March 8, 2011

The Honorable City Council
Attention: Policy & Services Committee
Palo Alto, California

Final Council Procedures and Protocols

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Procedures and Protocols

On Tuesday, February 15, 2011, the Policy and Services Committee reviewed revisions to the Council’s Procedures and Protocols. The following items were continued for further discussion. These items are offered as suggestions for the committee to use for its deliberations on these items.

1. Discussion of the Structure of Study Sessions.

The Council procedures for study sessions are described in section II(B)(3) of the Procedures Handbook. The current language is:

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.

Some Committee members expressed concern that the rules may result in planning applicants not getting sufficient direction on their projects to enable them to move forward in the process effectively and efficiently. Other members, however, were also sensitive to the fact that the Council should not encroach on the purview of the Planning and Transportation Commission in such cases.

One option for the Committee to help address these concerns is to make the study session rules broader and less prescriptive so that the Mayor and Council have more discretion in running study sessions, thereby providing latitude to give applicants more useful direction if necessary. Some suggested revisions for the council to consider in evaluating this option is shown in redline/strikeout below:

**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, and the Mayor shall have discretion to determine the appropriate process for conducting the study session, including when public comment and oral communications will be heard. Examples of potential formats for conducting a study session include, but are not limited to:

- **Town hall-style meetings**
- **Staff or other city-sponsored informational presentations**
• Council question and answer

d) Public Participation. However, the general rules of decorum apply in study sessions. The public shall be given an opportunity to comment on all study session items, and comment may be consolidated with oral communications.

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. Input provided by the Council at a study session or during a preliminary review process is only general guidance; it should not be relied upon as a final decision, nor shall not be binding on future hearings of the Council or any city board or commission.


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

The City Attorney advises that this language can be deleted as they feel the issue is resolved within the following section of the Procedures:

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.

3. Policy & Services Committee - Role, Purpose, & Work Planning

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.

The Policy & Services Committee acknowledged at their last meeting that they could not
change the language since the purpose of the Committee was found in the Municipal Code. The Municipal Code must be changed. The Committee asked staff to bring back draft language updating the language while also providing the Committee with the language in the Code for the Finance and the Planning & Transportation Committees. The following are the Municipal Code sections:

2.04.210 Committee on finance.

It shall be the duty of the committee on finance to consider and make recommendations on matters referred to it by the council relating to finance, budget, audits, capital planning and debt.

(Ord. 4692 § 1 (part), 2001)

2.04.220 Committee on policy and services.

It shall be the duty of the committee on policy and services 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 works, and community and human services.

(Ord. 4692 § 1 (part), 2001)

Planning & Transportation Commission

2.20.050 Duties and powers.

The commission is an advisory commission. In addition to the duties set forth for the planning commission in Titles 18 and 19 of this code, it shall, as requested by the city council, the city manager, or the director of planning and community environment provide advice on any matter pertaining to land use planning and transportation systems affecting the city. The term "planning commission" used anywhere in this code or in state law shall refer to the planning and transportation commission.

(Ord. 4606 § 1 (part), 1999)

The references above for Title 18 are the Zoning Code and Title 19 is the Master Plan.

The City Attorney has drafted the following language to amend the Municipal Code for the Policy & Services Committee:

Palo Alto Municipal Code Section 2.04.220 currently describes the role and responsibilities of the P&S Committee ("Committee") as follows:

It shall be the duty of the committee on policy and services 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 works, and community and human services.
At its last meeting, the Committee discussed amending this section to (1) allow the Committee to self-initiate matters in addition to making recommendations on matters referred to it by the council, and (2) potentially broaden the role of the Committee. The Council may adopt an ordinance amending section 2.04.220 to implement these proposed changes.

To allow the Committee to self-initiate matters, we suggest the following changes:

It shall be the duty of the committee on policy and services to consider and make recommendations to the council 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 works, and community and human services.

This revision would eliminate the requirement that the Council refer matters to the Committee, while clarifying that the Committee still must forward its recommendations on any matter to the full Council for consideration.

