Report Type: Action Items  Meeting Date: 6/3/2013

Summary Title: Annual Reorganization Meeting

Title: Policy and Services Committee Recommendation Related to the Annual Reorganization Meeting Including a Possible Charter Amendment

From: City Manager

Lead Department: City Manager

Recommendation

Staff recommends that the City Council approve the Policy & Services recommendations to:

1. Do all things reasonable and necessary to have newly elected Council Members sworn-in on January 1, and the City Clerk make that a part of the package given to all candidates.

2. Conduct the reorganizational meeting for election of Mayor and Vice Mayor in odd-numbered years on the first business day in January.

3. Consider amending the Charter to allow Council member terms to begin in December, as soon as the vote is certified.

Background

The annual reorganization meeting typically includes three activities: newly-elected Council Members are sworn in, the new Council chooses a Mayor and Vice Mayor for the year, and outgoing Council Members are recognized for their service. By tradition, this meeting is scheduled for the first regular Monday night meeting in January after the end of the Council’s winter break.

Under the Palo Alto Charter, outgoing Council Members’ terms end on December 31st. Incoming Council Members are eligible to be sworn in at any time on or after January 1st. By tradition, however, most new Council Members do not take the oath and begin exercising official duties until the reorganization meeting. Depending on when January 1st falls on the year’s calendar and when the Council’s winter break ends, it is possible that more than a week passes between the end of the outgoing Council Members’ terms on December 31st and the reorganization meeting when the new Council Members are sworn in and become eligible to exercise official duties. Some Council Members have identified concerns that an urgency that
requires Council Member involvement could arise in this “gap” period, such as a storm, flood, earthquake or other emergency. This could lead to confusion or delay in the exercise of policy oversight to the detriment of the City.

On March 19, 2013, the Policy & Services Committee reviewed and considered potential changes to the process for conducting the City’s annual Reorganization meeting each year. The staff report for the Committee’s discussion identifies potential issues and options for changes to the City’s current practice (includes as Attachment A). The meeting minutes are included as Attachment B. The Committee recommends that:

1. The City do all things reasonable and necessary to have newly elected Council Members sworn-in on January 1, and the City Clerk make that a part of the package given to all candidates (unanimous vote).

2. In odd numbered years, the City conduct its reorganization meeting to swear in new Council Members and elect a Mayor and Vice Mayor on the first business day in January. (In even numbered years, there are no new Council Members, so the “gap” problem does not arise.) 3-1 vote; Kniss dissenting.

3. The Council consider, depending on information from the City Clerk regarding cost, amending the Charter on or before November 2014 to eliminate this problem.

Discussion

Under the City’s Charter, terms of outgoing Council Members end at midnight on December 31. New Council Members may not be sworn into office until January 1. New Council Members cannot act until they are sworn in. January 1 is a national holiday. City staff and the Council are customarily on break on January 1st. Depending on when weekends and Mondays fall, the Council may not have a regular meeting until a few days after January 1st. An amendment to the City’s charter will eliminate the gap problem by providing that Council Member terms begin in December, as soon as the vote is certified. The County and some surrounding cities transition in December. A survey of surrounding cities is included as Attachment C.

Moving the transition to December would avoid the potential “gap” issue identified in Policy &Services. It would allow the Council to schedule its winter break based on school and vacation calendars, rather than juggling the break to accommodate the reorganization meeting. A December transition would also allow the voters’ decisions to be implemented promptly, avoiding a “lame duck” period. Finally, a December transition would allow the Council to get started on substantive business right away in January, rather than waiting for weeks while new officers are chosen and committees are constituted.

The County Registrar estimates that the cost of a Charter amendment for the November 2013 ballot is approximately $350,000. (Traditionally, Registrar’s estimates tend to be reduced as the election approaches, as a result of additional matters being placed on the ballot.)

Timeline
If the Council directs, the City Attorney will return on June 10th with draft language for a Charter amendment to move the the start of new Council Member terms to the first meeting after the County Registrar transmits the canvas of votes, which typically occurs during the first or second week of December. Alternatively, the Council may direct that a Charter amendment be drafted reflecting an alternative transition date.

**Resource Impact and Policy Implications**

There are no resource impacts or policy implications related to this matter.

**Environmental Review**

The Council reorganization schedule is not a project subject to environmental review.

