The Honorable City Council  
Palo Alto, California  

Procedures and Protocols  
The City Council Procedures Handbook and Council Protocols are attached. The documents have been updated to reflect changes approved by the full Council on November 22, 2010. Several items were not approved by the Council on November 22, 2010 and were referred back to Policy and Services.  

On December 14, 2010 the Policy and Services Committee approved unanimously revisions to the Procedures regarding Late Submittal of Planning Application Materials and the Policy on Restrictions on Council Communications Outside of Quasi-Judicial Hearings. These items are included in the attached Procedures and Protocols Handbooks with indications that they were approved by Policy & Services Committee on December 14, 2010 and are to be brought back for final approval to the full Council in late March along with the changes approved this evening.  

The outstanding items to be heard by Policy and Services Committee for further discussion are outlined below, and indicated on the handbooks:  

PROCEDURES DOCUMENT  

Page II-1 and II-2  
Council Member Holman: Discussion of the structure of study sessions  

Page IV-I  
IV. Quasi-Judicial Hearings, A-1  
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 autonomy of Boards and Commissions in making recommendations to Council.  

PROTOCOLS DOCUMENT  

Page 4  
- 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 be clearly made as should make a point to clearly state it is an individual opinion and not a representation of the feelings of the entire City Council.
Refrain from Lobbying—Limit contact with Board and Commission members to questions of clarification.

• Concerns about an individual Board or Commission member should be pursued with tact.

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

Submittal of Materials Directly to Council

If Council receives materials related to agenda item matters they will notify the City Clerk and the City Manager as soon as possible.

Comment by Council Member Schmid: “Council’ should be ‘Councilmember’. This section seems to refer not just to ‘planning applications’ but to any item on the Council agenda. I’m not sure if ‘materials’ refers just to some specific type of formal submittal (e.g. planning applications), or to more general forms of inputs that come from the public: references to other projects or policy decisions, environmental reports, or even to any information or communications from the public (letter, email, phone, direct comment)? You need to be very clear on what you are referring to here.”

Comment by Council Member Scharff: While I understand the intent of this it seems too broad and unnecessary. If a citizen wishes their comments to be included in the public record they can submit them to the City as is currently done. If a council member gets a private email regarding an agenda item, that council member should have no responsibility to submit it to the city clerk. The same is true of any of the myriad attachments that may be included in an email or hand delivered to us. I think there are privacy concerns that we should think through before adopting this policy.
Other Procedural Issues (delete paragraph as late submittals are addressed in the Procedures Handbook).

Late Submittal of Planning Application Materials:
In order to allow for adequate staff review and analysis and to ensure public access to materials, all plans and other applicant materials related to Planning applications being heard by the City Council must be submitted not later than noon 5 working days prior to the release of the Council agenda packet. This includes materials delivered to staff or to Council members either before or during the meeting. If items are not submitted by this date or if staff determines additional review is needed, staff will reschedule the item to a future Council meeting. Additionally, if there are significant changes, staff will analyze whether the need exists to continue the item.

Policy & Services Committee - Role, Purpose, & Work Planning (add fourth paragraph in section).

Purpose Statement: The purpose of the Policy & Services Committee is to regularly review and identify important community issues and City policies and practices with a focus on ensuring good public policy and best practices. A particular focus of the Committee is to ensure that the City organization is responsive, effective and aligned with community values and City Council priorities.

Comment by Council Member Schmid: “At the end the purpose statement the document talks about aligning with "community values" and "Council priorities". Are there specific 'values' that take precedence? Council sets general 'priorities' at their retreat in January but they usually just refer to an area of particular concern. Council then votes specific directives on individual items in the course of the year. Which are the Council 'priorities'?”

ATTACHMENTS:

- Procedures Handbook (PDF)
- Protocols Handbook (PDF)
- Excerpted Minutes from 11-22 and 12-14 (DOC)
- Article-Ethical Hazards (PDF)
Introduction & Contents

This handbook describes the way the Palo Alto City Council does its business. It is intended to accomplish two goals. First, the handbook is an information guide for anyone doing business or appearing before the City Council. Second, the handbook is a compilation of procedural rules that have been formally adopted by Council Resolution.

The handbook is organized in five sections.

Public Participation in Council Meetings

This section explains the basic rules for speaking to the City Council. It covers things like when to speak, time limits, and how groups of speakers are handled.

Council Meeting & Agenda Guidelines

This section explains the different kinds of meetings the City Council holds, what they are for, and how the meeting agenda is prepared.

Motions, Debate & Voting

This section explains the simplified rules of parliamentary procedure the Council follows (like Roberts’ Rules of Order, but simpler!).

Quasi-Judicial Hearings

This section explains the special way the City Council handles hearings that raise constitutional due process concerns. These are usually hearings that seriously impact someone’s life, liberty or property.

Standing Committees

This section explains how the City Council’s two standing committees – Finance and Policy & Services – operate during their own separate meetings.

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

A. Policy. It is the policy of the City 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 establish the rights and obligations of persons who wish to speak during City Council meetings.

1. **Purpose.** 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 City 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.

2. **Summary of Rules.** Every regular City Council agenda has two different kinds of opportunities for the public to speak. The first is during **Oral Communications.** This part of the meeting is provided so that the public can speak to anything that is in the City’s jurisdiction, even if there is no action listed on the agenda. The Council allows three minutes per speaker, but limits the total time to 30 minutes per meeting. State law does not permit the Council to respond to oral communications, but City staff may be asked to follow up on any concerns that are raised.

The second opportunity to speak is during the public comment or public hearing portion of **Each Agenda Item.** Public comments or testimony must be related to the matter under consideration. The Council allows three minutes per speaker for most matters. During “quasi-judicial” hearings (where the City Council is legally required to take evidence and make impartial decisions based upon that evidence), the applicant or appellant may have up to ten minutes at the outset and three minutes for rebuttal at the end. These hearings are specially marked on the Council agenda.

A person who wants to speak to the Council must fill out a speaker card and hand it in to the City Clerk. The Clerk will give the cards to the Mayor or Vice Mayor so that the speakers can be identified and organized in an orderly way.

B. General Requirements.

1. **Accessibility.** Palo Alto makes every reasonable effort to accommodate the needs of the disabled. Any provision of these rules may be modified if needed to provide reasonable accommodation. Persons needing assistance
should contact: Larry Perlin, ADA Director, City of Palo Alto, 650/329-2496 (voice) or 650/328-1199 (TDD).

2. Presiding Officer's Permission Required. The presiding officer at Council meetings (usually the Mayor or Vice-Mayor) is legally required to “preserve strict order and decorum.” This is important in order to assure a fair opportunity for everyone to participate in an open and civil setting.

   a) Any person desiring to address the Council must first get the permission of the presiding officer by completing a speaker card and handing the card to the City Clerk.

   b) The presiding officer shall recognize any person who has given a completed card to the City Clerk.

   c) No person, other than a Council Member and the person having the floor, shall be permitted to enter into any discussion without the permission of the presiding officer.

   d) No person shall enter the staff area of the Council dais without the permission of the Presiding Officer or appropriate Council Appointed Officer.

3. Recording and Identification. Persons wishing to address the Council shall comply with the following:

   a) Use the microphone provided for the public and speak in a recordable tone, either personally or with assistance, if necessary.

   b) State their name and address if presenting evidence in a hearing required by law.

   c) Other speakers should state their name and address, but cannot be compelled to register their name or other information as a condition to attendance at the meeting.

4. Specific Requirements and Time Limits.

   a) Oral Communications. Oral communications shall be limited to three minutes per speaker and will be limited to a total of thirty minutes for all speakers combined.
1) Oral communications may be used only to address items that are within the Council’s subject matter jurisdiction, but not listed on the agenda.

2) Oral communications may not be used to address matters where the receipt of new information would threaten the due process rights of any person.

3) All remarks shall be addressed to the Council as a body and not to any individual member.

4) Council members shall not enter into debate or discussion with speakers during oral communications.

5) The presiding officer may direct that the City Manager will respond to the person speaking and/or the Council at a later date.

b) Other Agenda Items. Public comments or testimony on agenda items other than Oral Communications shall be limited to a maximum of three minutes per speaker unless additional time is granted by the presiding officer. The presiding officer may reduce the allowed time to less than two minutes if necessary to accommodate a larger number of speakers.

1) Spokesperson for a Group. When any group of people wishes to address the Council on the same subject matter, the presiding officer will request that a spokesperson be chosen by the group to address the Council. Spokespersons who are representing a group of five or more people who are present in the Council chambers will be allowed ten minutes and will to the extent practical be called upon ahead of individual speakers.

2) Quasi-Judicial Hearings. In the case of a quasi-judicial hearing, single applicants and appellants shall be given ten minutes for their opening presentation and three 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, under no circumstances shall an individual appellant be given less than five minutes for presentation and three 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 in a hearing required by law.

3) Addressing the Council after a 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 Council so to do, subject to approval of the City Attorney with respect to any hearing required by law.

c) Decorum. 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 chamber.

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 punishable as a misdemeanor and may lead to a person being removed from the Council meeting.
II.  **Council Meeting & Agenda Guidelines**

A.  Policy. It is the policy of the Council to establish and follow a regular format for meeting agendas.

1.  Purpose. 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.

2.  Summary of Guidelines. The City Council generally conducts four different kinds of meetings. These are *Regular Meetings, Special Meetings, Study Sessions, and Closed Sessions.*

   **Regular meetings** are conducted at City Hall on the first three Monday nights of each month, except during the Council’s annual vacation. The meetings will begin at 7:00 p.m. Regular meeting agendas must be posted in the City Plaza by the elevators no later than 7:00 p.m. on the preceding Friday as required by the Brown Act. It is City policy to make every effort to complete and distribute the agenda and related reports by the preceding Wednesday. For major complex projects and policies, the City will make every effort to distribute these reports two weeks prior to the meeting when the item will be considered.

   Once the agenda is posted, it shall also be uploaded to the City Council web page for use by the public. It is City policy to make every effort to complete and distribute the agenda and related reports by the preceding Wednesday. For major, complex projects and policies, the City will make every effort to distribute these reports two weeks prior to the meeting when the item will be considered.

   **Special meetings** are “special” because the mayor or Council can call them 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.*

   **Study Sessions** are meetings during which the Council receives information about City business in an informal setting. The informal study session setting is intended to encourage in-depth presentations by City staff, and detailed questioning and brainstorming by Council. The Council may discuss the material freely without following formal rules of parliamentary procedure. Staff may be directed to bring
matters back for Council consideration at future meetings, but no action can be taken. During regular study sessions, public comments are typically received together with oral communications at the end of the session or at another appropriate time at the discretion of the chair. During special study sessions, public comments will be heard at the end of any Council discussion, but oral communications will be consolidated with the oral communications section of the regular meeting, if one follows the study session. The Decorum rules still apply to the behavior of the Council and public.

**Closed Sessions** can be part of regular or special meetings. Closed sessions are the only kind of Council meeting that the public cannot attend. State law allows closed sessions to discuss pending litigation, employment issues, real estate negotiations and certain other matters. Members of the public are permitted to make public comments on closed session matters. The Council must make a public report after the session when certain kinds of actions are taken.

These are guidelines, not 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. State law establishes a variety of mandatory meeting rules the City must follow in order to assure open and public government, regardless of unusual situations and consequences.

B. General Requirements.

1. Regular meetings.
   
   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 chamber at 7:00 p.m. on the first, second and third Mondays of each month, except during the established Council vacation.iii The Council expects its members to attend regularly and notify the City Clerk of any planned absences. The Council may levy fines of up to $250.00 against Council members who willfully or negligently fail to attend meetings.iv

   (1) **Telephonic Attendance Of Council Members At Council Meetings:** The City Council Procedures provisions concerning Telephonic Attendance shall apply to all Boards and Commissions as well as the City Council. Requests by Council Members to attend a Council meeting via telephonic appearance are actively...
discouraged. Telephonic attendance shall only be permitted in the event of extraordinary events such as a medical, family or similar emergency requiring a Council Member’s absence. In addition, at least a quorum of the Council must participate from a location within the City (Government Code Section 54953(b)(3)).

If these two threshold requirements are met, the Council Member who will be appearing telephonically must ensure that:

a. The meeting agenda identifies the teleconference 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 the meeting.

b. The teleconference location is open and fully accessible to the public, and fully accessible under the Americans with Disabilities Act, throughout the entire 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 teleconference 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 teleconference 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 teleconference location must not require an admission fee or any payment for attendance.

If the Council Member determines that any or all of these requirements cannot be met, he or she shall not participate in the meeting via teleconference.

(2) Approved Teleconference Guidelines for Council Members:

a. One week advance written notice must be given by the Council Member to the City Clerk’s office; the notice must
include the address at which the teleconferenced meeting will occur, the address the Council packet should be mailed to, who is to initiate the phone call to establish the teleconference connection, and the phone number of the teleconference location. Cellular telephones shall not be used to participate in teleconferenced meetings.