The proposal to expand the scope of the Committee could have a broader range of options, depending on the goals of the Committee and, as some members noted at the last meeting, so long as the responsibilities do not conflict with other committees, boards, or commissions (particularly the Finance Committee and the Planning & Transportation Commission). The Finance Committee is currently tasked with considering and making recommendations “on matters referred to it by the council relating to finance, budget, audits, capital planning and debt.” (PAMC§ 2.04.210). The P&TC role is to “provide advice on any matter pertaining to land use planning and transportation systems affecting the city.” (PAMC § 2.20.050)

The role of the P&S Committee is distinct from the P&TC and the Finance Committee because it is tasked with addressing the administrative procedures, process and policy matters relating to various areas of City business. In contrast, the Finance Committee’s purview is focused on budgetary issues and the P&TC’s purview is focused on specific land use and transportation projects. Thus, the P&S Committee may alter or expand its general areas of focus without creating a conflict with the duties of these other commissions provided the scope of P&S review continues to be limited to high-level administrative policy issues and does not encroach into detailed management of the organization or specific project-level review.

ATTACHMENTS:

Excerpted Minutes of 2/15/11
ATTACHMENTS:

• P&S 2-15-11 EXCERPT (DOC)

Department Head: Donna Grider, City Clerk
DRAFT EXCERPT MINUTES

3. CAO Report from the City Clerk Procedures and Protocols

Chair Price said Procedures and Protocols went before the Policy and Services Committee in 2010.

Council Member Klein clarified the only information being considered at the current meeting were on pages 284-286 of the packet.

Council Member Holman said she would be submitting factual changes to the City Clerk that needed to be incorporated in the document. For example quasi-judicial and Planned Community (PC) was mentioned throughout the document and PC was omitted in several paragraphs.

Rob Braulik said the City Clerk will do a master clean-up on whatever action was taken. Additional comments will be incorporated into the Council’s packet. He advised Council Member Holman to forward her changes to the City Clerk.

Fred Balin referred to Page IV-I, Quasi-Judicial Hearings, A-1. He said Council Member Klein raised concerns regarding the word “autonomy” and suggested changing the word to “independence.” The idea was to support the independent process. He spoke regarding “Submittal of Materials Directly to Council.” He said materials needed to be vetted by Staff and suggested changing the words “agenda item” to “planning application items” and should be submitted to the City Clerk or the City Manager as soon as possible for Staff’s review. He referenced Page 286, Page 6-7, “Other Procedural Issues” and said the section was deleted due to late submittal of Planning Application materials and was an earlier version of what was on page 297. It was duplicated in the Quasi-Judicial Handbook section and in the Protocols and should be deleted.

Tom Jordan referred to page 284 of the Report and said Study Sessions should be a smoother and easier interchange between applicant and the Council. He felt it was the appropriate forum for detailed dialogue and the simpler the procedure the less reason there was for independent private communications.
He referenced Page 285 of the Report, Page 6, to change “Council” to “Council Members” and “agenda items” to “Planning Application Agenda Items” which corresponded to Page 297’s language. He said “Submittal of Materials Directly to the Council” should be consistent with Page 297 since it was a late submittal problem. He clarified the materials were late due to amendments made by the applicant. He supported moving the item forward.

Council Member Holman said the Study Session structure needed to be changed because they were not functional and not helpful. She said they needed to be more of an open forum, with a free-flow exchange of information in a roundtable format. The public should be more participatory, and they should be a learning experience for everyone involved. Agendized action items should follow Study Sessions.

Chair Price said Study Sessions had no action and asked how actions could be taken later since they could not been noticed.

Council Member Holman said there could be two noticed items. One would be the Study Session and the other to notice an actionable item based on the Study Session information.

Chair Price asked if it was feasible procedure.

Council Member Holman said it was feasible.

Chair Price asked how action can be taken on items not yet known by the public and presented within minutes before a Council Meeting.

Council Member Holman said the public would be informed since the purpose of a Study Session was to give preliminary guidance to an applicant. She felt the information was loose and ill-formed leaving the applicant with mixed opinions on Council’s direction.

Council Member Burt said the disconnect was that Council Member Holman was trying to envision framing an action item from the Study Session.

Council Member Klein said to keep in mind that Study Sessions were used for items other than land use matters and that items could be moved and acted on in another meeting.