**Attachments:**

- Attachment A. 3-19-2013 Policy & Services Committee Staff Report (PDF)
- Attachment B. 3-19-2013 Policy & Services Committee Minutes (PDF)
- Attachment C. Survey of Surrounding Cities (PDF)
City of Palo Alto
Policy and Services Committee Staff Report

Report Type: Meeting Date: 3/19/2013

Summary Title: Annual Reorganization Meeting

Title: Review and Consider Recommendations to the City Council on Potential Changes to the Conduct of the Annual Reorganization Meeting

From: City Manager

Lead Department: City Manager

Recommendation

Draft motion:

The Policy and Services Committee recommends that the City Council direct staff to prepare the necessary Resolution or Ordinance to amend the City’s practice for conducting the City’s annual reorganization meeting as follows:

Background

On February 4, 2013, the City Council considered a Colleagues Memo from Council Member Klein and Council Member Schmid regarding the annual reorganization meeting. The Colleagues Memo, included as Attachment A, identifies a number of potential legal and practical problems associated with the City’s current practice of holding the City’s annual reorganization meeting on the first business Monday in January. The Council discussed potential changes to the City’s current practice and ultimately referred the item to the Policy and Services Committee for further consideration.

Discussion

The City’s current practice is to swear in new Council Members, elect the Mayor and Vice Mayor, and recognize outgoing Council Members at the first business meeting of each calendar year. A reception follows at the close of the meeting. No additional business is considered at the reorganization meeting. This memo identifies potential issues that the Committee may want to consider and potential options for changes to the City’s current practice that Council Members and staff have raised.

Considerations:
1. Under the City’s Charter, terms of outgoing Council Members end at midnight on December 31. New Council Members may not be sworn into office until January 1. New Council Members cannot act until they are sworn in.

2. The City typically takes a holiday break the last week of December and the first day of the new year (January 1).

3. If Council Members are not sworn in on January 1, the City may not have sufficient Council Members to act in the case of an emergency. In this situation the City would initiate its Emergency Standby Council. The City’s Emergency Standby Council is composed of former Council Members that have indicated a willingness to serve in an emergency.

4. The City’s current practice delays the conduct of business until the second Council meeting in January. This is a time when enthusiasm and momentum is high.

5. The annual reorganization meeting provides a ceremonial opportunity to recognize the City’s incoming Council Members and acknowledge outgoing Council Members for their service to the community.

Attachment B provides a calendar of the month of January over the next four years and illustrates the first business day and first calendar day of each year.

Potential Options for Changes to Current Practice (options are not mutually exclusive)

1. Set the first business day of the calendar year as the date for the meeting to swear in new Council Members, elect the Mayor and Vice Mayor and recognize departing Council Members, with no other business to be transacted at such meeting.

2. Swear in new Council members the first business day of the year individually in the Clerk’s Office.

3. Keep the City’s current practice of swearing in new Council members at the first business meeting of each calendar year and conduct additional City business after the reorganization. A reception may or may not follow the meeting.

4. Conduct the swearing in ceremony and reception at an event separate from the Council’s first business meeting of the year.

5. Keep the City’s current practice.

Attachments:

- Attachment A. Colleagues Memo (PDF)
- Attachment B. Four Year Calendar (DOCX)
DATE: February 4, 2013

TO: City Council Members

FROM: Council Member Schmid, Council Member Klein

SUBJECT: COLLEAGUES MEMO FROM COUNCIL MEMBERS KLEIN AND SCHMID REGARDING ANNUAL COUNCIL REORGANIZATION MEETING

**Problem:** Our present practice of holding our annual Reorganization meeting on the first business Monday in January creates legal and practical problems.

**Proposed Solution:** Council to direct staff to prepare the necessary Resolution or Ordinance to set the first business day of the calendar year as the date for the swearing in of new Council Members, the election of the Mayor and Vice Mayor and the recognition of departing Council Members/Mayor/Vice Mayor, with no other business to be transacted at such meeting.

**Discussion:** Under our Charter terms of outgoing Council Members end at midnight on December 31. New Council Members cannot act until they are sworn in. By delaying the swearing in until as late as January 8 we run the risk of not having sufficient Council Members on hand to act if an emergency should arise. Further, when the Mayor is a departing Council Member, as was true in 2012, he/she cannot serve in that position past December 31. If both the Mayor and Vice Mayor were departing Council Members we would have no person in those positions until the Reorganization meeting.

Our present schedule also creates an unnecessary delay in getting down to business in January. The newly elected Mayor cannot make appointments until she/he is in fact chosen. This delays such appointments until mid-month. Further, by using the first business Monday solely for swearing in and reorganization we leave ourselves with only two Mondays (three when January has five Mondays) in January for regular business meetings, since the Martin Luther King holiday falls on the third Monday each year. At the very time when enthusiasm is high—particularly in years when new people are joining the Council - we in effect are dawdling. Please join us in supporting this simple change in our schedule.
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- **First Calendar Day of the Month/Holiday**
- **First Business Day of the Month**
Colleagues Memo From Council Members Klein and Schmid Regarding Annual Council Reorganization Meeting.