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 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 one-week 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 72-hour posting requirement was met at the location and that the location is publicly accessible, and must describe the location.

e. Furthermore, the City Clerk will provide Council with a quarterly report detailing the telephone charges associated with teleconferenced meetings.

b) Items considered after 10:30 p.m. The City Council makes every effort to end its meetings before 11:00 p.m. The Council also generally does not take up new matters after 10:30 p.m. Before 10:00 p.m. the Council will decide and announce whether it will begin consideration of any agenda items after 10:30 and, if so, which specific items will be taken up.
c) 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 or commenting on planning applications being heard by the City Council must be submitted not later than noon five working days prior to the release of the Council Agenda Packet. If any correspondence or other information is submitted after this deadline and Staff determines additional review is needed Staff will reschedule the item for a future Council meeting. 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. Nothing in this statement is intended to restrict the rights of applicants or other interested parties to respond to information contained in or attached to a Staff Report.

d) Agenda Order. City Council agendas will be prepared by the City Clerk and presented to the City Council in the order described below. It is the Council’s policy to hear the major items of business first at each meeting, to the extent possible. The City Manager, with prior approval of the Mayor, is authorized to designate upon the agenda of the Council, and the City Clerk shall publish in the agenda digest, items that shall be taken up first or at a specific time during the course of the meeting. The City Council may take matters up out of order upon approval by a majority vote of those present:

1) Roll call;

2) Special orders of the day;

2a) City Manager Comments;

3) Oral communications, including oral communications related to any study session that began immediately before the regular meeting;

4) Approval of minutes;

5) Consent calendar. 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. The consent calendar shall be voted upon as one item.

(a) Council Comment. No discussion or debate shall be permitted upon items upon the consent calendar; however, any Council Member may request that his or her vote be recorded as a "no" or "not participating" due to a specified conflict of interest on any individual item. Council Members may also explain their "no" votes at the end of the Consent Calendar, with a 3 minute time limit 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.

(b) Public Comment. If members of the public wish to speak to items on the Consent Calendar, the Mayor will have the option of allowing the testimony prior to adoption of the Consent Calendar, or removing the item from the consent calendar and hearing the public comment at a later time, prior to the vote on the item.

(c) Council Requests to Remove Item. Any Council Member may request that an item be removed from the consent calendar; if the request is seconded, the item will be removed from the consent calendar. The City Manager’s office should be advised, in writing, of a request for removal no later than noon the day of the meeting.

(d) Hearing of Removed Items. Removed items will be heard either later in the meeting or agendized for a discussion at a subsequent meeting, depending upon the number of speakers and the anticipated length of the items that have been officially scheduled for discussion on a particular evening. The Mayor will decide when during the meeting any removed items will be heard.

(e) Consent calendar categories. The consent calendar shall be presented in 5 categories in the following order:
(1) Ordinances and resolutions. The Mayor shall read the titles of each ordinance before Council action. The Council may by majority vote request that the ordinance be read in full. The following ordinances and resolutions may appear on a consent calendar:

(i) Second Reading (passage and adoption) of Ordinances.

(ii) a resolution which are ceremonial in nature.

(iii) 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); and the Council Top Priority Workplan, among other sources.

(iv) Budget amendment ordinances that accept funding such as grants or gifts, provided Council has previously approved the activity or program.

(v) Resolutions approving funding applications, such as grants or loans, provided that the program or activity has been previously approved by Council.

(2) Administrative matters including contracts, appointments, approval of applications, and any other matter. The titles of administrative matters need not be read. An administrative matter may be placed on the consent calendar if it is:

(a) 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.

(b) A contracts for which the subject or scope of work has been previously reviewed by the City Council.

(c) 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 agreement; software and hardware support agreements, janitorial services, copier agreements or postage machine agreements.

(d) Rejection of bids.

(e) Designation of heritage trees.

(f) Designation of historic building at the request of the property owner if there are no unusual policy ramifications.

(g) Approval of funding applications, such as grants or loans, provided that Council has previously approved the general program or activity.

(h) Formal initiation, for consideration at a later date, of a zoning code amendment or review process, such as preliminary review.

(i) Status report required by law for fee administration.

(j) Cancellation of meetings or scheduling of special meeting.

(3) Request to refer items to any Council Standing Committee, committee, board, commission or Council Appointed Officer. The consent calendar includes matters for which staff is merely seeking Council approval of a referral to a Council standing committee or other City official, advisory board or commission. This does not preclude staff from making referrals to the standing committees. Staff uses such referrals in order to expedite the business of the full Council, since its agenda is so full. Discussion of a complex issue by another body, provides an opportunity for public input and extended discussion by the members of the body. The full Council is then able to benefit from the minutes of that discussion when the item comes back to the Council for final approval. This practice also allows the City/School Liaison Committee to consider items of interest to both agencies without having to go through the formality of a Council agenda referral.

(4) Items recommended for approval if the Committee unanimously recommends placement on the consent
calendar, unless otherwise recommended by the Committee, Mayor, or Staff.

(5) Items recommended for approval, and for placement on the consent calendar, by any council-appointed boards and commissions, provided that other public hearing requirements are not in effect.

6) Agenda changes, additions, and deletions;

7) Action Items:

(a) Unfinished Business.

(b) Public Hearings.

(c) Reports of committees/commissions.

(d) Ordinances and Resolutions.

(e) Reports of officials.

(f) Council matters. Any two Council Members may bring forward a colleague memo on any topic to be considered by the entire Council. 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 four Council Members may sign a colleague memo. The City Attorney recommends that the colleague memo be limited to three Council Members in order to avoid the potential of a Brown Act issue. Prior to preparing a colleague memo, Council Members will consult with the City Manager to determine whether he/she is or is willing and able to address the issues as part of his/her operational authority and within current budgeted resources. Colleague’s memos should have a section that identifies any potential staffing or fiscal impacts of the contemplated action. This section will be drafted by the City Manager. Council Members shall provide a copy of the proposed memo with the City Manager or appropriate senior staff prior to finalization. Completed Council colleagues memos shall be provided to the City Clerk’s staff by noon on the Tuesday 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 Council will not take action on the night that a colleague 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 colleague memo and then direct the City Manager to agendize the matter for Council action within two meetings, allowing City staff time to prepare a summary of staffing and resource impacts. Action may be taken immediately by the Council on colleague memos where there are no resource or staffing implications or where these are fully outlined in the colleagues memo. The Brown Act requires that the public be fully informed of the potential action by the Council via the Agenda 72 hours before a scheduled Council meeting. In order to satisfy the Brown Act requirements, the Council should consult with the City Attorney to ensure that the proposed title to the colleague memo contains all actions that the Council Members want completed on the night of the Council review.

9) Council member Questions, Comments and Announcements. The purpose of this agenda item is to allow Council to question staff briefly on 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. New assignments will not be given nor will major policy issues be discussed or considered. To the extent possible, Council will confer with staff before raising matters under this agenda item. This agenda item will generally be limited to 15 minutes in length and the public may not speak to matters discussed;

10) Closed Sessions;

11) Special closed sessions will be scheduled before or after regular or special Council meetings to the extent possible and appropriate. Closed sessions may be scheduled during a regular or special Council meeting, but this is discouraged by Council;

12) Adjournment.

d) Unfinished and Continued Business. When the Council is unable to complete its agenda the remaining business will generally be
rescheduled as follows. Nothing in this section shall be deemed to supersede or conflict with state law.

(1) Meeting adjourned sine die. When a regular meeting is adjourned sine die (without a day), all unfinished items will be listed under unfinished business on the next regular Council meeting agenda; except, that where deemed necessary, the City Clerk, with the City Manager's concurrence, may place those business items in a different order on the agenda.

(2) Meeting adjourned to date certain. When a regular meeting is adjourned to another regular meeting night, all unfinished items will be listed in their original order after roll call on the agenda of such designated regular meeting.

(3) Continued items. When an item on the agenda is continued to a subsequent meeting, such item will be listed under unfinished business on such agenda unless the Council by majority vote chooses to place such item in a different location on such agenda or unless the City Clerk, with the City Manager's concurrence, deems it necessary to place such item at a different location on such agenda.

c) Adding New Items to the Agenda. No matters other than those on the agenda shall be finally acted upon by the Council. However, emergency actions (as defined in Government Code section 54956.5) and matters upon which there is a lawful need to take immediate action (as defined in Government Code section 54954.2) may, with the consent of two-thirds, or all members present if less than two-thirds are present, be considered and acted upon by the Council.

2. Special Meetings. Special meetings may be called by the Mayor or City Council by providing a minimum of 24-hours posted notice in the manner required by state law. To the greatest extent possible, special meetings called for other than regular meeting days should be scheduled by a majority of the Council present and voting at a regular meeting. Unlike regular meetings, there are no circumstances that permit the City Council to add new items to a special meeting agenda or notice.

3. Study Sessions. Study sessions are meetings during which the Council receives information about City business in an informal setting.

a) Time. Special study sessions will be held as needed.
b) Oral Communications and Public Comments. Oral communications and public comments will be listed together on the agenda and heard at the end of the study session. If a meeting follows the study session, public comments will be heard at the end of any Council discussion, but oral communications will be consolidated with the oral communications section of the following meeting.

c) No Formal Rules. Study sessions are intended to be conducive to in-depth factual presentations by City staff and detailed questioning and brainstorming by Council. The Council may discuss the material freely without following formal rules of parliamentary procedure. However, the general rules of decorum apply.

d) No Final Action. Staff may be directed to bring matters back for Council consideration at future meetings, but no final action can be taken.

4. Closed Sessions. Closed sessions are the only kind of Council meeting that the public cannot observe. State law allows closed sessions to discuss pending litigation, employment issues, real estate negotiations and certain other matters. To the greatest extent possible, the City Attorney and City Clerk shall use standardized agenda descriptions that are consistent with Government Code section 54954.5.

   a) Announcements before Closed Sessions. The mayor 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.

   b) 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 during oral communications or by the Council.

   c) Attendance. The City Manager and City Attorney, or their designees, shall attend closed sessions unless it is necessary to excuse them. Only such additional staff shall attend as are necessary and then only if the legal privileges of confidentiality obtained in an executive session are not waived.

   d) Public Reports. State Law and a Palo Alto initiative require the Council to make a public report after a closed session when certain kinds of actions are taken. 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 or its committees. Such designated person is the only individual authorized to make public statements concerning the closed session.

It is the policy of the City 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 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) No Minutes. No minutes of closed sessions shall be kept. The City Attorney shall record the information necessary to comply with state law and the Palo Alto initiative.

f) Confidentiality. No person in attendance at a closed session may disclose the substance or effect of any matter discussed during the session.
III. Motions, Debate & Voting

A. Policy. It is the policy of the Council to follow simplified rules of parliamentary procedure for motions, debate and voting. These rules focus on the types of motions the Council can debate and when those motions are properly used.

1. Purpose. The purpose of these rules to facilitate orderly and thorough discussion and debate of Council business. These rules shall not be applied or used to create strategic advantage or unjust results.

2. Summary of Rules. Palo Alto does not follow Roberts Rules of Order. See the Summary Table below.

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. Matters returning to the Council with unanimous approval from a standing committee will be introduced without a motion if directed by the committee.

1. Types of motions. There are two kinds of motions. These are the “main” motion and any secondary motions. Only one main motion can be considered at a time.

2. Procedure.

a) Get the Floor. A Council Member must receive the permission of the Mayor (or other presiding officer) before making a motion.

b) State the Motion. A motion is made by a Council Member (the “maker”) stating his or her proposal. Longer proposals can be written and may be in the form of a resolution.

c) 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. A motion to raise a question of personal privilege does not require a second.

d) Motion Restated. The Mayor should restate the motion for the record, particularly if it is long or complex.
e) Lack of a Second. If there is no second stated immediately, the Mayor should ask whether there is a second. If no Council Member seconds the motion the matter will not be considered.

f) Discussion. The maker shall be the first Council Member recognized to speak on the motion if it receives a second. Generally Council Members will speak only once with respect to a motion. If the Mayor or Council permits any Council Member to speak more than once on a motion, all Council Members shall receive the same privilege.

g) Secondary Motions. Secondary motions may be made by a Council Member upon getting the floor.

h) Action. After discussion is complete the Council will vote on the motion under consideration.

3. Precedence of Motions. When a motion is before the Council, no new main motion shall be entertained. 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:

   a) Fix the time to which to adjourn;
   b) Adjourn;
   c) Take a recess;
   d) Raise a question of privilege;
   e) Lay on the table;
   f) Previous question (close debate);
   g) Limit or extend limits of debate;
   h) Motion to continue to a certain time;
   i) Refer to committee;
   j) Amend or substitute;

4. Secondary Motions Defined. The purpose of the allowed secondary motions is summarized in the following text and table.

   a) 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.

   b) 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.

c) Take a recess. This motion interrupts the meeting temporarily. It is amendable, but is not debatable.

d) 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.

e) 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.

f) 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.

g) 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.

h) 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.

i) 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.

j) Amend or substitute. This motion changes or reverses the main motion. It requires a second, is amendable, and is debatable only when the motion to which it applies 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.
<table>
<thead>
<tr>
<th>Motion</th>
<th>Description</th>
<th>2nd Req’d</th>
<th>Debatable</th>
<th>Amendable</th>
<th>2/3 Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fix the time to which to adjourn</td>
<td>Sets a next date and time for continuation of the meeting</td>
<td>X</td>
<td>Only as to time to which the meeting is adjourned</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Adjourn</td>
<td>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</td>
<td>X</td>
<td>Only to set the time to which the meeting is adjourned</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Take a recess</td>
<td>Purpose is to interrupt the meeting</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Raise a question of privilege</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lay on the table</td>
<td>Interrupts business for more urgent business</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Previous question (close debate or “call the question”)</td>
<td>Closes debate on pending motion</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Limit or extend limits of debate</td>
<td>Purpose is to limit or extend debate</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Motion to continue to a certain time</td>
<td>Continues the matter to another, specified time</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Refer to committee</td>
<td>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</td>
<td>X</td>
<td>Only as to propriety of referring, not substance of referral</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Amend or substitute</td>
<td>Modifies (or reverses course of) proposed action. Cannot raise independent question. Can amend an amendment, but no further</td>
<td>X</td>
<td>Only if underlying motion is debatable</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
C. Debate and Voting.