Council Member Holman said she thought an applicant would go to the Architectural Review Board (ARB) and the Planning and Transportation
Commission (P&TC) after a Study Session without Council guidance except for what was given at the Study Session.

Council Member Burt said there was a distinction between a decision-making action versus formalized guidance. He said Study Sessions were a collection of comments that may or may not represent the majority of the Council. He raised the question about how to have guidance that was less than a final action. He questioned whether this was the right thing to do.

Chair Price agreed guidance was not always clearly conveyed through the Study Session minutes and questioned who was responsible for interpreting the outcome of a Study Session.

Mr. Keene said that was a complicated question because there was a wide range of topics in a Study Session. He said the majority of Study Sessions were not on land use applications and more to preview meetings and getting familiarized with issues. Staff did make judgment calls on directions. He said there may be an in-between step or meeting that could take place between the Study Session and when the action occurred but they would need to give more thought about what that process might be.

Council Member Holman agreed that many Study Sessions were not about land use projects and that Study Sessions should not get too fine grained, but a guidance policy should be set to allow the applicant, Staff, and the public to have some notion regarding direction.

Chair Price said Council Member Holman’s observation was that the applicant was not given enough guidance. A Study Session was to provide a preliminary review and status of a project. She asked what the best way to summarize the results might be.

Mr. Keene needed clarification on what the problem was that needed to be solved.

Council Member Holman said applicants felt Study Sessions do not work. They raised concerns of not getting the guidance and clarity, and a lack of ability to get Council’s full agreement. Applicants end up wanting private sessions with Council Members which counters transparency. She said clarity should be provided in general policy terms of what was expected prior to moving on to the next step.

Council Member Burt suggested, in order to move forward, 1) to exclude from consideration obligating the Council to take actions even if they are at a
guidance level, and 2) to not include normal actions that may be under consideration. Staff did pose questions to the Council as a result of Study Sessions, and questions were or were not answered, leaving Staff to make assumptions on Council’s perspectives. He said perhaps there was value for general guidance where appropriate which becomes a discretionary action at the meeting or subsequent meeting. He did not want a Study Session to restrict the Council in future decision-making or to interfere with the autonomy of Boards & Commissions.

Council Member Holman concurred with Council Member Burt.

Council Member Klein suggested that Council Member Holman draft a policy clarifying her vision. The policy would need to accommodate all Study Sessions by sharply distinguishing between land use matters and non-land use matters.

Chair Price asked Staff how to gain better results and more productivity out of Study Sessions.

Mr. Keene said Staff would require more of Council’s guidance and direction on what was being achieved.

Herb Borock said issues raised by Council Members Holman and Burt were important but did not belong under what was being discussed. They were separate issues; Study Sessions had grown at the ARB, P&TC, and the City Council without legislative authority for them. Legislative authority was important when planning and zoning issues were being discussed. He said he could not tell from the agenda item description and supporting materials what this discussion was going to be about. He said there was legislative authority for prescreening applications and preliminary hearings that required fees. Study Sessions were invented but not authorized by the Council. The subject should be properly agendized. He suggested the Committee put aside planning and zoning issues for another item, separate from the Procedures Handbook.

**MOTION:** Council Member Klein moved, seconded by Council Member Price to continue the discussion regarding Study Sessions to a future Policy and Services Committee meeting where Council Member Holman would bring a draft version of the language to the Procedures handbook.

Chair Price asked if the focus would be on the Policy and Procedures.

Council Member Holman asked about Mr. Borock’s point regarding the proper location for these items.
Mr. Keene found Mr. Brock’s bifurcation helpful. He said Study Sessions were one matter and land use applications would be what Council Member Holman focused on. He said if the Motion was focused on Council Member Holman’s discussion that language could be brought back to the Council.

Council Member Burt requested Director of Planning and Community Environment Curtis Williams’ perspective input.

Mr. Keene asked to have the City Attorney present for discussion on land use issues.

**MOTION PASSED: 4-0**

Council Member Burt said he had questions regarding the scope of this evening’s discussion. Council Member Klein said discussion was limited to pages 284-286. He raised concerns regarding a need for clarity on the role of City Council representatives at Board and Commission Meetings and was it appropriate to discuss under these items.