Council Member Klein reported twice in the last 10-12 years, the City came close to having an emergency in early January. The flood in 1998 occurred on December 28, and the third heaviest rain storm in the history of San Francisquito Creek occurred on December 24 or 25, 2012. If there was a need for an emergency Council meeting on January 1 or 2, in many years the Council would not have a quorum. Council Members who were reelected needed to take a new oath before they could act in the new term. If Council Members did not take their oath until January 6, 7 or 8, they were not authorized to act.

Molly Stump, City Attorney agreed. All Council Members who were elected to a new term needed to take the oath before they took any official action.

Council Member Klein explained in the years five Council Members were elected, the City could conceivably not have a quorum. The easiest solution that did not require a Charter Amendment was to set the swearing in and reorganization date on the first business day of the year or January 2. The City Charter was out of sync, but a Charter Amendment required a vote of the people. Term ending dates could be earlier, but that would also require a Charter Amendment and vote of the people. The City Attorney correctly instructed former Mayor Yeh that he could not perform any actions as Mayor after December 31, 2012, because he was no longer in office. Having the swearing in ceremony on the first Monday in January could result in a serious problem.

**MOTION:** Council Member Klein moved, seconded by Council Member Schmid to request Staff prepare the necessary Resolution or Ordinance to set the first business day of the calendar year as the date for the swearing in of new Council Members, the election of the Mayor and Vice Mayor and the recognition of departing Council Members/Mayor/Vice Mayor, with no other business to be transacted at such meeting.
Council Member Schmid noted four Council meetings in January and February were not business meetings. It made sense to have the organizational meeting on the first business day, and hopefully the first Monday would add a meeting to keep the Agenda moving.

Council Member Kniss did not believe this had been a problem for many years. There was a historical precedent for holding the organizational meeting on the first Monday in January. The City liked the pomp and ceremony. She inquired whether anyone could be sworn in as early as January 1.

Ms. Stump answered yes. The only people who needed to be sworn were folks who were elected to a new term. They were eligible to be sworn from the first moment of January 1 under the Charter.

Council Member Kniss recalled that if the Council wished, it could extend the time period for the Mayor’s service until January 7. She asked Council Member Klein if his term was extended in 1984 or 1985 because of extenuating circumstances.

Council Member Klein stated the terms of Mayor and Vice Mayor were defined differently. Council Members left office at midnight on December 31. Mayors and Vice Mayors, if they were still Council Members, continued in office until their successors were elected. Former Mayor Yeh could not continue in office beyond December 31, because he was no longer on the Council. The extension of his Mayoral term for three or four weeks in 1985 was not extenuating circumstances; it was a nice honor by his colleagues.

Council Member Kniss reiterated that the Mayor’s term could be extended.

Council Member Klein clarified that only a Mayor serving a new term or continuing on the Council could have his term extended. Former Mayor Yeh’s term could not have been extended.

Council Member Kniss concurred. That situation was not an issue, because Vice Mayor Scharff was on the Council. She inquired whether an emergency Council could be utilized at any time.

Ms. Stump replied yes. Those individuals were available as provided by Ordinance in an emergency where the regular Council was not available.

Council Member Kniss felt Staff could handle an emergency. A meeting on January 2 could interfere with holiday vacations. She did not understand why the Council was trying to fix this; it was not broken. The public enjoyed
attending the ceremony. She would support sending the Item to the Policy and Services Committee if there was strong sentiment for that.

Vice Mayor Shepherd was aware that Mayor Yeh could not perform any Council work after midnight on December 31. She asked if the candidate's oath was the same as the Council Member's oath.

Donna Grider, City Clerk responded yes. The oath was administered to a candidate and then to a Council Member.

Vice Mayor Shepherd inquired whether the oath was merely ceremonial.

Ms. Stump explained the California Constitution provided that, before exercising official duties, local officials must take the oath of that office. Taking the oath as a candidate was not the same. Council Members needed to take the oath before exercising the duties of the office they were assuming under the City Charter on January 1.

Vice Mayor Shepherd inquired whether the oath had to be administered to all Council Members at the same time.

Ms. Stump indicated swearing in could be performed in private.

**AMENDMENT:** Vice Mayor Shepherd moved, seconded by Mayor Scharff instead of having a Council Meeting the new Council Members are sworn in on the first business day of the year.

Vice Mayor Shepherd believed the concern was having an official nine-member Council as soon as the year began.

Mayor Scharff felt the pomp and ceremony on the first Monday was a community transition of power. It would be a shame to lose that tradition and many of the community. The practical issue was not having all Council Members sworn in, and the Amendment would take care of that issue. If an emergency occurred, the City would have sworn Council Members and a full contingent of Council Members. This was a situation of more perceived risk than actual risk.