1. Presiding officer to state motion. The presiding officer shall assure that all motions are clearly stated before allowing debate to begin. The presiding officer may restate the motion or may direct the City Clerk to restate the motion before allowing debate to begin. The presiding officer shall restate the motion or direct the City Clerk to restate the motion prior to voting.

2. 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.

3. 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 member shall, divide the same. The presiding officer's determination shall be appealable by any Council Member.

4. Withdrawal of motion. A motion may not be withdrawn by the maker without the consent of the Council Member seconding it.

5. Change of vote. Council Members may change their votes before the next item on the agenda is called.

6. 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.

7. Silence constitutes affirmative vote. Council Members who are silent during a voice vote shall have their vote recorded as an affirmative vote, except when individual Council Members have stated in advance that they will not be voting.

8. Failure to vote. It is the responsibility of every Council Member to vote unless disqualified for cause accepted by the Council or by opinion of the City Attorney. No Council Member can be compelled to vote.

9. Abstaining from vote. Council Members should only abstain if they are not sufficiently informed about an item, e.g. when there was a prior hearing and they were unable to view the prior meeting before the current meeting. In the event of an abstention the abstainer in effect, "consents" that a majority of the quorum of the Council Members present may act for him or her.
10. Not participating. A Council Member who disqualifies him or herself pursuant to the Political Reform Act of 1974 because of any financial interest shall disclose the nature of the conflict and may not participate in the discussion or the vote. A Council Member may otherwise disqualify him or herself due to personal bias or the appearance of impropriety.

11. Tie votes. Tie votes may be reconsidered during the time permitted by these rules on motion by any member of the Council voting aye or nay 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. Any continuance hereunder shall suspend the running of any time in which action of the City Council is required by law. Nothing herein shall be construed to prevent any Council Member from agendizing a matter that resulted in a tie vote for a subsequent meeting.

12. Motion to reconsider. A motion to reconsider any action taken by the Council may be made only during the meeting or adjourned meeting thereof 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, 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 not be moved more than once on the same motion. Nothing herein shall be construed to prevent any Council Member from making a motion to rescind such action at a subsequent meeting of the Council.

13. 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 fails, the decision or ruling of the presiding officer is reversed.

14. Getting the floor; improper references to be avoided. Every Council Member desiring to speak shall address the chair 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.
15. 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.
IV. Quasi-Judicial Hearings

A. Policy. 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 a single parcel of land and apply facts and evidence in the context of existing law. Findings must be stated to explain the evidentiary basis for the Council’s decision.

1. 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 autonomy of Boards and Commissions in making recommendations to Council.

B. 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) Assessment protest hearings
   h) Other matters as determined by the City Attorney
   i) Appeals related to any of the above
   j) Environmental Review relating to any of the above

2. Restrictions on Council Communications Outside of Quasi-Judicial and Planned Community Zone 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.

   k) Identification of Quasi-Judicial Matters. The City Attorney, in conjunction with the City Clerk and City Manager, will identify agenda items involving quasi-judicial decisions 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 item.
b) Council to Track Contacts. Council Members will use their best efforts to track contacts pertaining to such identified quasi-judicial decision items. 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.

c) Disclosure. When the item is presented to the Council for hearing, Council Members will disclose any contacts which have significantly influenced their preliminary views or opinions about the item. The disclosure may be oral or written, and should explain the substance of the contact so that other Council Members, interested parties, and the public will have an opportunity to become apprised of the factors influencing the Council's decision and to attempt 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 decision unless the Council Member 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.

d) No Contacts after Hearings. Following closure of the 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.

3. 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.

4. 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.

5. Burden of Proof. The applicant and appellant shall bear the burden of proof on all aspects of the action or relief they seek. The person with the burden of proof must offer evidence to the Council to support his or her position.

6. 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 or listened to a video or radio broadcast, or video or audio recording, 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 and states for the record before voting that the Council Member deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.

7. Appeals. Appeals to the Council shall be conducted de novo, meaning that new evidence and arguments may be presented and considered. All matters in the record before any other City board, commission or official shall be part of the record before the Council.
V. **Standing Committees**

A. 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.

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

B. 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. Council members who submit matters to the Council which are referred to a standing committee may appear before the standing committee to which the referral has been made in order to speak as proponents of the matter. Standing committee meetings during which such referrals may be considered shall be noticed as Council meetings for the purpose of enabling the standing committee to discuss and consider the matter with a quorum of the Council present.

3. Function of committees. The purpose and intent of committee meetings is to provide for 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 Council and the public, to the end that Council action will be expedited. Actions of the committee shall be advisory recommendations only.

4. Minutes. 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 sense minutes which reflect the motions made during these meetings. The minutes shall be delivered to all Council Members before the Council meeting at which the committee's recommendations are to be discussed.
5. Report of committee. The minutes of each committee meeting shall serve as the report to the Council. Any member may write a separate report.

6. Agenda. The chairperson of each standing committee shall prepare the agenda for committee meetings, the sequence of study being, within reasonable limits of practicality, the same as the sequence of referral.

7. Public Participation. Public comment on agenda items will be limited to a maximum of five minutes per speaker, or any alternate time limit specified by the presiding officer.

8. Conduct of standing committee meetings. The chairperson of each committee may conduct meetings with as much informality as is consistent with Council procedural rules, which shall also be in effect during committee meetings. The views of interested private citizens may be heard in committee meetings, but in no case shall a committee meeting be used as a substitute for public hearings required by law.

9. Oral Communications. Opportunities for oral communications shall be provided in the same manner as Council meetings.
VI. **Ad Hoc Committees**

A. **Policy.** The Council may use 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.

1. **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.

B. **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 an advisory committee composed solely of less than a quorum of members of the Council. The work of an Ad Hoc Committee is limited to a single finite purpose. By contrast, a Standing Committee has continuing subject matter jurisdiction extending for a lengthy time period and/or a meeting schedule fixed by charter, ordinance, resolution, or formal action of the Council.

2. **Brown Act.** Ad Hoc Committees do not constitute legislative bodies and are not subject to the requirements of the Brown Act.

3. **Appointment.** The Mayor or the City Council may appoint four or less members of the Council to serve on an Ad Hoc Committee. In contrast, only the Council and not the Mayor alone can create a Standing Committee. The Mayor will publicly announce any Ad Hoc Committee created by him or her, its membership and stated purpose and posted on the City 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 such as members of other legislative bodies.

6. **Reporting.** Ad Hoc Committees shall report their recommendations to the Council no less than once per quarter in writing or orally. Any Council
Member may during the COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS request that an updated Ad Hoc Committee report be placed on the next meeting’s 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.

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VII. Election of Mayor

Palo Alto Municipal Code Section 2.04.060 governs the election of the Mayor. Nominations for Mayor may be made by any individual Council Member and do not require a second.

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\[1\] Palo Alto Municipal Code, § 2.04.080(b).
\[2\] Palo Alto Municipal Code, § 2.04.120(c); 2.04.150(b)
\[3\] Palo Alto Municipal Code, § 2.04.010(b).
\[4\] Palo Alto Municipal Code, § 2.04.050(a).
\[5\] Palo Alto Municipal Code, § 2.04.070(c)
\[7\] Palo Alto Municipal Code, § 2.04.030.
\[8\] Palo Alto Municipal Code, § 2.04.040.
All Council Members

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

All Council Members should:

- Demonstrate honesty and integrity in every action and statement
- Comply with both the letter and spirit of the laws and policies affecting the operation of government.
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Palo Alto government
- Work for the common good, not personal interest
- Prepare in advance of Council meetings and be familiar with issues on the agenda
- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- Participate in scheduled activities to increase Council effectiveness
- Review Council procedures, such as these Council Protocols, at least annually
- Represent the City at ceremonial functions at the request of the Mayor
- Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations
- Respect the proper roles of elected officials and City staff in ensuring open and effective government
- Provide contact information to the City Clerk in case an emergency or urgent situation arises while the Council Member is out of town

Council Conduct with One Another

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.
In Public Meetings

- 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.

- 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.

- 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.

- 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, business people and other stakeholders involved in public debate.

- Be respectful of other people's time.
Stay focused and act efficiently during public meetings.

In Private Encounters

- 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.

Council Conduct with City Staff

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."

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.

- **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.

- **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.

- **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).**

- **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.

- **Do not get involved in administrative functions.**
  Avoid any staff interactions that may be construed as trying to shape staff recommendations. Council Members shall refrain from coercing staff in making recommendations to the Council as a whole.

- **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.

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

• 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.

• Do not solicit political support from staff.
The City Charter states that “Neither the city manager or any other person in the employ of the city shall take part in securing or shall contribute any money toward the nomination or election of any candidate for a municipal office.” In addition, some professionals (e.g., City Manager and the Assistant City Manager) have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.

Council 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:

• 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 be clearly made as should make a point to clearly state it is an individual opinion and not a representation of the feelings of the entire City Council.

Comment [G1]: Verbiage not discussed at 12/14 P&S
- **Refrain from Lobbying.** Limit contact with Board and Commission members to questions of clarification.

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.

- **Remember that Boards and Commissions are advisory to the Council as a whole, not 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.

- **Concerns about an individual Board or Commission member should be pursued with tact.**

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

- **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.

- **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.

- **Maintain an active liaison relationship.**

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

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**Staff Conduct with City Council**

- **Respond to Council questions as fully and as expeditiously as is practical.**

The protocol for staff time devoted to research and response is in application here. If a Council Member forwards a complaint or service request to a department head or a Council Appointed Officer, there will be follow-through with the Council Member as to the outcome.
• Respect the role of Council Members as policy makers for the City. Staff is expected to provide its best professional recommendations on issues. Staff should not try to determine Council support for particular positions or recommendations in order to craft recommendations. The Council must be able to depend upon the staff to make independent recommendations. Staff should provide information about alternatives to staff recommendations as appropriate, as well as pros and cons for staff recommendations and alternatives.

• Demonstrate professionalism and non-partisanship in all interactions with the community and in public meetings.

• It is important for the staff to demonstrate respect for the Council at all times. All Council Members should be treated equally.

OTHER PROCEDURAL ISSUES

• Commit to annual review of important procedural issues. At the beginning of each legislative year, the Council will hold a special meeting to review the Council protocols, adopted procedures for meetings, the Brown Act, conflict of interest, and other important procedural issues.

• Don’t politicize procedural issues (e.g. minutes approval or agenda order) for strategic purposes.

• 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 appropriate Council Appointed Officer or City Manager as far in advance of the meeting as possible so that staff can be prepared to respond at the Council meeting. More detailed procedures relating to agenda questions can be found in the addendum to these protocols titled “Policy and Procedures for Council E-mails for Agenda Related Items”.

• Submittal of Materials Directly to Council. If Council receives materials related to agenda item matters they will notify the City Clerk and the City Manager as soon as possible.

• Late Submittal of Planning Application Materials. In order to allow for adequate staff review and analysis and to ensure public access to materials, all plans and other applicant materials related to Planning applications being heard by the City Council must be submitted not later than noon 5 working days prior to the release of the Council agenda packet. This includes materials delivered to staff or to
Council members either before or during the meeting. If items are not submitted by this
date or if staff determines additional review is needed, staff will reschedule the item to a
future Council meeting. Additionally, if there are significant changes, staff will analyze
whether the need exists to continue the item.

- Respect the work of the Council standing committees.
The purpose of the Council standing committees is to provide focused, in-depth
discussion of issues. Council should respect the work of the committees. If a matter is
taken forward to the full Council for approval and it receives a unanimous vote at
Committee, the item will be placed on the Consent Calendar unless otherwise
recommended by the Committee, Mayor or staff.

- 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; 2) to identify any issues or questions that may need greater
staff preparation for the meeting; and 3) to discuss future meetings. The purpose of the
meeting is not to work on policy issues. Normally, only the Mayor and Vice Mayor are
expected to attend the pre-Council meetings with the City Manager and other CAOs.
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.

POLICY & SERVICES COMMITTEE – ROLE, PURPOSE, & WORK
PLANNING

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)

In 2009 and 2010, the Council reviewed the purpose and structure of the Committee and
adopted recommendations on several items related to this. This section documents
these agreements related to the Committee.

Purpose Statement: The purpose of the Policy & Services Committee is to regularly
review and identify important community issues and City policies and practices with a
focus on ensuring good public policy and best practices. A particular focus of the
Committee is to ensure that the City organization is responsive, effective and aligned
with community values and City Council priorities.

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.
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.

**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.

**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.

**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.

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

**Conflict of Interest**
In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

**Gifts and Favors**
It is contrary to the city of Palo Alto’s ethical standards for any council member to accept gifts or gratuities from an individual, business, or organization doing business, or seeking to do business, with the City or who is seeking permits or other entitlements from the City.