Council Member Klein said he did not think so but would need to go to the Council for discussion. He said he had a problem with they way the agenda item was worded, “CAO Report from the City Clerk Procedures and Protocols.”

Council Member Burt said “as agendized” did not give the Committee latitude to discuss other issues. He said in the body of changes to the Protocols there were highlighted sections and asked if they were part of what was being referred to in the agenda or what was contained in the pages.

Council Member Klein said he thought it was the content listed on the three pages of the City Clerk’s memo.

Rob Braulik said the City Clerk’s memo was an attempt to frame what was outstanding based on action the Council had taken and action taken by P&S. He said these were the outstanding items prior going to the Council.

Council Member Burt said that when they went to the Council there were specific language items which were reflected within these pages. There were issues Council felt still needed to be addressed, which have not yet been discussed by P&S.

Council Member Klein said a number of the issues were addressed at the December meeting but still needed to go to the full Council.
Council Member Burt wanted to agendize additional discussion regarding the role of the City Council representatives to Boards and Commissions and the responsibilities of City Council Liaisons to community groups.

Chair Price said that had not yet been discussed. She asked the Committee to focus back on pages 284-286.

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.

Council Member Klein referred to Page IV-1 saying he was not in favor of the word “autonomy” and suggested it be changed to “role”.

Mr. Keene clarified the entire statement saying it should read “the role in Boards and Commissions in making recommendations to the Council”. The intent would be that the Council would expect the Boards and Commissions to make recommendations to the Council.

Council Member Burt agreed it needed better clarification. He said it was to emphasize that the Council Members to not have undue influence over Commissioners. He suggested “independent advice” to address the reason for clarification.

Council Member Holman did not think Council Member Burt had the issue in context. She said the context was the reason that the recommendation coming from the P&S 4-0 vote that Council Members would have ex parte communications on quasi-judicial PC projects until after the P&TC and ARB had concluded their recommendation.

Council Member Burt said Council Member Holman’s statement added clarification but felt “independent advice” added value over “role” or “autonomy” and clarified the statement.

Mr. Keene asked Council Member Burt to re-read the statement.

Council Member Burt said “and support the independent advice of Boards and Commissions in making recommendations to Council.”
Chair Price said suggested “to support the role of Boards and Commissions in making independent decisions to...”

Council Member Holman suggested “to support the procedural integrity of Boards and Commission in making recommendations to Council.”

Council Member Klein said the sentence had evolved to having two conflicting ideas in the sentence. He felt the word “integrity” raised the question of the honesty of the Boards and Commission and suggested to stop at the word “parties” in the second line.

Council Member Holman said the rest of the clause was added because over time people lose sight of laws, rules and procedures.

Council Member Klein said quasi-judicial and straightening the role of Boards and Commissions were two ideas that did not mesh in the sentence.

Council Member Holman said in context this was strictly referring to quasi-judicial in each project.

Council Member Burt said the word “integrity” had two potential meanings creating ambiguity.

**MOTION:** Chair Price moved, seconded by Council Member Klein to change the verbiage on page IV-I in the Procedures handbook as follows:

**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 role autonomy of the Boards and Commissions in making independent recommendations to Council.

Council Member Holman said the Boards and Commission made independent recommendations even if there was constraint. It may be independent but not functional because it was precluded by other discussions. She said she did not think “independent” captured what the Committee was trying to accomplish.

Council Member Burt said it was moving closer to capturing independence. He suggested less ambiguous language that would capture the procedural aspects being addressed.

Council Member Klein suggested adding “meaningful” after independent.
Council Member Burt said what Council Member Holman was trying to address with the word “integrity” was process integrity and not of the individuals.

Council Member Holman suggested “and to support the function of Boards & Commission in making recommendations to Council.”

**AMENDED MOTION:** Chair Price moved, seconded by Council Member Klein to change the verbiage on page IV-I in the Procedures handbook as follows, removing the word “autonomy” and adding the word “independent”:

**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 independent recommendations to Council.

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

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

**MOTION:** Council Member Klein moved, seconded by Chair Price to approve the recommended changes to page 4 of the Protocols document, removing the words “should be clearly made as” and adding the words “should make a point to clearly state it is an” as follows:

- If attending a Board or Commission meeting, identify your comments as personal views or opinions.