Council Member Berman supported the Amendment and original concern. The Amendment did not address voting for Mayor and Vice Mayor and the number of working meetings in January. He did not want to lose the community meeting of the reorganization. The Amendment was a good compromise on the issue. He did not believe the Council could require Council Members to be sworn on January 2.
Council Member Holman indicated the Motion had a conflict in that the first business day was not always January 2. The Motion also mentioned election of Mayor and Vice Mayor. The Mayor did not have more authority to take action than the Council majority did. A standby Council was available for service. There were a number of questions and issues that required more vetting.

**SUBSTITUTE MOTION:** Council Member Holman moved, seconded by Council Member Klein to refer this Item to the Policy and Services Committee.

Council Member Klein stated the Motion used the first business day. He would support the Substitute Motion. The Amendment may be out of order, because it moved the status quo which was not allowed. The Amendment was not a compromise, because it was already possible. He was concerned about any use of the Emergency Standby Council. There could be situations where both the Mayor and Vice Mayor were leaving office. The Council needed to protect themselves from that. The people's business was more important than a nice party.

Council Member Burt recalled as recently as January 1, 2010, both the Mayor and Vice Mayor were termed out, leaving no Council leadership. There was real confusion as to whether the outgoing Mayor was in charge when there was almost a flood at Chaucer Bridge on January 1, 2006. He inquired whether the State Constitution and the Charter prohibited newly elected and reelected Council Members from taking the oath before January 1.

Ms. Stump explained the Charter did not prohibit any oath taking wish to engage in, but the oath was ineffective to make one eligible to take authority as a Council Member until one was in the office, which was the first moment of January 1.

Council Member Burt stated Mr. Borock asserted that Council Members had taken office prior to January 1 in the past.

Ms. Stump indicated, with due respect to Mr. Borock, the office began at the first moment of January 1.

Council Member Burt did not believe it was the intention of the community to rely on an Emergency Standby Council. He encouraged the Policy and Services Committee to consider adding a circumstance where if the Mayor
and Vice Mayor were termed out and only on that occasion, then the first meeting would be moved to the first business day of the year.

Council Member Price supported the Substitute Motion, and agreed with comments made in support of the Substitute Motion.

Council Member Kniss suggested the Council determine why it had an Emergency Standby Council; consider electing a Vice Mayor that would be in office longer than January 1 of the next year; and, consider actions of other cities in similar situations.

Council Member Schmid urged the Policy and Services Committee to address the issue of only four business meetings in January and February.

**SUBSTITUTE MOTION PASSED: 9-0**
Chairperson Kniss called the meeting to order at 7:03 P.M. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Holman, Klein, Kniss (Chair), Price

Absent:

AGENDA ITEMS

1. Consideration of a Recommendation to Council to Adopt an Ordinance Prohibiting Smoking in Three Public Parks.

Chair Kniss wished to include Johnson Park, a small park used by many children.

Council Member Holman suggested including Scott Park.

Chair Kniss inquired about the size of Johnson Park.

Greg Betts, Director of Community Services reported Johnson Park was about 2.2 acres.

Council Member Klein noted Johnson Park was named after the first female obstetrics/gynecology doctor in the Palo Alto area.

Chair Kniss stated two parks were added to the original three parks proposed for a smoking ban.

Council Member Price suggested including Juana Briones Park, and asked if the proposal would return to the Parks and Recreation Commission (PARC) for discussion.

Chair Kniss felt limiting the number of parks to six would not require PARC involvement.
Council Member Price proposed Juana Briones Park, because it was used by all ages.

Chair Kniss believed few people opposed a smoking ban in parks.

Council Member Klein indicated the Policy and Services Committee (Committee) was establishing a rule for parks.

Chair Kniss noted the City had 36 parks.

Council Member Klein recommended the Committee list all the parks that a smoking ban did not apply to so that parks similar to the named parks were not omitted. He inquired about the number of parks containing less than 10 acres.

Council Member Holman reported all parks in College Terrace contained less than 10 acres.

Council Member Klein asked why the Committee wanted to distinguish among similar parks.

Chair Kniss felt including that many parks required a discussion with the PARC. She was willing to double the number of parks included in a smoking ban.

Council Member Klein suggested including all parks containing less than five acres.

Chair Kniss inquired about the number of parks within the City that contained less than five acres. She felt additional Staff work was needed to phrase a recommendation in that manner. She inquired about the size of Scott Park.

Council Member Holman felt it was probably 1/3 acre.

Council Member Price requested the number of parks containing five acres or less.


James Keene, City Manager wondered why smoking was allowed in Foothills Park.
Park when the City staffed a fire station in that area during fire season.