The acceptance of gifts can convey an appearance of favoritism and conflict of interest. Gifts can be perceived as attempts to influence City operations or as compensation for
services rendered and can erode the public confidence in the impartiality of decisions made by Council Members.

Council Members exercise good faith in carrying out this Protocol. It is impossible to list every situation and fact pattern, so it anticipates that Council Members will exercise their good judgment in determining whether the item is a gift or not.

This policy is supplemental to the gift limitations of the Fair Political Practices Commission’s Limitations and Restrictions on Gifts, Honoraria, Travel and Loans.

The following are not considered gifts under this Protocol:

- Gifts which the Council member returns (unused) to the donor, or for which the Council Member reimburses the donor, within 30 days of receipt.
- Gifts from a Council Member’s spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin or the spouse of any such person, unless he or she is acting as an agent or intermediary for another person who is the true source of the gift.
- Minor gifts of hospitality involving food or drink, that the Council Member receives in an individual’s home or at another location of business.
- Gifts approximately equal in value exchanged between the Council Member and another individual on holidays, birthdays, or similar occasions.
- Informational material provided to assist the Council member in the performance of their official duties, including books, reports, pamphlets, calendars, periodicals, videotapes, or free or discounted admission to informational conferences or seminars.
- A bequest or inheritance.
- Campaign contributions.
- Personalized plaques and trophies with an individual value of less than $250.
- Tickets to attend fundraisers for campaign committees or other candidates, and tickets to fundraisers for organizations exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.
- Free admission, refreshments, and similar non-cash nominal benefits provided to the Council Member at an event at which the Council Member gives a speech, participates in a panel or seminar, or provides a similar service. Transportation within California, and any necessary lodging and subsistence provided directly in connection with the speech, panel, seminar, or similar service, are also not considered gifts.
- Passes or Tickets which provide admission or access to facilities, goods, services, or other benefits (either on onetime or repeat basis) that the Council Member does not use and does not give to another person.
- Wedding gifts
- A prize or award received in a bona fide competition not related to official status.
  (These exceptions are paraphrased from FPPC publications.)
- Gifts from Sister Cities or other entities, other municipalities, if forwarded to the City.
Confidential Information
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.

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

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.

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.

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.
POLICY AND PROCEDURE FOR CITY COUNCIL E-MAILS FOR AGENDA-RELATED ITEMS

Policy

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:

- 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).
- 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 appropriate Council Appointed Officer or City Manager as far in advance of the meeting as possible so that Staff can be prepared to respond at the Council meeting.

In its settlement agreement with the San Jose Mercury News of February 2003, the City Council agreed to consider a policy under which the Council would waive any deliberative or other privilege, other than attorney-client privilege, that it might assert with regards to e-mails on agendized items. This policy and procedure implements that agreement. The Council, in adopting this policy, does not waive attorney-client-privilege or any other privilege associated with a closed session authorized under the Brown Act.

Procedure:

- Council Members should direct any questions on staff reports 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. Council Members should not direct any questions on agenda items to other members of the City Manager’s Staff or the Staff of the other Council Appointed Officers.
- Council Members will submit questions on agenda items no later than 9 a.m. on the Monday of the Council meeting at which the item will be discussed. Any questions received after that time may be responded to via e-mail, or alternatively, will be responded to at the Council meeting.
- Staff will not engage in “dialogues” with individual Council Members regarding questions, i.e. follow-up questions to initial questions will be responded to at the Council Meeting.
- Staff will give highest priority to responding prior to the Council meeting via e-mail only on items on the Consent Calendar. 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.

- If the Staff will be responding to a Council Members Consent Calendar 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).
- Questions and all Staff-prepared responses will be forwarded to all Council Members as well as put up on the special web page created 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.
- Written copies of all Council Member agenda questions and Staff responses will be at Council places at the meeting; additionally copies will be made available in the Council Chambers for members of the public.
GENERAL CONSIDERATIONS

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

ELIGIBLE ACTIVITIES

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

1. Communicating with representatives of regional, state and national government on adopted city policy positions;

2. Attending educational seminars designed to improve officials’ skill and information levels;

3. Participating in regional, state and national organizations whose activities affect the city’s interest;

4. In collaboration with city staff, implementing a city-approved strategy for attracting or retaining businesses to the city.

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

OUT-OF-TOWN CONFERENCES OR MEETINGS

Reimbursement

All payments for travel and meetings shall be on the basis of either reimbursement of expenses advanced by the Council Member/Official or payments made directly to travel agencies/websites, hotels, airlines or the organization sponsoring the meeting. All
requests for payments or reimbursements must be accompanied by supporting vouchers, invoices or paid detailed receipts and a copy of descriptive literature about the conference or meeting. The Mayor or Chair for Officials must approve, in advance, individual travel requests for out-of-town meetings and conferences, e.g., Annual League of California Cities Conference, National League of Cities Conference, etc., including Eligible Activates. Allowable expenses for local or Bay Area Eligible Activates do not require prior approval by the Mayor or Chair.

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

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

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

Meals and Incidentals

Notwithstanding the preceding general policy regarding reimbursement, a Council Member or Official may submit a payment request (supported by conference literature) for advance payment of meals and incidentals allowance according to the Internal Revenue Service authorized mileage reimbursement rate and payment for meals and incidentals consistent with City Policy and Procedures 1-02. If the amount advanced is exceeded, additional reimbursement may be requested upon return from the meeting. Requests for additional reimbursement must be supported by a detailed report and receipts for all meals and incidentals. The Mayor shall pro-approve additional reimbursements, and if the expenses are determined to be excessive, they may not be approved.

Lodging Expense

Reimbursements or payment of hotel bills will be limited to the highest group or governmental rate available and will cover room charges, applicable taxes and any other item listed in this policy for the Council Member or Official. Telephone calls to Palo Alto City Hall may be made collect. Other charges on the bill such as extra guests and the like are not reimbursable.

Transportation

1. Air Transportation: Reimbursement or payment will be limited to economy class commercial air carrier, or an available group travel rate if lower.

2. Private Automobiles: Private automobiles may be used for personal or group transportation on extended trips. Reimbursement shall be made at the rate
established by the Internal Revenue Service authorized mileage reimbursement rate consistent with the City Policy and Procedures 1-02. Mileage reimbursement for private automobiles shall not exceed the cost of round trip air transportation (economy class) and rental car, if applicable, or an available group travel rate if lower.

3. Rental Car: Economy level only when Council Member or Official has traveled by airplane out of the Bay Area.

4. Shuttle/Taxi: When traveling out of the area.

LOCAL OR BAY AREA ACTIVITIES

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

1. Meals, if they are a scheduled feature of the activity, e.g., SCCCA dinner meetings.

2. Registration fees where applicable.

3. Mileage if activity is outside the City (mileage claims should be submitted monthly, with details: date and type of meeting, number of miles traveled to be indicated), consistent with City Policy and Procedures 1-02.

4. Council Members and Officials may be reimbursed by the City for use of a private bicycle to attend local or Bay Area activities outside the City of Palo Alto consistent with City Policy and Procedures 2-9.

OTHER EXPENSES

1. Airport parking fees, but Council Members and Officials must use long-term parking for travel exceeding 24 hours.

2. Meal expenses and associated gratuities must be within the limits set in City Policy and Procedures 1-02.

3. Telephone/Fax/Cellular expenses will be reimbursed for actual expense incurred on City business.

4. Internet Fee up to $15 per day, if a Council Member or Official is traveling on official business and needs access for City-related business.

5. Baggage Handling Fee up to $3 per bag will be reimbursed.
6. Ethics Training Expenses – AB1234 requires ethics training every two years and such fee and related expenses are eligible for reimbursement.

**ACTIVITIES NOT CONSIDERED REIMBURSABLE**

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

**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.

**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

**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.

**BOARDS AND COMMISSION COMPENSATION**

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<thead>
<tr>
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<th>Frequency</th>
<th>Amount</th>
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<tr>
<td>Human Relation Commission</td>
<td>Quarterly</td>
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<tr>
<td>Planning and Transportation Commission</td>
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<td>$120.00</td>
</tr>
<tr>
<td>Architectural Review Board</td>
<td>Quarterly</td>
<td>$120.00</td>
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**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.
EXCERPT from 12/14 P&S

   • Procedures and Protocols comments, letters, and email communications received from the City Council 11-22 (information only)

   • Developer late submittals, quasi-judicial hears and ex-parte communications

Interim City Attorney Don Larkin spoke regarding the letter he submitted to the Finance Committee. He said it was not intended to be a Staff Report but rather a response to questions discussed at prior Policy and Services Committee meetings. He discussed whether it was possible to disallow ex-parte communications with the public. He stated that members of the public must be allowed to discuss quasi-judicial matters with their Council. It could, however, be discouraged during the meetings and as a matter of practice any should be disclosed. He said Staff contacted municipalities across the state to compare policies. No city prohibits all ex-parte communications. Some cities discouraged some gathering of information under certain circumstances. He said that quasi-judicial is defined by the law as a decision that impacts property rights, interested people have a right to due process under the law. The matters that Council reviews most often come up on the Consent Calendar, though there are exceptions. It is an internal policy to treat Planned Community (PC) applications as quasi-judicial but it is not defined as such under the law.

City Manager James Keene spoke regarding Staff’s attempts to consolidate the various concerns into concise language for both ex-parte communications and late submittals being the focus for the current meeting.
Mr. Larkin said that Staff attempted to respond to Council Members comments from the November 22, 2010 Policy and Services Committee meeting as well as those received subsequently.

Council Member Price asked if the first section on page 4 of the letter where it stated “discouraging communications prior to ARB and PTC recommendations” was intended to be conceptual about PC zones. She wanted to know if this revised language would prohibit a Council Member from going to neighborhood meetings regarding the applications or having a discussion with someone in a grocery store.

Mr. Larkin said that the intent was that Council Members may attend public meetings however a casual discussion at a grocery store would be discouraged under the policy.

Council Member Price confirmed that this would discourage but not prohibit this type of casual meeting.

Mr. Larkin said that was correct as the City could not tell a citizen they may not speak to a Council Member.

Council Member Price spoke about a Colleagues Memo regarding an upcoming item at a Planning Commission meeting that she wanted to know more about. She observed that there were two bodies examining similar topics. She said it would be useful for the Council to know what transpired at the Planning Committee meeting.

Planning and Community Development Director Curtis Williams said that the item Council Member Price was referring to was reviewed on November 10, 2010 and rescheduled for the Planning Committee meeting the following day. The affect of the action would be to allow the Planning Commission more flexibility to meet with applicants and public relative to quasi-judicial materials. He said they currently had a policy that strongly discouraged communications between Planning Commissioners and applicants outside of public meetings. He said the action pending the following day, if taken, would delete that sentence. It would also add a handful of disclosure rules.

Council Member Price voiced concern about discussing the same topic with the two bodies not being aware of the others concerns.

Mr. Williams said the Planning Commission knew the City Council was discussing the issue and considered waiting until the Council made a decision.
Council Member Price said this was a significant piece of information. She said the Colleagues Memo created a more moderate approach. She confirmed that it clearly recommended some flexibility in terms of engagement. She requested confirmation that the policy would clearly provide guidance for disclosure.

Mr. Williams agreed that it did.

Mr. Keene said that the issue did not need to be too complex. He stated that the Planning Commission was ancillary to the Council and advisory to them. These are ultimately the Council decisions. He recommended the Council determine how they want to proceed with these issues and the Planning Commission can take their queue from that rather than Council basing their choices on the Planning Commissions decisions.

Council Member Holman asked if site and design projects were quasi judicial.

Mr. Larkin said they were. It was not his intent to exclude them.

Council Member Holman asked about disclosures. She said the agendas are not indicating which items are quasi judicial so they are not being asked for disclosures and they are easy to forget.

Mr. Larkin said Staff would.

Mr. Keene said if the Policy and Services Committee recommended that agenda’s indicate which items are quasi judicial Staff would implement it.

Council Member Holman said that study sessions were rigid. She suggested Staff develop methods to make the sessions more informative.

Mr. Keene said that this was not directly connected to the topics on the agenda. He stated it was a larger issue.

Council Member Holman stated that it was pertinent as one argument regarding ex parte communications is that study sessions need to provide better information for the public.
Mr. Keene said they could have a study session on social service needs that might be structured differently than a land use hearing. The setting the study sessions were conducted in could change the nature of them. He also said that defining when a study session occurs with land use items could affect the sequence of when these items come to Council. The Policy and Services Committee could direct Staff to review options.

Council Member Holman said that the Planning Director should also respond to pre-screenings.

Mr. Williams said that projects don’t often have study sessions. He said that Staff had discussed changing the approach to study sessions. They will continue to work on refining the format. Study sessions would need to be separated from regular Council Meetings in order to be effective.

Mr. Larkin said the rules would not have to change as the Council already has flexibility change the study sessions.

Council Member Holman said it would be helpful to know what is appropriate versus inappropriate in an ex-parte communication.

Mr. Larkin said that it is concerning when there is a perception of back room deals. It is inappropriate to not disclose information to the public. Secondly where a Council Member has become so invested in a project based on meetings with applicants that when the project comes before the Council that Council Member is no longer objective. Council Members should not help design a project or be so involved to interfere with objectiveness. It’s not a black and white question rather it’s a question that requires judgment.