Council Members may attend any Board or Commission meeting, which are always open to any member of the public. Any public comments by a Council Member at a Board or Commission meeting, when that Council Member is not the liaison to the Board or Commission, should make a point to clearly state it is an individual opinion and not a representation of the feelings of the entire City Council.
Council Member Burt asked if the intent applied to a Council Member, whether they were coming as a representative of the Council or as an individual Council Member.

Council Member Klein said it would apply to any public comment made by a Council Member when that member was not commenting as a liaison.

**MOTION PASSED: 4-0**

Council Member Burt asked why have the rule only apply when they are not a liaison to the Board and Commission. He said it should include any Council Member and not just a liaison.

Chair Price asked Council Member Burt if he was suggesting broadening the Motion to include not only the liaison.

Council Member Burt said there was language in the protocol that the liaison was to represent the position of the Board as a whole.

**MOTION:** Council Member Holman moved, seconded by Council Member Klein to approve the recommended changes to page five of the Protocols document, eliminating the words “Limit contact with” and “to questions of clarification”, and adding the words “Refrain from Lobbying” as follows:

Refrain from Lobbying.

Limit contact with Board and Commission members to questions of clarification.

**MOTION PASSED: 4-0**

Page 5

- 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.

Council Member Burt asked why the final sentence was proposed to be deleted. He asked why the protocol would not give guidance on the next step if a problem was not resolved.
Council Member Klein said the statement was not necessary and asked for options.

Council Member Burt said it was in the protocol to provide guidance.

Mr. Keene made an observation that if the sentence were deleted it could have implications the Council decided to eliminate tactful conversations with Boards and Commissions.

**MOTION:** Council Member Holman moved, seconded by Council Member Burt to remove the words “a” and “can bring”, add the words “fulfilling his or her roles and responsibilities” and “may address”, and not strike the last sentence, as follows

- 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 may address the issue with the Council as appropriate.

Chair Price as a point of clarification asked if the Council Member would be going to the Mayor rather than the person directly.

Council Member Holman said yes.

Council Member Klein said he was not in favor of the Motion. He said the second line should read “his or her” instead of “their” and the Council Member has “concerns” with a particular Board or Commission member.

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

**MOTION PASSED:** 3-1, Klein no

Page 6

**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.

Council Member Burt asked if the sentence previously read, “If the Council receives information” and was switched from “information” to “materials” to clarify the intent.

Council Member Holman said it was switched from materials because of a lack of clarity.

Council Member Burt said it was back to “materials.”

Council Member Holman said it was an old language and switched from “materials” to “information.”

Council Member Burt said “information” seemed broad and ambiguous and “material” was more concrete.

Council Member Holman thought “materials” was an issue brought before the Council.

Council Member Klein said most of the language was covered in II-5, paragraph c. He asked to add if an individual Council Member received something that fits within the category, that he or she should immediately forward it. He said it needed to be reworded. For example “materials” was ambiguous, and the next “related to an agenda item”. He said this was not just referring to land use. He said II-5 was referring to Planning Applications.

**MOTION:** Council Member Klein moved, seconded by Council Member Holman to request Staff rewrite the language on page 6 of the Protocols document regarding Submittal of Materials Directly to Council to further define what materials would be included, and re-agendize it on a future Policy and Services Committee meeting date.

Chair Price clarified the item would be deferred to a future date for action.

**MOTION PASSED:** 4-0

Mr. Braulik asked if the procedure would be rewritten at the next meeting.

Council Member Klein said Staff was being asked to rewrite the statement so that if an individual Council Member receives the type of materials that are referred to he or she would have the obligation to turn it into the City Clerk.
Chair Price said the individual Council Member would have no idea if they were receiving information that was unique.

Council Member Holman said the language was there and did not matter whether it was unique or not. All they needed to know was that they were getting something that impacted the project.

Council Member Klein said to include that the receipt was only in the last five days.

Council Member Holman said it was subsequent to when packet materials are due to Staff.

Chair Price said her point was if she received information she would not know if she was the only one receiving the information.