Council Member Price agreed with Council Member Klein's suggestion to broaden the scope of a recommendation.

Chair Kniss wanted more information before moving in that direction, but estimated between 20 and 25 of the 36 parks contained less than five acres.

Council Member Holman noted the Agenda Item was noticed for only three parks, and expressed concern that the public objected because it was not given an opportunity to provide input.

Mr. Keene indicated the Committee had two concerns: 1) broadening the scope of the recommendation from three parks to many parks and 2) a policy interpretation.

Molly Stump, City Attorney reported the Committee could make a recommendation. There was a full hearing at the Council on the first reading, and then a second reading was required but said the Committee could direct Staff to broaden the Ordinance.

Chair Kniss noted another question was whether the Committee should include all parks under a certain size. She noted Council Member Holman's concern regarding public reaction, and inquired about the size of Juana Briones Park.

Mr. Betts reported Juana Briones Park contained 4.1 acres.

Chair Kniss believed Juana Briones Park was the largest of the parks noted for inclusion.

Ms. Stump stated the Committee could ban smoking in all parks or could name selected parks. She suggested that Staff could draft reasonable and supportable findings to ban smoking in all parks below five acres.

Chair Kniss felt incremental increases worked better politically.

Council Member Holman agreed with banning smoking in all parks; however, banning smoking in Foothills and Arastradero Parks was logical because of the fire hazard. She questioned the ability of the Planning and Transportation Commission (P&TC) to expand an Agenda Item without providing additional notice.

Ms. Stump explained P&TC was distinct from all other Commissions.
Council was able to determine how to use its Commissions. Not all policy matters were reviewed by Commissions. She said a policy item could be handled by the Council, or by a Committee and then the Council. Under the Brown Act, a full hearing was required with proper notice.

Council Member Holman inquired whether the P&TC was able to expand the scope of an Agenda Item to be as broad as the Committee was asking.

Ms. Stump stated much of P&TC's work was quasi-adjudicative, which was different. P&TC's work was governed by provisions of the Municipal Code, and that did not apply to this discussion.

Mr. Keene stated Council policy allowed Council Members to place a recommendation on the Council Agenda through a Colleagues Memo. A Committee recommendation was not very different from a Colleagues Memo regarding process and notice requirements.

Ms. Stump believed a smoking ban was in effect for Foothills Park.

Mr. Betts reported a smoking ban was placed on trails in Foothills Park, but not on the meadow or in the picnic areas.

Chair Kniss suggested expanding the smoking ban for Foothills Park. She viewed a smoking ban as a public health issue, and the Council was a guardian of community health.

Mr. Betts reported Sarah Wallis Park contained 0.3 acres; Cogswell Plaza 0.5 acres; Lytton Plaza 0.5 acres; El Camino Park 12.2 acres; Eleanor Pardee Park 9.6 acres; El Palo Alto Park 0.5 acres; Mayfield Park 1.1 acres; Mitchell Park 21.4 acres; Monroe Park 0.55 acres; Rinconada Park 19 acres; Cameron Park 1.1 acres; Boulware Park 1.5 acres; Bowden Park 2 acres; Bowling Green Park 2 acres; Juana Briones Park 4.1 acres; Peers Park 4.7 acres; Ramos Park 4.4 acres; Bol Park 13.8 acres; Greer Park 22 acres; Heritage Park 2.01 acres; Hoover Park 4.2 acres; Hopkins Creekside Park 12.4 acres; Edith Johnson Park 2.5 acres; Foothills Park 1,400 acres; Esther Clark Preserve 22 acres; Pearson Arastradero Park 622 acres.

Chair Kniss estimated between 10 and 14 parks contained less than five acres.

**MOTION:** Council Member Klein moved, seconded by Council Member Price to recommend the City Council: 1) adopt an Ordinance amending Section 9.14 to establish new smoking restrictions in all parks that are 5 acres or less in size; 2) increase no-smoking buffer zones from 20 to 25 feet for
consistency with Leadership in Energy and Environmental Design (LEED) standards; and 3) direct the Parks and Recreation Commission to consider and make recommendations regarding expanding a no-smoking regulation to possibly include other City parks and open space areas within two to three months.

Mr. Betts indicated 17 parks contained less than five acres of a total of 34 urban parks and four open space preserves.

Chair Kniss stated almost half the number of parks contained less than five acres, but only a small percentage of total acreage.

Russ Cohen, Executive Director of Palo Alto Downtown Business and Professional Association supported a smoking prohibition in the three parks originally proposed for inclusion.

Herb Borock reported Hoover Park contained approximately 6.4 acres after acquiring land from Hoover School. He noted that under the Brown Act, the Committee could only act on the three parks noticed. The PARC had to make policy recommendations for parks. He suggested the Committee refer the item to the PARC.