Council Member Holman asked what could be accomplished in a private meeting that can’t be in a public meeting.

Mr. Larkin said an example would be if a Commissioner visits a site with an applicant. As long as the tour and any learned information is disclosed there is no legal problem in that. Council has the ability to create a more transparent process.

Council Member Holman said site visits can be public meetings.

Mr. Larkin said there are Brown Act issues with meeting in an open space. It is difficult to have a public meeting in a setting where
Council and attendees can be spread over a wide area and not hear all communications. He said it is not conducive to the public’s needs.

Council Member Holman said that it made sense for the Council to make a decision regarding ex-parte communications prior to the Planning Commission. There was concern with having ex-parte communications at Planning Commission meetings. Applicants can convince Commissioners based on appearance. By the time the item gets to the Council what is approved is a document that has not been amended by the Commission.

Council Member Shepherd said that making deals before an item was voted on was a problem. She asked if it were possible to give the Policy and Services Committee clear guidance so they have an understanding of what they are allowed to do and what type of information must be disclosed. She had found it helpful to understand the project through direct communication with the applicants.

Mr. Larkin said it would be possible to provide examples of ex-parte communications.

Council Member Shepherd said the liaison tended to clarify the statement.

Mr. Larkin said it was important to understand those conversations are what this language was intending to discourage. He reiterated that Staff would include examples of what is and is not discouraged. Emails and site visits without the applicant are information gathering outside of a public hearing. Yet emails are not discouraged too strongly as they can be forwarded and included in public information.

Council Member Shepherd asked if it was the City Attorney’s responsibility to stop ex parte communications from taking place during a meeting.

Mr. Keene said this was not related to the topic.

Council Member Shepherd asked about the difference between a protocol and a procedure.

Mr. Larkin said the context of the two different documents was that procedures defined how the Council conducts itself and the rules by which it relates to the community. The protocols defined how the Council operates internally.
Council Member Yeh said it was important to understand that ex parte communications involved an honor system among Council Members. It was important that the language not prohibit first amendment rights of the public to communicate. He said there had been times where it had been helpful to hear the public’s perspective. He said the language addresses that issue and he would be supportive of it. He did not want to rewrite the document word-by-word.

Mr. Larkin added that when the ex parte communications began to impede the impartiality of Council Members was when it became a problem.

Mr. Keene suggested the verbiage state “a Council Member” instead of just “Council” when referring to restrictions on communications outside of publicly noticed meetings. He added that there were many roles and responsibilities for Council Members including a quasi judicial role, and a role as an accessible public official.

Council Member Shepherd asked if they were going to accept the language provided by the City Attorney.

Mr. Larkin said the language revisions on the second item were based on what the Committee had previously approved. He said they could address the language regarding late submittals. There were differences between clarifications and changes in the publications. There was some language regarding what makes Staff change the timeline on applications. The Council needed to decide what they wanted to have further conversation on. He said Staff's recommendation was that everything that goes before Council should come to the packet five days before. He said the language should reflect that items delivered after this date would trigger an analysis by Staff. Staff was not comfortable determining what was important to Council; the direction should come from Council. There was some other language proposed by members of the public. He said Staff had not had an opportunity to study the legal impediments to the public’s suggestions. They were open to further revisions. Staff was comfortable with the Committee suggestions already made. He clarified that they might want to add a clarifying sentence regarding applicants and members of the public always having a right to address Council. He was uncomfortable with the previous verbiage because it implied that it was constrained in other places. He suggested "Nothing in this policy is intended to restrict the right of applicants or other
interested parties to respond to information contained in or included with the Staff Report.”

Council Member Holman suggested “If any correspondence or other information is submitted after the deadline and Staff determines additional review is needed Staff will reschedule the item to a future Council Meeting.” She asked, if Staff was uncomfortable making that decision, how it should be made.

Mr. Larkin said he was comfortable with the way it was written. Staff can determine if new information changes the project and requires postponement. The next sentence about Staff analyzing significant changes was his concern as it is Councils decision.

Council Member Holman asked if the option for Staff to return an item to the Architectural Review Board or to the Planning Commission ought to be provided for.

Mr. Williams suggested the City Attorney would have to comment on the legality of that.

Mr. Larkin said in most cases it would be the City Council’s decision.

Council Member Holman asked if language should be added granting that ability to Council.

Mr. Larkin said it could clarify it.

Council Member Holman said she had seen Council struggle on the dais because they felt they didn’t have the ability to send an item back to the Planning Commission.

Council Member Price said that she was concerned about being too prescriptive. The issue of the authority of the Council to return a project is widely understood. The language as already stated is well written and clear. They must recognize both Staff’s expertise and the Council’s authority.

Mr. Larkin said his concern was that commenting on a Staff Report is not a right given by this policy. It is already a Council right.

Council Member Holman said she didn’t believe Council was comfortable with that.
Mr. Williams said Council was clear on their authority, even if they have never exercised that specific right.

Council Member Holman was disagreed.

Council Member Price suggested this was a training issue.

Council Member Holman said she wanted it clear that this exercise was to provide good process, transparency, and fairness to all parties.

Chair Yeh said the intention was to clarify. He would support the last addition mentioned by the City Attorney.

Jean McCown of Palo Alto spoke regarding encouraging communications with the public. The language “strongly discourage” sent a negative message. Council should be trusted to gather information without forming a bias. She said the Planning Commission Colleagues Memo was very positive. She added that in her tenure on the City Council they had full disclosure. She would ask the public not to speak with her until after she read the Staff Report.

Council Member Holman asked Ms. McCown if she was indicating that Council should only be allowed to speak with applicants after they read the Staff Report.

Ms. McCown said it does not need to be in writing. This language revision felt like a solution looking for a problem.

Fred Balin of Palo Alto said that according to the City Attorney Council communications outside of quasi judicial hearings were legislative. But the handbook defines it as other matters determined by the City Attorney. Council Members should refrain from ex parte communications related to quasi judicial items until after Council makes a final decision. He also spoke regarding confusion on late submittals with the City Attorney’s revisions. The suggested revision narrows the focus to the Staff Report.

Bob Moss of Palo Alto said that Planning Commissioners often will stop members of the public from speaking to them off-line. They should allow sending it back to the Planning Commission. However if it is not put in writing no one will remember it in five years. Clear standards, understood by all, were important and that was what these documents were. PC’s are different than every item and should be handled more restrictively clear. Restricting the time and manner of the public
communicating with Council was not restricting members of the publics right to communicate.

Tom Jordan of Palo Alto said regarding ex parte communication, there were six public letters in favor of the policy and was distributed to everyone. He stated that not defining a policy was like when the financial community said they didn’t need a policy. Rules were important and they had not been followed. Speaking to the applicant prior to the Planning Commission decision undercuts their decision.

Council Member Holman commented that appearances were important and could get politicians in trouble. These recommendations were not to impugn integrity but rather to suggest that our standards are high and appearances matter. Restraining our selves until after the Commissions make their decisions eliminates that imposition and perception that decisions had been arrived at earlier. She said that much of the procedures and protocols were intended to provide clarity and adding new items for the purpose of clarity would not be a problem. The quasi judicial hearings, Procedures Handbook IV-I, used the word “autonomy” which concerned her. She suggested instead “the integrity of the Boards and Commissions process in making recommendation to Council will support the independence of. . .”

City Clerk Donna Grider said that was not on the agenda. They had divided the process into smaller bites.

Chair Yeh agreed saying they could discuss that at a later meeting.

Council Member Holman said regarding ex parte on page one of City Attorneys letter the last paragraph regarding restrictions on Council communications “outside of quasi judicial and PC hearings it is the policy of the Council to strongly discourage the gathering and submission of information by Council Members outside of any noticed public meeting including prior to final recommendations by Architectural Review Board or Planning and Transportation Commission.”

Mr. Keene suggested it state “when such information may interfere with the impartiality of Council Members.”

Council Member Holman said she was omitting that based on a suggestion by Council Member Klein. He suggested that the entire purpose would be negated if it does not impair a Council Members
judgment. So she suggested removing the line. She did want to leave the last line the document:

Mr. Keene said he thought Council Member Klein was saying the Council Member would be exercising their own judgment whether it affected them or not.

Council Member Holman said she thought Council Member Klein was saying that no one is going to compromise a Council Members judgment.

Council Member Price agreed with the City Manager.

**MOTION:** Council Member Holman moved, seconded by Council Member Yeh to recommend the City Council change the City Council Procedures Handbook Page IV-10, section B-2 to read “Restrictions on Council Communications Outside of Quasi-Judicial and Planned Community Zone Hearings. It is the policy of the Council to strongly discourage the gathering and submission of information by Council Members outside of any noticed public meeting, including 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.”

Chair Yeh said he supported the motion based on the independent review.

**INCORPORATED INTO THE MOTION WITH THE PERMISSION OF THE MAKER AND SECONDER** to delete the word “including.”

Mr. Keene said that as it as worded it seemed to say that the policy is to strongly discourage the gathering of information including prior to final recommendations period. It did not indicate that there could be any exceptions. The language discussing impairing the Council Members impartiality opens the door to an individual Council Member to have something articulated stating that’s what they should do.

Council Member Holman said the City Attorney said they were on the more restrictive end of policies compared to other cities. She disagreed. No Council Member refuses to meet with applicants. It is not restrictive.
Mr. Larkin said the Palo Alto Council did not act any differently than any other council. His research implied that Palo Alto’s language was more restrictive than other cities, but the Council acts the same.

Council Member Holman said there were cities that discourage ex parte communications.

Mr. Larkin said there were some that discourage.

Council Member Shepherd argued against using the word “strongly: and amended to remove it. Discourage was strong enough.

Chair Yeh said this is ultimately an honor code and agreed to remove the word from the motion.

Council Member Holman disagreed.

Council Member Price suggested moderation and thought “strongly” should be removed. She said Council Members should have a clear understanding of disclosure.

Mr. Larkin said that Staff was suggesting changes regarding disclosure.

Council Member Price said she agreed with the language and intention of the rest of the Motion.

Council Member Holman accepted removal of the word strongly.

**INCORPORATED INTO THE MOTION WITH THE PERMISSION OF THE MAKER AND SECONDER** to delete the word “strongly.”

Council Member Shepherd asked, if a developer wanted a PC, how they would search for good information to submit a sound proposal.

Mr. Williams said there was a more formal process with prescreening where the Council provided input. He said there was not much feedback from study sessions, which can be problematic.

Council Member Holman said it was similar to CEQA. She suggested the prescreening process that was in place was important to provide input to applicants. She said she would make a motion to have staff come back with suggestion for prescreening and study sessions so they could be more helpful to everyone and that there will be an action item after the session. That preliminary stage doesn’t need guidance.
Chair Yeh asked for comments regarding the motion on the floor.

Council Member Shepherd asked if PC hearings were quasi judicial.

Mr. Larkin said they were not, though Council treated them as such.

Chair Yeh restated the motion.

**MOTION RESTATE AS AMENDED:** Council Member Holman moved, seconded by Council Member Yeh to recommend the City Council change the City Council Procedures Handbook Page IV-1, section B-2 to read “Restrictions on Council Communications Outside of Quasi-Judicial and Planned Community Zone 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.”

Mr. Keene asked what this meant for communication post ARB or PTC direction. He assumed there were no restrictions on this.

Council Member Shepherd asked if Council Members could still attend PTC meetings.

Mr. Larkin said that was a public hearing and Council Members were free to attend.

Council Member Holman said they were still subject to disclosures as the City Manager pointed out.

Chair Yeh said he would be more comfortable discussing that with late submittals.

**MOTION AS AMENDED PASSED 4-0.**

Council Member Holman suggested the following verbiage be added to the Procedures and Protocols document on Page II-4/II-5 “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 or commenting on planning..."
applications being heard by the City Council must be submitted not later than noon five working days prior to the release of the Council Agenda Packet. If any correspondence or other information is submitted after this deadline and Staff determines additional review is needed Staff will reschedule the item for a future Council meeting. The City Council can determine continuance or referral if significant changes to a project, or significant new information becomes known.”

Mr. Larkin suggested adding to the end “nothing in this statement is intended to restrict the rights of applicants or other interested parties to respond to information contained in or included with a staff report.”

Council Member Holman agreed with Mr. Larkin’s suggested verbiage, but added “related to this item.”

Mr. Larkin said the verbiage could state “attached to the Staff Report.”

Council Member Price asked for a repeat of the part about the City Council.

Council Member Holman repeated “The City Council can determine continuance or referral if significant changes to a project, or significant new information becomes known.”

Council Member Price said she didn’t think that statement was needed.

Council Member Holman said it was not always understood and should be added.

Mr. Larkin suggested the sentence be rewritten to say “The City Council can 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.”

Mr. Keen suggested the statement read “At the meeting the City Council can 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.”

Mr. Larkin changed “can” to “may.”

Council Member Holman agreed to the rewrite. She stated that this new verbiage would lead to better outcomes.
Council Member Price agreed.

**MOTION:** Council Member Holman moved, seconded by Council Member Price to add a Section C on Page II-4/II-5 in Procedures and Protocols be changed to “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 or commenting on planning applications being heard by the City Council must be submitted not later than noon five working days prior to the release of the Council Agenda Packet. If any correspondence or other information is submitted after this deadline and Staff determines additional review is needed Staff will reschedule the item for a future Council meeting. 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. Nothing in this statement is intended to restrict the rights of applicants or other interested parties to respond to information contained in or attached to a Staff Report.