Council Member Burt clarified if information was given to an individual Council Member other than through Staff it did not mean the other eight Council Members did not receive the information. The other distinction would be getting materials in the last five days other than through Staff.

**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.

**MOTION:** Council Member Holman moved, seconded by Chair Price to approve the recommendation to remove the paragraph on page 6-7 of the Procedures Handbook, as follows:

*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.

**MOTION PASSED:** 4-0

**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.

Council Member Klein said a purpose statement was already in place and that the Charter states what the Policy and Services Committee should be doing.

Chair Price said one issue was to try to clarify the purpose statement.

Council Member Burt said the purpose statement placed the Policy and Services Committee in a role of overseeing management and almost an auditing role. He said he would be open to other ways to address making the Committee more proactive on policies. He said insuring the organization was responsive and effective was the City Managers job and the Council reviews the City Manager’s performance. He did not feel insuring the organization was responsive and effective was the role of the Committee. The best practices of the Committee outside of direction from the Council were also overstepping. He thought the original intent was to capture something allowing the Committee to have a more proactive role, but this was going into domains that were outside of the Committee’s responsibilities.

Council Member Klein agreed. The Municipal Code governed the issue. He did not think the Committee’s responsibilities could be changed unless the Municipal Code changed.

Council Member Burt asked Council Member Klein if he was saying the Committee could not legally add the roles without passing it through the Municipal Code.

Council Member Klein said it did not make sense to have two different purposes.
Council Member Holman said the purpose of the language was to give the Committee more authority to initiate and not just be a body that takes things that the Council refers to them.

Mr. Keene said it appear to him that the Municipal Code needed to be changed in two ways. One would be when the issue comes to the Committee and the Code was not clear whether or not everything comes as a referral from the Council to the Committee, or if phrases are separated. In other words, “consider and make recommendations on matters referred to by the Council related to the parliamentary and administrative procedures.” He asked if policy matters could come directly to the Committee without being referred by the Council.

Council Member Klein said it could be read that way and could be rewritten for clarity.

Mr. Keene said the second issue was references to “such as” were not clear enough to be referenced.

Chair Price said the language in the purpose statement seemed that people could take exception to the second sentence. The first sentence captured “insuring good policies and best practices.” She asked if City Manager Keene was suggesting this item come back as a modification to the Municipal Code modifying the language as it relates to role of the Committee.

Council Member Klein said he had problems with the first sentence. He said there was a Standing Committee and to identify important community issues and policies. He said the City had several financial policies.

Chair Price said they try to keep it broad because there is a Finance Committee. She suggested “to identify important community issues or policy issues” might be more appropriate.

Council Member Burt said the statement needed more consideration and said by adopting this may not preclude or limit or speak to the role of the Finance Committee.

Council Member Klein said the two needed to be written together.

Council Member Burt asked if this should be limited to one of the Standing Committees and if this was the best description of how they were broadening the role of P&S Committee. He was not comfortable with the public policy and best practices capturing what the Committee was trying to do in broadening the
role of the Committee. He agreed it would be of value to broaden the role of the Committee and would like to come to an agreement of broader language and narrowing it down to succinct language to capture that.

Chair Price suggested clarifying the Committees role beyond the general language in the Municipal Code. She asked if role in the Municipal Code had a parallel relating to the Finance Committee.

Mr. Keene said Staff could bring the Municipal Code pieces back for both committees and make recommendations.

Mr. Braulik said the way the Municipal Code was written was that the only things the P&S Committee would review were things referred by the Council.

Council Member Klein said it was time to modernize the present grant of authority, not to include planning and zoning. He thought that should be taken away from Policy and Services.

Chair Price suggested keeping it flexible.

Council Member Klein said it needed to be better drafted or modernized to make clear that most planning and zoning issues are going to the Planning and Transportation Commission and to have it on the same paper.

**MOTION:** Council Member Klein moved, seconded by Council Member Holman to continue the discussion on page 7 of the Procedure Handbook regarding the Policy & Services Committee - Role, Purpose, & Work Planning to a future Policy and Services Committee meeting. Staff will provide the Municipal Code sections regarding the roles of both the Policy and Services Committee and the Finance Committee at that meeting.

**MOTION PASSED:** 4-0