Chair Kniss was comfortable with the City Attorney's statement that the Committee could recommend more than three parks.

Mr. Betts revised his previous count to a total of 22 parks containing less than five acres.

Council Member Holman requested Staff respond to Mr. Borock's comment that Hoover Park was larger than reported.

Mr. Betts reported records indicated Hoover Park contained 4.2 acres.

Mr. Keene indicated the acreage of Hoover Park would be clarified prior to the Ordinance being written.

Ms. Stump noted the Ordinance would enumerate the parks being affected by the smoking ban.

**MOTION PASSED:** 4-0
2. Discussion and Recommendation on the Process to be Used to Establish Guiding Principles/Core Values.

James Keene, City Manager recalled that the full Council referred this item to the Policy and Services Committee (Committee) at the end of the Retreat. A second Retreat was scheduled to discuss Guiding Principles and Core Values. Council directed the Committee to propose a process for the Retreat, and directed Council Members to submit three Core Values to the Mayor. Staff received Council Members' proposed Core Values, and forwarded them to the Mayor. Staff proposed the Committee Chair and the Mayor work with Staff to organize the proposed Core Values to present to the Council at the next Retreat. Staff welcomed Committee recommendations regarding a process for use at the Retreat.

Chair Kniss noted the Mayor would be involved in the process. She inquired when a Retreat could be held.

Mr. Keene indicated Council Members requested a Retreat be scheduled for a weekday, which required facilitating scheduling for a Retreat in May.

Chair Kniss believed Guiding Principles and Core Values concerned long-term goals and were easily understood by the public.

Council Member Klein expressed concerns about defining a Core Value, the number of Core Values, and having topics that distinguished Palo Alto from other communities. Having too many Core Values was the same as having none, but he thought there should be more Core Values than Priorities. He preferred avoiding feel-good phrases. He requested Council Members reconsider Youth Well Being, which was a Priority which omitted other aspects of the population.

Chair Kniss believed Healthy Communities Healthy Cities would include Youth Well Being.

Council Member Klein noted mental health issues affected the entire population, not just youth.

Council Member Holman recalled a comment at the Retreat that Healthy Communities Healthy Cities was a Core Value rather than a Priority. She was unclear about the purpose of the exercise, and was unsure about the number of Core Values that was needed. Many Core Values were included in the Comprehensive Plan. She questioned whether the list of Core Values should be the same as or different from Core Values contained within the Comprehensive Plan.
Mr. Keene noted a material difference among Guiding Principles, Core Values, and other terms. Values were internally direct. They were agreements or commitments among a group of people regarding the conduct of the group. He mentioned that the Council could use Core values to communicate the foundations of the City to the wider world.

Chair Kniss explained the Council needed a docking place for topics not considered Priorities. Priorities were different from Guiding Principles or Core Values.

Council Member Price agreed with comments regarding group conduct. She inquired whether the Council reviewed Core Values yearly.

Mr. Keene believed Core Values would be ongoing, given the fact that a new set of Council members could revisit any of these topics.

Council Member Price suggested the Sub-Committee review Vision Statements in each chapter of the Comprehensive Plan in order to refine values. Having a Mission Statement provided a framework for values and related to the Comprehensive Plan. At the Retreat, a time limit for Council discussion prevented lengthy self-examination.

Chair Kniss agreed with the suggestion to review Vision Statements in the Comprehensive Plan, but was uneasy with Mission Statements because they required a great deal of time to draft. The Sub-Committee organized information in order to hold a Retreat. She inquired whether the Committee would agree to the Sub-Committee being comprised of the Mayor, Committee Chair, and City Manager.

Council Member Klein favored that general policy, and asked if the Mayor was interested in being part of the Sub-Committee.

Chair Kniss stated he was.

Council Member Klein viewed the process as a series of questions. The Committee needed to draft a series of questions for Council consideration and some proposed language.

Chair Kniss agreed, and suggested limiting the number of Core Values to four to six. She inquired whether Council Member Klein meant for the item to return to the Committee prior to holding a Retreat.
Council Member Klein did not believe further Committee discussion was necessary.

Council Member Holman had difficulty with setting a finite number of Core Values because a Mission Statement was helpful in reaching fewer Core Values. The Committee had to know what it was doing in order to establish a process.

Chair Kniss believed the discussion indicated Priorities were not Core Values or Guiding Principles; Core Values and Guiding Principles were considered by some interchangeable. She thought it might be good to include a Mission Statement.

Council Member Price suggested the number of Core Values be a guideline. She agreed with Council Member's Klein suggestion of drafting options for Mission Statements and providing a simplified list of Core Values. Vision Statements in the Comprehensive Plan provided some perfect phrases for Core Values or Mission Statements.