Mr. Larkin stated that originally the submission was for materials from applicants. He said the same behavior from applicants and opponents should be treated the same. This also applies if Staff has a lengthy environmental report to submit.

Council Member Holman said it is important to support Staff and this was one of the objectives for adding this verbiage.

**MOTION PASSED: 4-0**

Mr. Keene stated that late submittals can come after the five day period but it’s the earlier ones that are received in time to inform the public. The Council has a right to let people speak to an item, even if it is delayed because of late submittals.

Council Member Holman said the public would prefer to show up a second time rather than have incomplete information.

Mr. Keene said that once this policy is in effect the behavior will change and late submittals will decrease.
Council Member Shepherd said that there are times when the Mayor will let them speak, but not again at the next meeting. And the wording in the Motion was “and” not “or” giving some flexibility.

Mr. Grider said that additional information might necessitate a second public hearing notice, making it less desirable to take public testimony at the first meeting.

Council Member Holman asked about study sessions and asked if they could give direction to Staff.

Mr. Larkin said they will bring those study session and prescreening items back. There were other items that could come back as well.

Council Member Holman asked if these additional items could go to straight to Council or if they could at least inform Council there are outstanding items.

Mr. Larkin said they would let Council know the process was not complete yet.
DATE: November 22, 2010
TO: City Council
FROM: Donna Grider, City Clerk
SUBJECT: Agenda Item 16 - Recommendation from the Policy & Services Committee to the City Council on Proposed Changes to the City Council Procedures and Protocols

In an effort to help streamline Council’s discussion on this complex item, I have attempted to divide the items that may warrant further discussion from those that were ministerial in nature or updating existing practice.

Potential for Further Discussion

Procedures

- Page II-4/II-5 – add section c) Late Submittal of Planning Application Materials. In order to allow for adequate staff review and analysis and to ensure public access to materials, all plans and other applicant materials related to Planning applications being heard by the City Council must be submitted not later than noon 5 working days prior to the release of the Council agenda packet. This includes materials delivered to staff or to Council Members either before or during the meeting. If items are not submitted by this date or if staff determines additional review is needed, staff will reschedule the item to a future Council meeting. Additionally, if there are significant changes, staff will analyze whether the need exists to continue the item.
• Page IV-1 section A. 1. – add verbiage at the end of the section on Purpose as follows: and to support the autonomy of Boards and Commissions in making recommendations to Council.
• Page IV-1 section B. 2. – revise the paragraph as follows: Restrictions on Council Communications Outside of Quasi-Judicial Hearings. It is the policy of the Council to strongly discourage the gathering and submission of information outside of any required hearing, including prior to recommendations by ARB or P&TC, when such information will impair the Council’s impartiality on a quasi-judicial decision or planned community zoning application.

Protocols

• Page 4 Council Conduct with Palo Alto Boards and Commissions -- first bullet second sentence: 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 be clearly made—should make a point to clearly state it is an individual opinion and not a representation of the feelings of the entire City Council.

• Page 5 – first bullet title: Limit contact with Refrain from Lobbying Board and Commission members to questions of clarification.

• Page 5 – third bullet first sentence: If a Council Member has concerns with the effectiveness of a particular Board or Commission member fulfilling their roles and responsibilities and is comfortable in talking with that individual privately, the Council Member should do so.

• Page 6/7 - Add bullet: Submittal of Materials Directly to Council. If Council receives materials related to agenda item matters they will notify the City Clerk and the City Manager as soon as possible.

• Page 6/7 – Add bullet: Late Submittals of Planning Application Materials. In order to allow for adequate staff review and analysis and to ensure public access to materials, all plans and other applicant materials related to Planning applications being heard by the City Council must be submitted not later than noon 5 working days prior to the release of the Council agenda packet. This includes materials delivered to staff or to Council members either before or during the meeting. If items are not submitted by this date or if staff determines additional review is needed, staff will reschedule the item to a future Council meeting. Additionally, if there are significant changes, staff will analyze whether the need exists to continue the item.
• Page 7 add new section: POLICY & SERVICES COMMITTEE – ROLE, PURPOSE, & WORK PLANNING

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)

In 2009 and 2010, the Council reviewed the purpose and structure of the Committee and adopted recommendations on several items related to this. This section documents these agreements related to the Committee.

Purpose Statement: The purpose of the Policy & Services Committee is to regularly review and identify important community issues and City policies and practices with a focus on ensuring good public policy and best practices. A particular focus of the Committee is to ensure that the City organization is responsive, effective and aligned with community values and City Council priorities.

Ministerial or Existing Practice

Procedures

• Page I-2 Item (2) -- add section d) No person shall enter the staff area of the Council dais without the permission of the Presiding Officer or appropriate Council Appointed Officer.

• Page II-1 A. revise the paragraph on Regular Meetings as follows: Regular meetings are conducted at City Hall on the first three Monday nights of each month, except during the Council’s annual vacation. The meetings will begin at 7:00 p.m. Regular meeting agendas must be posted outside at the Downtown Library in the City Plaza by the elevators no later than 7:00 p.m. on the preceding Friday as required by the Brown Act. It is City policy to make every effort to complete and distribute the agenda and related reports by the preceding Thursday. For major, complex projects and policies, the City will make every effort to distribute these reports two weeks prior to the meeting when the item will be considered.

• Page II-1 – revise the following sentence under Study Sessions: During regular study sessions, public comments are typically received together with
oral communications at the end of the session or at another appropriate time at the discretion of the chair.

- Page II-6 section (e) (1) -- delete the words “and resolution” from the second line.

- Page II-8 subsection (5) -- delete the words “by a majority of a Council Committee”.

- Page II-8/II-9 – move Unfinished business from subsection 7) to subsection 8) (b).

- Page II-9 – subsection 8) (e) Council Matters – revise verbiage at the end of the paragraph to: Colleagues memos should have a section that identifies any potential staffing or fiscal impacts of the contemplated action. This section will be drafted by the City Manager or other appropriate senior staff. Council Members should share a final draft of the proposed memo with the City Manager or appropriate senior staff prior to finalization. Completed Council colleague memos shall be provided to the City Clerk’s staff by noon on the Tuesday 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.

- Page V-1 section B. 4. – delete the words “action minutes” and revise to “sense minutes”.

**Protocols**

- Page 5 – second bullet: delete the last sentence: A Board or Commission appointment should not be used as a political “reward”.

- Page 5 – sixth bullet: Appointed Council liaisons and/or alternates are encouraged to attend all regularly scheduled meetings of their assigned Board or Commission, or to arrange for an alternate.

- Page 6 – OTHER PROCEDURAL ISSUES, third bullet: change the seventh line to remove “Assistant City Manager” and replace with City Manager. Add sentence at the end of the paragraph: More detailed procedures relating to agenda questions can be found in the addendum to these protocols titled “Policy and Procedure for City Council E-mails for Agenda-Related Items.”

- Page 7 first bullet second sentence revised to: Council should respect the work of the committees and recommit to its policy of keeping unanimous votes of the committees on the consent calendar. If a matter is taken forward to the full Council for approval and it receives a unanimous vote at
Committee, the item will be placed on the Consent Calendar unless otherwise recommended by the Committee or staff.

- Page 7 second bullet add the following sentence at the end of the paragraph: 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.

- Page 12 Procedure first bullet: Council Members should direct any questions on City Managers Reports (CMRs) staff reports to the Assistant City Manager or designee.

- Page 12 last bullet first sentence: add the word “highest” before the word “priority.”

- Add the existing policy for the City Council for Travel and Miscellaneous Expense Reimbursement which was adopted in March 2006 as an addendum to the Council Protocols.
EXCERPT from 11/22 Council

Recommendation From the Policy & Services Committee to the City Council on Proposed Changes to the City Council Procedures and Protocols.

Council Member Yeh stated the City Clerk’s revised Staff Report was the best document to work from. The first two pages pertained to the more substantive changes that were passed by the Policy & Services Committee. The 3rd page contained ministerial changes, and were seen more as housekeeping changes.

City Manager, James Keene recommended the City Council adopt the ministerial items, listed below. He asked about discussing bullet II-9, on page 4 of the revision memo regarding Colleagues Memos. He asked if that was an exclusionary role for the City Manager to only supply Staff and fiscal impacts, or could there be broader policy input.

Ministerial or Existing Practice

Procedures

• Page I-2 Item (2) -- add section d) No person shall enter the staff area of the Council dais without the permission of the Presiding Officer or appropriate Council Appointed Officer.

• Page II-1 A. revise the paragraph on Regular Meetings as follows: Regular meetings are conducted at City Hall on the first three Monday nights of each month, except during the Council’s annual vacation. The meetings will begin at 7:00 p.m. Regular meeting agendas must be posted outside at the Downtown Library in the City Plaza by the elevators no later than 7:00 p.m. on the preceding Friday as required by the Brown Act. but it is City policy to make every effort to complete and distribute the agenda and related reports by the preceding Thursday. Wednesday. For major, complex projects and policies, the City will make every effort to distribute these reports two weeks prior to the meeting when the item will be considered.

• Page II-1 – revise the following sentence under Study Sessions: During regular study sessions, public comments are typically received together with oral communications at the end of the session or at another appropriate time at the discretion of the chair.
• Page II-6 section (e) (1) -- delete the words “and resolution” from the second line.

• Page II-8 subsection (5) -- delete the words “by a majority of a Council Committee”.

• Page II-8/II-9 – move Unfinished business from subsection 7) to subsection 8) (b).

• Page II-9 – subsection 8) (e) Council Matters – revise verbiage at the end of the paragraph to: Colleagues memos should have a section that identifies any potential staffing or fiscal impacts of the contemplated action. This section will be drafted by the City Manager or other appropriate senior staff. Council Members should share a final draft of the proposed memo with the City Manager or appropriate senior staff prior to finalization. Completed Council colleague memos shall be provided to the City Clerk’s staff by noon on the Tuesday 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.

• Page V-1 section B. 4. – delete the words “action minutes” and revise to “sense minutes”.

Protocols

• Page 5 – second bullet: delete the last sentence: A Board or Commission appointment should not be used as a political “reward”.

• Page 5 – sixth bullet: Appointed Council liaisons and/or alternates are encouraged to attend all regularly scheduled meetings of their assigned Board or Commission, or to arrange for an alternate.

• Page 6 – OTHER PROCEDURAL ISSUES, third bullet: change the seventh line to remove “Assistant City Manager” and replace with City Manager. Add sentence at the end of the paragraph: More detailed procedures relating to agenda questions can be found in the addendum to these protocols titled “Policy and Procedure for City Council E-mails for Agenda-Related Items.”

• Page 7 first bullet second sentence revised to: Council should respect the work of the committees and recommit to its policy of keeping unanimous votes of the committees on the consent calendar. If a matter is taken forward to the full Council for approval and it receives a unanimous vote at Committee, the item
will be placed on the Consent Calendar unless otherwise recommended by the Committee or staff.

• Page 7 second bullet add the following sentence at the end of the paragraph: 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.

• Page 12 Procedure first bullet: Council Members should direct any questions on City Manager Reports (CMRs) staff reports to the Assistant City Manager City Manager or designee.

• Page 12 last bullet first sentence: add the word “highest” before the word “priority.”

• Add the existing policy for the City Council for Travel and Miscellaneous Expense Reimbursement which was adopted in March 2006 as an addendum to the Council Protocols.

Council Member Yeh stated the sentence further down clarified that the Colleagues Memo should be shared with the City Manager prior to finalization.

Mr. Keene suggested the addition of “a draft Colleagues Memo be shared with the City Manager for review.”

Council Member Yeh stated he agreed.

Council Member Klein stated he did not agree with the suggested change requested by the City Manager.

Mayor Burt stated the suggested change had not been voted on.

Council Member Schmid asked about Procedures Page 3, bullet Page II-1 A which read: regular meetings were conducted on the first three Mondays of each month. He stated there had been meetings on the 4th Monday of each month. He asked whether the 4th Monday should be included as regularly scheduled meetings.

Mayor Burt stated all meetings outside of the first three Mondays were considered Special Meetings.

Vice Mayor Espinosa stated regarding Procedures Page 3 bullet II-1A; he asked if the requirement of posting the agenda be on the website and in the plaza.
Council Member Yeh stated the Policy and Services Committee did not discuss that particular issue. He asked the City Clerk for additional language that could be added to clarify the requested addition regarding the agenda posting.

City Clerk, Donna Grider suggested keeping the verbiage about Regular Meetings being “posted no later than 7:00 p.m. the preceding Friday”, but add “furthermore the City would upload the agenda to the website for citizens at that time.”

Page II-1 A. revise the paragraph on Regular Meetings as follows: 

**Regular meetings** are conducted at City Hall on the first three Monday nights of each month, except during the Council’s annual vacation. The meetings will begin at 7:00 p.m. Regular meeting agendas must be posted outside at the Downtown Library in the City Plaza by the elevators no later than 7:00 p.m. on the preceding Friday as required by the Brown Act. The City will upload the Agenda to the City website. It is City policy to make every effort to complete and distribute the agenda and related reports by the preceding Thursday. For major, complex projects and policies, the City will make every effort to distribute these reports two weeks prior to the meeting when the item will be considered.

