with respect for others.

#### **For Councilmembers:**

- Councilmembers should endeavor to have their video on at all times so that the public, staff, and colleagues can see that they are listening. A minimum of four members must be on video to constitute a quorum. Brief turnoffs are understandable and permitted, but for example, having video off throughout public comments and then turning it back on when it is time for Councilmembers to speak is not appropriate for a public meeting.
- The Chair will strive to give ten minute breaks every two hours to allow everyone to move around and eat or drink as desired.
- The Chair will identify what "type" of round Council is on: questions, comments, or Motions.
- Councilmembers should only speak when recognized by the Chair.
- Councilmembers should limit themselves to 5 minutes per round of speaking, and will be alerted when they reach 5 minutes.
- For each round, the Chair will note the order of the speakers as councilmembers raise their hands in Zoom. Motions and Amendments are considered new rounds, and the

order of speaking is cleared, except for the maker and seconder of a Motion. Once a round is completed, the Chair will try to return to the original speaking order.

- If only one or two councilmembers would like additional time, the Chair can move to the next order of business (next item, voting, etc). This prevents a minority of councilmembers from being the only speakers round after round.
- When voting, the Chair will identify the sequence of voting, and will try to mix the order to not give anyone a privilege in terms of sequence. I.E., A→Z, then B→A, then C→B, and so on.
- State law requires councilmembers to vocalize their vote, and councilmembers should not speak beyond a simple “yes” or “no”. Hand waves or thumbs-up do not count!

### **For Members of the Public:**

- Members of the public are encouraged to attend and participate in all of Palo Alto’s public meetings, including Board and Commission meetings, standing council committees, and City Council meetings.
- Members of the public are welcome to speak on any agendized item (an item with a number attached to it), where their comments should pertain to that item, or during Oral Communications, where they are welcome to address items not on the agenda but within Council’s purview.
- Members of the public may not speak to items such as Call to Order, Agenda Changes, Additions and Deletions, City Manager Comments, Council Member Questions, Comments and Announcements, or Adjournment.
- The City Council is not permitted to enter into debate or discussion in response to public comments, though the Chair may direct the City Manager to respond to a particular comment at a later date. (See Protocols and Procedures Section 1.4, D, 1).
- Members of the public who wish to speak on an item should raise their hand in Zoom, at which point the City Clerk will record their name on a numbered list which is presented in the meeting. This is intended to capture everyone who wishes to speak and to communicate the order of speakers.
- Members of the public may only speak on an item once, unless otherwise recognized by the Chair. (See Protocols and Procedures Section 1.4, B.)
- At the beginning of the public comment period, the Chair will indicate how long public comment will last, how much time each speaker will have, and if public comment will be

ended at a certain time. The Chair will announce when the Council will stop accepting public speakers, and the City Clerk will announce the final speaker on the list.

- The default speaking time for all public comments is 3 minutes, but the Chair may reduce that to accommodate a large number of speakers. (See Protocols and Procedures Section 1.4, D, 1).
- Five or more members of the public who are in attendance at the meeting may speak as a group by indicating to the City Clerk they would like to do so, and will be allotted a larger amount of time. All members of the group must be on the Zoom meeting. (See Protocols and Procedures Section 1.4, D, 3).
- If they have nothing additional to add, members of the public are encouraged to signal their support for another speaker's comments.
- The Chair may limit Oral Communications to 30 minutes when necessary in order to allow time for the remaining items on the agenda. The Chair may also allow additional Oral Communications at the end of the agenda. (See Protocols and Procedures Section 1.4, D, 1).
- Members of the public, Councilmembers, and City Staff should all act with respect and decorum and should not use the council chambers (virtual or in-person) for any purpose other than participation in or observation of City Council Meetings. (See Protocols and Procedures Section 1.4, D, 6).

**EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA**

**EXECUTIVE ORDER N-29-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

**WHEREAS** the threat of COVID-19 has resulted in serious and ongoing economic harms, in particular to some of the most vulnerable Californians; and

**WHEREAS** time bound eligibility redeterminations are required for Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries to continue their benefits, in accordance with processes established by the Department of Social Services, the Department of Health Care Services, and the Federal Government; and

**WHEREAS** social distancing recommendations or Orders as well as a statewide imperative for critical employees to focus on health needs may prevent Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries from obtaining in-person eligibility redeterminations; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. As to individuals currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In Home Supportive Services benefits, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including but not limited to California Code of Regulations, Title 22, section 50189(a) and Welfare and Institutions Code sections 18940 and 11265, that would require redetermination of such benefits is suspended for a period of 90 days from the date of this Order. This Order shall be construed to be consistent with applicable federal laws, including but not limited to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of

otherwise-applicable Medicaid time limits in emergency situations.

2. Through June 17, 2020, any month or partial month in which California Work Opportunity and Responsibility to Kids (CalWORKs) aid or services are received pursuant to Welfare and Institutions Code Section 11200 et seq. shall not be counted for purposes of the 48-month time limit set forth in Welfare and Institutions Code Section 11454. Any waiver of this time limit shall not be applied if it will exceed the federal time limits set forth in Code of Federal Regulations, Title 45, section 264.1.
3. Paragraph 11 of Executive Order N-25-20 (March 12, 2020) is withdrawn and superseded by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow

members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

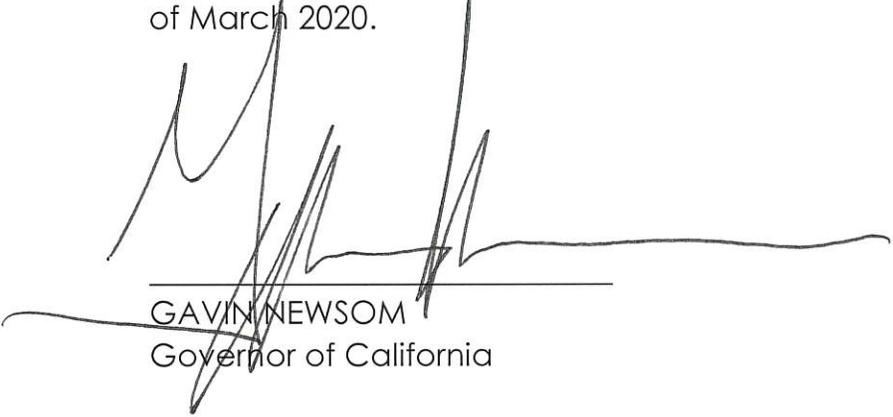
All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.

All state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of March 2020.



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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State