Chair Kniss felt the Committee had to limit the number of Priorities/Core Values.

**MOTION:** Council Member Klein moved, seconded by Chair Kniss to recommend the City Council: 1) appoint the Mayor, Committee Chair, and City Manager as a Sub-Committee to organize Guiding Principles/Core Values submitted by Council Members; 2) prepare drafts of Core Values/Mission Statement/Guiding Principles; 3) provide recommendations as to which term to use; and, 4) prepare clearly focused questions for Council discussion.

Chair Kniss inquired whether the Motion stated a specific number of Core Values.

Council Member Klein answered no because he thought the Sub-Committee should recommend a number.

Chair Kniss suggested that number be five to seven.

Council Member Price suggested the Sub-Committee review examples from other cities and Vision Statements in the Comprehensive Plan as part of the process.
Council Member Holman was not comfortable with a specific number, and suggested checking the City Charter because it might contain a Mission Statement.

Chair Kniss reported the Mission Statement was no longer relevant.

Council Member Holman opposed a specific number of Core Values.

Chair Kniss explained the number was a guide or way to prevent having far too many Core Values.

Council Member Klein agreed with not having a specific number in the Motion.

**MOTION PASSED: 4-0**

Council Member Holman noted not all Council Members submitted proposed Core Values and asked if there was a time limit.

Chair Kniss requested Staff send a final request for submissions.

3. Review and Consider Recommendations to the City Council on Potential Changes to the Conduct of the Annual Reorganization Meeting.

Council Member Klein reported a Council Member's term of office expired at midnight on December 31, and a new Council Member was sworn-in on the first Monday of the new year. Therefore, on January 1 it was possible to have a Council with only four, five, or six Council Members. Use of an emergency Council was not feasible. He suggested Council Members be sworn-in on January 1 or 2.

Chair Kniss inquired whether it was necessary for a Council Member to be sworn-in in person.

Molly Stump, City Attorney reported Council Members had to be sworn-in in person, but not in public. She mentioned that the ceremony could be held in private, and other people could be deputized to swear-in the Council Member’s.

Council Member Klein noted a problem arose when emergencies occurred in late December or early January, and the Council did not have a quorum to conduct business. Typically, the Mayor continued in office until his successor was elected; however, the Mayor's term ended on December 31 and was no
longer qualified to serve as a Council Member. If the Vice Mayor along with the Mayor were not qualified to serve as Council Members, then the Council was without both leaders beginning on January 1. These problems arose only in odd years, because Council elections were held in even years.

**MOTION:** Council Member Klein moved, seconded by XXXX to recommend the City Council hold the swearing-in ceremony and election of Mayor and Vice Mayor on the first business day of the year in odd years.

**MOTION FAILED DUE TO LACK OF A SECOND**

Chair Kniss indicated the first business day was January 2 and said there were a number of other issues that were not addressed.

Council Member Klein felt swearing in Council Members was the primary goal.

Chair Kniss inquired whether Council Member Klein wished to hold the reorganizational meeting in the evening of January 2.

Council Member Klein suggested it be held in the evening or afternoon.

Chair Kniss noted the Council's Winter Break typically extended through that Friday. Holding the reorganizational meeting at that time required Council Members to return early from vacation.

Council Member Klein indicated the reorganizational meeting was held on the first business day of the year only in odd-numbered years.

Chair Kniss suggested the City Manager and emergency personnel handle emergencies if the Council did not have a quorum. If the Council had a quorum but no Mayor or Vice Mayor in place, then the longest-serving Council Member would act as Mayor.

Council Member Klein felt it was possible for Council Members to return from vacation every other year to tend to City business.

Council Member Holman noted Staff often scheduled vacation time over the holidays, and was unavailable. School schedules were also a consideration in determining the Winter Break. She asked if the reorganizational meeting would be held on the first business day of the year or on January 1.

Council Member Klein stated the first business day.
Council Member Holman inquired whether the swearing-in of Council Members occurred on January 1.

Council Member Klein suggested the Council strongly encourage new Council Members to be sworn-in on January 1.

Council Member Holman asked if the Council could require Council Members be sworn-in on January 1.

Chair Kniss suggested changing the City Charter regarding end of term provisions because other cities held swearing in ceremonies and reorganizational meetings as soon as election results were certified.

Council Member Holman asked when election results were certified.

Ms. Stump reported that depended on how quickly the County Registrar worked; however, it was usually the first week in December.

Chair Kniss stated results could not be certified any sooner than 28 days after the election.

Council Member Holman inquired about the process for changing the reorganizational meeting to a date in December.

Ms. Stump explained a Charter Amendment had to be proposed by the Council, placed on the ballot, and approved by a vote of the electorate. The City’s Charter was unusual in that it stated a conclusion date of Council terms.