Vice Mayor Espinosa suggested not eliminating the language stating “a Board or Commission appointment should not be used as a political reward”. He asked why that statement would be deleted.

Protocols, bullet Page 5 – second bullet: delete the last sentence: A Board or Commission appointment should not be used as a political reward.

Council Member Yeh stated that specific item was not discussed in depth; it was an item that the Policy and Services Committee felt did not need to be included.

Vice Mayor Espinosa asked the City Attorney whether stating that the word “strongly” would substantially alter the policies of the City Council in the section referring to Council communications outside of Quasi-Judicial hearings.

Procedures - Page 2-Potential for Further Discussion, bullet Page IV-1 section B. 2. – revise the paragraph as follows: Restrictions on Council Communications Outside of Quasi-Judicial Hearings. It is the policy of the Council to **strongly** discourage the gathering and
submission of information outside of any required hearing, including prior to recommendations by ARB or P&TC, when such information will impair the Council’s impartiality on a quasi-judicial decision or planned community zoning application.

Acting City Attorney, Don Larkin stated there could not be a direct prohibition of contact between the public and the Council. The public had a First Amendment right to petition their representatives in government.

Council Member Scharff stated on page 1 of Procedures, bullet Page II-4/II-5; the middle part of the paragraph read: discussing materials delivered to Staff, he asked whether it should read “and” instead of “or.”

Page II-4/II-5 – add section c) Late Submittal of Planning Application Materials. In order to allow for adequate staff review and analysis and to ensure public access to materials, all plans and other applicant materials related to Planning applications being heard by the City Council must be submitted not later than noon 5 working days prior to the release of the Council agenda packet. This includes materials delivered to staff or and to Council Members either before or during the meeting. If items are not submitted by this date or if staff determines additional review is needed, staff will reschedule the item to a future Council meeting. Additionally, if there are significant changes, staff will analyze whether the need exists to continue the item.

Council Member Holman advised that she brought a revised version as follows (changes are in Italic). She stated she had made the change from “or” to “and” in the paragraph and added additional information.

Procedures, Page 1, bullet Page II-4/II-5 – add section c) Late Submittal of Planning Application Materials. In order to allow for adequate staff review and analysis and to ensure public access to materials, all plans and other applicant materials related to Planning applications being heard by the City Council must be submitted not later than noon 5 working days prior to the release of the Council agenda packet. This includes materials delivered to staff or to Council Members either before or during the meeting. If items are not submitted by this date or and if staff determines additional review is needed, staff will reschedule the item to a future Council meeting. Additionally, if there are significant changes to the project, staff will analyze whether the need exists to continue the item. Neither public response to the project staff report nor the applicant response to either the project staff report or public comments are constrained by staff’s materials deadline.
Council Member Scharff asked for clarification of the word “materials”, if it was exclusive of changes to the project or inclusive of a citizen’s argument against the project.

Council Member Holman supplied Staff with a potential version of the Procedures page in question to be displayed on the projector. She stated the alterations made were made after the Policy and Services Committee discussions in an effort to clarify questions that may have arisen by Council Members needing a more in depth explanation.

Mayor Burt stated he felt that Council would not be able to complete all the items in the substantive changes. He clarified at times Staff and Council received extensive arguments, reports or changes in projects therefore the term “materials” could reference any of those.

Council Member Yeh stated the intent was to formalize the process of submission to the City no later than five business days prior to the City Council meeting. Based on discussions with the Planning Department five days was a sufficient amount of time for their review.

Mayor Burt stated the concern remained the same with there being no direct understanding as to the meaning behind the use of the word “material”.

Council Member Yeh stated the discussion the Policy and Services Committee had was focused on the number of days required to adequately review the changes. The definition of the term “material” was not determined.

Council Member Holman stated the intention was that anything an Applicant wanted to provide that would be included in the Staff Report would be provided no later than five days ahead of time. Any later and Staff would not have time to review the items received to see how it impacted the project and their workload.

Council Member Scharff referred to page 2, bullet page IV-1 section B.2 regarding Quasi-Judicial hearing:

Procedures, Page IV-1 section B. 2. – revise the paragraph as follows: Restrictions on Council Communications Outside of Quasi-Judicial Hearings. It is the policy of the Council to strongly discourage the gathering and submission of information outside of any required hearing, including prior to recommendations by ARB
or P&TC, when such information will impair the Council’s impartiality on a quasi-judicial decision or planned community zoning application.

He stated his understanding was all Quasi-Judicial hearings went before the Architectural Review Board (ARB) prior to being submitted for review by the Planning and Transportation Commission (P&TC), and then the item went to Council. He asked if there were cases where a project would be agendized for Council having bypassed one or the other.

Mr. Larkin stated there were situations when appeals had gone directly from the ARB to Council.

Council Member Scharff asked if there were projects where a project went directly from the ARB to Council without it being an appeal.

Mr. Larkin stated yes, there were projects that required only an architectural review and not a planning review.

Council Member Scharff stated he did not understand the wording “policy of the Council to strongly discourage the gathering and submission of information outside of any required hearing, including prior to recommendations by ARB or P&TC”. He asked if it should be changed to “it is the policy of Council to strongly discourage the gathering and submission of information prior to recommendations by ARB or P&TC”.

Council Member Holman stated she had made alterations to Procedures, Page IV-1 section B. 2. with the following changes: She stated for clarity the wording in CAPS were her suggestions.

- Page IV-1 section B. 2. – revise the paragraph as follows: Restrictions on Council Communications Outside of Quasi-Judicial Hearings. It is the policy of the Council to strongly discourage the gathering and submission of information outside of any required hearing, ADVERTISED PUBLIC MEETING including prior to final recommendations by ARB of and P&TC, when such information will impair the Council’s impartiality on a quasi-judicial decision or planned community zoning application.

Council Member Scharff asked if the intent of the “advertised public meeting” meant the ARB or P&TC advertised public meeting.
Council Member Holman stated the reason she changed the wording to advertised public meeting was that when the P&TC changed their Protocols and Procedures to limit ex parte communications on Quasi-Judicial and Planned Community (PC) projects they also encouraged Applicants and members of the public to hold public meetings. The intention of the language in the Council Procedures was to encourage Council to attend public meetings.

Council Member Scharff inquired as to the reason the listing of late submittals was duplicated in the first bullet on the 1st page in Procedures and again in the Protocols.

Council Member Yeh stated he did not recall intentionally adding late submittals to both areas. He would request the Policy & Services Committee revisit the Procedures and Protocols to ensure there were no duplications unless it was deemed necessary.

**MOTION:** Council Member Klein moved, seconded by Mayor Burt to conclude the item no later than midnight.

Mr. Keene suggested Council Members individually redline the document; provide it to Staff and again to the Policy and Services Committee for reconciliation.

**MOTION PASSED:** 9-0

Mayor Burt asked the City Clerk to verify on the top of Procedures, Page 4, second bullet, Page II-8, subsection (5), it looked like it should be Page II-8, subsection (4). The discussion under Page 1, bullet IV-1, section A.1, talked about supporting the autonomy of Boards and Commissions. He stated there was not a clear understanding regarding the roles and responsibilities of Council Liaisons. There was a wide range of how the roles of Council liaison had been performed over the years. He asked whether there was a reason for the role of liaison having not been included.

Council Member Yeh stated the Policy & Services Committee had discussed the liaison role and had made suggested language changes.

Council Member Shepherd stated there was a section on the Council liaisons, addressing their specific role and responsibility was not detailed.
Mayor Burt stated concern was unless Council had taken a position on a topic liaisons were not allowed to speak on behalf of the Council. There had been Council Members in the past who viewed their role as liaison as one to answer questions to clarify a point, or believed their function was as an ex parte member of the Committee. He emphasized returning to the purpose of supporting the autonomy of Boards and Commissions. The specific role of the Council liaison should be clarified within the Council Procedures.

Council Member Shepherd stated the section on Council liaisons was located on page 4 and 5 of the Protocols. She noted after review, the section could benefit from more clear language.

Mayor Burt stated there was reference in the existing Protocols where the Council liaison was expected to represent the full Council and refrain from speaking for the full Council on matters where the full Council had not conferred. He clarified the matter was addressed although it needed to be practiced.

Council Member Yeh noted on page 5 of the Council Protocols there were edits to the Council liaison policy which stated to limit contact with Commissioner’s regarding their questions and clarifications, and refrain from lobbying Board and Commission members.

Ms. Grider stated in response to Mayor Burt’s earlier question, she confirmed on page 4 the second bullet section II-8, should be subsection 4.

Jeff Greenfield urged Council to approve the Protocols and Procedures. There was a need for the updated guidelines for transparency and trust with the public on land use decisions.

Fred Balin felt the inclusion of late submittal language was needed. He stated the change in late submissions, early release of Council agenda packets and the new agenda management program would serve the public interest more satisfactorily.

Bob Moss stated the updated Procedures and Protocols were overdue. He believed the last minute project submittals should be applied to Boards and Commissions procedures.

Tom Jordan spoke on behalf of Palo Alto Neighborhoods. He stated the updated Procedures and Protocols was one set of achievements that PAN endorsed as an organization.
Elaine Meyer spoke in support of the changes to the Procedures and Protocols.

**MOTION:** Council Member Shepherd moved, seconded by Council Member Yeh to:

1) accept the following ministerial changes:

**Procedures**

- Page I-2 Item (2) -- add section d) No person shall enter the staff area of the Council dais without the permission of the Presiding Officer or appropriate Council Appointed Officer.

- Page II-1 A. revise the paragraph on Regular Meetings as follows: *Regular meetings* are conducted at City Hall on the first three Monday nights of each month, except during the Council’s annual vacation. The meetings will begin at 7:00 p.m. Regular meeting agendas must be posted outside at the Downtown Library in the City Plaza by the elevators no later than 7:00 p.m. on the preceding Friday as required by the Brown Act. It is City policy to make every effort to complete and distribute the agenda and related reports by the preceding Thursday. For major, complex projects and policies, the City will make every effort to distribute these reports two weeks prior to the meeting when the item will be considered.

- Page II-1 – revise the following sentence under Study Sessions: During regular study sessions, public comments are typically received together with oral communications at the end of the session or at another appropriate time at the discretion of the chair.

- Page II-6 section (e) (1) -- delete the words “and resolution” from the second line.

- Page II-8 subsection (5) -- delete the words “by a majority of a Council Committee”.

- Page II-8/II-9 – move Unfinished business from subsection 7) to subsection 8) (b).

- Page II-9 – subsection 8) (e) Council Matters – revise verbiage at the end of the paragraph to: Colleagues memos should have a
section that identifies any potential staffing or fiscal impacts of the contemplated action. This section will be drafted by the City Manager or other appropriate senior staff. Council Members should share a final draft of the proposed memo with the City Manager or appropriate senior staff prior to finalization. Completed Council colleague memos shall be provided to the City Clerk’s staff by noon on the Tuesday 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.

- Page V-1 section B. 4. – delete the words “action minutes” and revise to “sense minutes”.

Protocols
- Page 5 – second bullet: delete the last sentence: “A Board or Commission appointment should not be used as a political “reward”.
- Page 5 – sixth bullet: Appointed Council liaisons and/or alternates are encouraged to attend all regularly scheduled meetings of their assigned Board or Commission, or to arrange for an alternate.
- Page 6 – OTHER PROCEDURAL ISSUES, third bullet: change the seventh line to remove “Assistant City Manager” and replace with City Manager. Add sentence at the end of the paragraph: “More detailed procedures relating to agenda questions can be found in the addendum to these protocols titled “Policy and Procedure for City Council E-mails for Agenda-Related Items.”
- Page 7 first bullet second sentence revised to: Council should respect the work of the committees and recommit to its policy of keeping unanimous votes of the committees on the consent calendar. If a matter is taken forward to the full Council for approval and it receives a unanimous vote at Committee, the item will be placed on the Consent Calendar unless otherwise recommended by the Committee or staff.
- Page 7 second bullet add the following sentence at the end of the paragraph: “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.”
• Page 12 Procedure first bullet: Council Members should direct any questions on City Managers Reports (CMRs) staff reports to the Assistant City Manager City Manager or designee.

• Page 12 last bullet first sentence: add the word “highest” before the word “priority.”

• Add the existing policy for the City Council for Travel and Miscellaneous Expense Reimbursement which was adopted in March 2006 as an addendum to the Council Protocols;

2) page 3, bullet page II-1 A City Clerk website changes uploading agenda packet

3) page 4, second bullet should be section II-8, subsection 4

4) page 4, bullet Page II-9 Council Members to share a final draft of Colleagues memo for review with City Manager or appropriate senior staff

5) bring back the entire text for discussion.

Mr. Keene stated his concern with Procedures, Page II-9, subsection (8)(e) and asked to delete “or appropriate senior staff”. He wanted to insure the City Manager was involved in the review of all Colleagues Memos.

Council Member Yeh stated he was comfortable striking out “or appropriate senior staff”.

Mayor Burt stated on Protocols, Page 4 bullet Page 7 the first bullet, he wanted to add “Mayor has the responsibility for the agenda”. It has been clear in the recent past where Council has wanted to discuss an item as a whole and the Mayor should be able to move the item to allow the full Council to discuss it.

Page 7 first bullet second sentence revised to: Council should respect the work of the committees and recommit to its policy of keeping unanimous votes of the committees on the consent calendar. If a matter is taken forward to the full Council for approval and it receives a unanimous vote at Committee, the item will be placed on the Consent Calendar unless otherwise recommended by the Committee or staff.
Council Member Scharff asked if a Council Committee voted 4-0 on an item it then was agendized on the Consent Calendar, but then the Mayor could decide to move the item under Action. He was in favor of the additional language.

Mr. Keene stated for the most part when there was a 4-0 vote the item went on the Council Consent Calendar. There were incidents were it seemed more appropriate to place the item under Action for the reason Council would want to discuss it.

Council Member Scharff stated he was in favor of adding either Mayor or City Manager, his concern was allowing Staff to determine the placement of agenda items.

INCORPORATED INTO THE MOTION WITH CONSENT OF THE MAKER AND SECONDER to include on Page 7 Protocols first bullet second sentence revised to: Council should respect the work of the committees and recommit to its policy of keeping unanimous votes of the committees on the consent calendar. If a matter is taken forward to the full Council for approval and it receives a unanimous vote at Committee, the item will be placed on the Consent Calendar unless otherwise recommended by the MAYOR, Committee or staff.

Vice Mayor Espinosa stated he felt it was important to place the language Board and Commission appointments would not be used as political rewards in the Procedures and Protocols.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to retain “A Board and Commission appointment should not be used as a political reward” on Page 5, second bullet of the Protocols.

Council Member Schmid asked about page 3, bullet Page II-1 A under Procedures; the sentence ending in “...the City will make every effort to distribute these reports two weeks prior to the meeting....” He asked to confirm major complex projects included both, planning applications and non planning applications. He stated there was a two-week period with restrictions on communications and responses for both types of applications. He asked whether there was clarifying language that should be added regarding the types of activities possible during that period.
Council Member Yeh stated the Policy and Services Committee did not discuss that, but would be open to discuss additional language as necessary.

Council Member Schmid requested the addition of language regarding planning applications where the Applicants’ being eligible to make a response up to 3 business days before the City Council meeting.

Mr. Larkin stated the Procedures and Protocols would be returning to the Policy and Services Committee on December 14th regarding late submittal items. He suggested adding the follow-up of the Procedures and Protocols item to the agenda for discussion.

Mayor Burt stated on Protocols, Page 4, bullet Page 5- sixth bullet: regarding appointed Council liaisons and or alternates attending all regularly scheduled meetings. He did not feel it was appropriate to have the alternates and the liaison be required to attend all meetings.

Council Member Yeh stated the intent was to provide flexibility.

Mayor Burt requested to change the language from “and” to “or” which granted the intended flexibility of alternates attending meetings.

Council Member Scharff felt alternates should be encouraged to attend the meetings in an effort to maintain their knowledge of the Board or Commissions’ matters being discussed.

Mayor Burt stated his disagreement was for alternates to attend all meetings.

Council Member Klein stated on Procedures, Page 4, bullet II-9, subsection 8) (e): he requested to delete “or other appropriate senior staff, and replace the word “should” with “shall”, and add “provide a copy”. He felt the Colleagues Memo was a memo between colleagues regarding a matter of importance to them; the City Manager should not have the ability to determine the context.

Page II-9 – subsection 8) (e) Council Matters – revise verbiage at the end of the paragraph to: Colleagues memos should have a section that identifies any potential staffing or fiscal impacts of the contemplated action. This section will be drafted by the City Manager or other appropriate senior staff. Council Members shall should share a final draft provide a copy of the proposed memo with the City Manager or appropriate senior staff prior to
finalization. Completed Council colleague memos shall be provided to the City Clerk’s staff by noon on the Tuesday 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.

Council Member Yeh agreed the final approval belonged to the colleagues although he felt the City Manager should have input ability.

Council Member Klein clarified it was acceptable for the City Manager to supply input for the colleagues to consider albeit he should not have veto rights.

Mr. Keene stated his concern with the City Manager not reviewing the Colleagues Memo was the possibility of the Memo being in conflict with other policies or projects. He requested the ability to review or discuss the content of the Memo during its composition with the authors rather than post completion.

Mayor Burt stated he believed if the City Manager was being provided a copy, he would have the prerogative to respond.

Mr. Keene stated the question then would be when the City Manager would be expected to receive a copy of the Colleagues Memo for review. He suggested the City Manager receive a copy of the Colleagues Memo no less than 3 business days prior to the Council meeting.

Vice Mayor Espinosa clarified in the current Procedures under Colleagues Memo Guidelines the Council Members were to consult with the City Manager prior to preparing the Memo.

**INCORPORATED INTO THE MOTION WITH CONSENT OF THE MAKER AND SECONDER** to delete in the Procedures on page II-9- subsection 8) “or other appropriate senior staff, and replace the word “should” to “shall”, and add the “provide a copy”.

Mayor Burt recommended the deletion of the word “and” on page 4, bullet Page 5- sixth bullet regarding appointed Council liaisons and alternates attending all regular meetings.

Council Member Yeh asked if deleting the “and” precluded the alternates from attending the meetings.

Mayor Burt stated no.
INCORPORATED INTO THE MOTION WITH CONSENT OF THE MAKER AND SECONDER to delete the “and” in the Protocols on page 4, bullet Page 5- sixth bullet regarding appointed Council liaisons and alternates attending all regular meetings.

Council Member Price asked if the incorporated language applied to the City of Palo Alto Board and Commission meetings or outside meetings as well.

Mayor Burt stated the Council Procedures and Protocols referred only to internal Board and Commission meetings.

Council Member Klein requested his Colleagues reconsider removing the line “A Board or Commission appointment should not be used as a political reward”, into the Procedures. He added by replacing the statement there was a potential negative inference that could be drawn that it would be acceptable to use those appointments for financial rewards.

Council Member Yeh recalled a discussion at a Policy and Services Committee meeting where the determination was; the appointments of Board and Commission Members was voted on by all 9 Council Members; therefore, the likelihood of the appointment being for political reward was none which was a large reason why the language was stricken initially.

**AMENDMENT:** Council Member Klein moved, seconded by Council Member Scharff to include the sentence in the Protocols “A Board or Commission appointment should not be used as a political reward”.

**AMENDMENT PASSED:** 6-3 Espinosa, Shepherd, Yeh no

Council Member Price clarified the Procedures and Protocols would be returning to the Policy and Services Committee for review before the end of the 2010.

Mayor Burt stated yes, the ministerial matters would not return, however the substantive matters would return on December 14th.

Council Member Holman stated the assumption throughout the discussion regarding the Colleagues Memos was a copy should be given to the City Manager. She requested to add the language “and other appropriate CAO”.
INCORPORATED INTO THE MOTION WITH CONSENT OF THE MAKER AND SECONDER to add the words in the Procedures “and other appropriate CAO” on page II-9-section 8.

MOTION PASSED: 9-0

MOTION: Council Member Scharff moved, seconded by Council Member Yeh to refer the remainder back to P&S to review with written input from Council.

Council Member Yeh asked if there would be a Brown Act issue having the Procedures and Protocols return to the Policy and Services Committee with written comment from the full Council.

Mr. Larkin stated the written input should be directed to the City Clerk who could then consolidate the information and present it to the Policy and Services Committee.

Mayor Burt asked for clarification on the Quasi-Judicial hearings, was it in reference to address any meetings prior to any submittal of application.

Council Member Holman stated it was. She stated she would like the Policy and Services Committee to discuss the restructuring of City Council Study Sessions. She felt the Council would benefit from a venue where there was freer flowing communication and an exchange of information gathering. When Council received a pre-application submittal the idea was not to look for detail, only information which could be retrieved during a Study Session, if it were restructured properly. The ARB and P&TC were constrained on what they could do if Council took a closer look at a project before they were able to review it.

Council Member Klein stated he believed there were other issues to be considered, in the Procedures on Page 2, bullet Page IV-1 section B 2. For example; e-mail had not been addressed, it was not clear as to who was being referenced in the section, he noted according to the law, members of the public and Applicants were to be treated in the same fashion whether it be via e-mail or telephone contact. The title needed to be changed since it was inclusive of Quasi-Judicial and Planned Community. He noted site visits were a time for gathering of information which had not been discussed and he felt site visits should be encouraged. He had concern with the word “autonomy of Boards
and Commissions”, they were not autonomous. Boards and Commissions were an advisory body to the Council.

Council Member Shepherd stated she would not be supporting the Motion. She felt the Policy and Services Committee would benefit from the Council’s input and therefore determined the Procedures and Protocols should remain with the full Council.

Council Member Holman stated if the Motion passed and the item returned to the Policy and Services Committee, she asked when the deadlines would be for Council to provide their input to the City Clerk and for the return to Council after their review.

Mr. Keene stated the meeting on the 14th of December had been agendized for discussion on the matter with the City Attorney’s office, the thought was to add this matter to the agenda.

Ms. Grider stated the information needed to be received by the City Clerk by Friday, December 3rd.

Council Member Holman asked when it would return to Council.

Mr. Keene stated the return date would depend on the decisions determined by the Policy and Services Committee.

Council Member Holman stated presuming the Policy and Services Committee completed their review and edits on the 14th of December, when would the item be agendized for the Council.

Mr. Keene stated once Staff received a recommendation from the Policy and Services Committee the recommendation was agendized for the upcoming or at the latest the following Council meeting.

Ms. Grider clarified the earliest the item could return to Council would be January 10, 2011.

**MOTION PASSED:** 8-1 Shepherd no
The Ethical Hazards of City Council Members Attending Other Board Meetings

BY MICHAEL DEAN

Imagine this scenario: The planning commission is considering whether to recommend a zoning change to the city council, which would allow more residential use in the downtown area and promote the mixed-use vision in its General Plan. Wouldn't any city council member want to know as much information as possible? Attending the planning commission meeting and listening to the perspectives of the city planner, engineer, architect, commission members and others might seem like a smart move. The council member may even be able to ask questions of the participants or give his or her views, thus learning about the issues and influencing the matter before it comes before the city council. In fact, city council members can often be found in the audience of planning commission meetings, listening to the proceedings and occasionally participating.

However, this may not be such a good idea. As innocent as a council member's motives may be, when he or she personally attends a planning commission meeting or another subordinate committee meeting, he or she may be crossing an ethical boundary. Council members do not violate any laws by attending commission meetings. However, they run the risk of:

- Potentially revealing a biased view, thereby causing their own disqualification should the matter at hand subsequently come before the council;
- Interfering with the role of the commission as an independent advisory body; and
- Not acting in accordance with the views of the city council as a whole.

Most city council members know to steer clear of the somewhat hazy legal boundaries that might cause them to be
disqualified from the decision-making process due to bias. Many if not most planning commission or other commission decisions are merely advisory to or at least appealable to the city council. Because the right to due process is attached to many of these types of commission decisions, the participants in such proceedings have the right to an unbiased decision-maker at the city council level. A council member who comments at the commission meeting and indicates a firm position on a particular matter may be subjected to a challenge for bias when the same issue reaches the city council.

Related Ethical Challenges

Beyond the issue of perceived bias, participating in a commission meeting raises other ethical questions. For instance, council members generally have the authority to remove a commission member. With this power, a council member's mere attendance at a meeting can be highly influential, especially when he or she makes his or her opinions known. Merely indicating that one is not speaking for the entire council, but rather providing one's own opinion, does not address the significant impact of the "boss" offering an opinion. This influence may also jeopardize a significant role of the commission, which is to provide independent recommendations or decisions to the city council. After all, none of the cities' commissions are required to exist; if the city council wants to have the role of decision-maker, it could take that role. But when a city establishes a commission, the city council has also by implication indicated its desire to have an independent body make decisions or recommendations. The presence of the appointing authority at the commission meetings affects that independence.

Likewise, in a council-manager form of government, the intent and expectation is that a city council will act as a whole, not as individuals. Council members normally receive the same information simultaneously from city staff or from their subordinate commissions or the public's testimony. This allows the council members as a body to draw conclusions in a fair and balanced way based upon the same factual foundation.

City council members may undermine this expectation when they individually attend meetings of a subordinate commission. To some extent the council member who attends collects information that will not reach other council members in quite the same way. Those council members who attend may also subtly influence either the outcome of the commission's deliberations or how the matter will eventually be presented before the council — in ways not available to the council members who did not attend the commission meeting.

Of course, council members do not completely give up their rights as private citizens, and they are both free to and expected to gather information relevant to the performance of their duties. They are entitled to attend a commission's public meeting. However, to remain firmly upright on the ethical tightrope, council members should wait until the commission makes its recommendation to the city council in its entirety — thus preserving the original intent of both the independent commission and the city council.

Alternatives to Attending in Person

This does not deprive council members of the ability to learn what occurs at a commission meeting. A city council member may listen to most meetings online, on television or by using the city clerk's taped recordings. Information can also be obtained by reading the commission's meeting minutes. A council member's personal presence at or participation in a commission meeting, on the other hand, could reveal a biased view, disrupt the independence of the commission or exert undue influence on the commission, regardless of the council member's intent. It is best
avoided.

For More Information
Learn more about bias in the October 2006 "Everyday Ethics" column, "When an Elected Official Feels Passionately About an Issue: Fair Process Requirements in Adjudicative Decision-Making."