Council Member Holman preferred to avoid the cost of an election, and asked if there was a way to amend the Charter without an election.

Ms. Stump Charter responded no. Amending the Charter required a vote of the people.

Council Member Price supported encouraging Council Members to be sworn-in on January 1, and inquired whether it was simpler to state the first business day or January 1.

Ms. Stump reported the Council could direct the City Manager to ensure that the appropriate Staff was available to swear-in Council Members at the first moment a Council Member was eligible to be sworn-in, or January 1. Taking the oath of office was a voluntary action, and the Council was not able to require Council Members to be sworn-in on January 1. She suggested that
the Council schedule a meeting on January 1, assuming a quorum was present.

Council Member Price proposed that newly elected Council Members be encouraged to take the oath on January 1.

Chair Kniss questioned whether a Council Member had to be in the State to take the oath of office.

Ms. Stump said she would review the location issue, because she was unsure whether a Council Member was required to be in the jurisdiction or in the State to take the oath of office.

Chair Kniss separated the issues of Council Member's swearing-in from a date for the reorganizational meeting. She inquired whether Council Member Klein proposed holding a reorganizational meeting on the first business day in January in every other year.

Council Member Klein responded yes. The ceremonial aspect and celebration continued to be held on the first Monday of the year. Voting for Mayor and Vice Mayor was held on the first business day of the year.

Chair Kniss noted holding the reorganizational meeting on January 2, 2015 required changing the Council Winter Break.

Council Member Klein indicated the Winter Break start date could be adjusted.

Chair Kniss was not in support of that point.

Council Member Price inquired whether Council Member Klein would consider setting January 3 for the election of Mayor and Vice Mayor, the second business day.

Council Member Klein indicated the second business day in 2015 was Monday. In 2017, the first business day was Tuesday, January 3.

Chair Kniss suggested holding the reorganizational meeting on the first business day after the end of Council's Winter Break.

Council Member Price asked if the second business day of the year was agreeable.
Council Member Klein stated the second business day left a gap of five days in 2017.

Chair Kniss suggested holding the reorganizational meeting on January 5, 2015 and January 3, 2017, and wanted to include language that encouraged Council Members to be sworn-in on January 1.

Council Member Klein agreed with encouraging Council Members to be sworn-in on January 1, and added the Council needed to direct the City Manager to ensure that Staff was available to assist in the swearing-in process.

Chair Kniss inquired whether Council Member Klein agreed to the two dates for the reorganizational meeting.

Council Member Klein answered no.

Council Member Holman asked why the reorganizational meeting could not be held on January 2, 2017.

Council Member Klein explained that was a holiday.

Chair Kniss noted Staff would not be working on a holiday.

Council Member Price recalled the City Manager could require an individual be present to conduct the swearing-in.

Chair Kniss wished to choose two dates for the reorganizational meeting in 2015 and 2017.

Council Member Klein chose January 2 in 2015 and 2017.

Chair Kniss asked if he wished to keep those dates even though they were holidays.

Council Member Klein replied yes.

Council Member Price inquired whether Council Member Klein proposed separating the selection of Mayor and Vice Mayor from the celebration.

Council Member Klein answered yes.

Council Member Price supported scheduling the first Monday for the celebration with the Mayor and Vice Mayor already in place.
Council Member Klein suggested amending the Charter to avoid the awkward process.

Ms. Stump reported Staff would follow Council direction.

Chair Kniss suggested adding a Charter Amendment to the ballot in 2014.

Council Member Holman was concerned about the cost of an election, but felt a Charter Amendment was cleaner. A gap existed between Council Members being sworn-in on January 1 and a reorganizational meeting being held on the first business day.

Council Member Klein proposed amending the Charter to hold the reorganizational meetings in December or to have Council Members serve until successors were sworn-in.

Council Member Price agreed that was better.

Chair Kniss also agreed, and inquired whether an emergency Council meeting was needed in the past on a holiday.

Council Member Klein indicated that there were three different occasions that came close to requiring emergency Council meetings.

Ms. Stump clarified that January 2 was the first business day of 2015 and 2017.

Chair Kniss reiterated that new Council Members would be sworn-in on January 1 if possible, and a meeting to elect the Mayor and Vice Mayor were held on the first business day in 2015 and 2017.

Council Member Price clarified that they were talking about odd numbered years.

Chair Kniss agreed with swearing-in Council Members on January 1.

Council Member Holman inquired whether that worked with moving the organizational meeting to December.

Council Member Klein suggested the Committee ask the City Clerk about the cost of an election to amend the City Charter.
Chair Kniss believed the January 2 dates for organizational meetings were a compromise until the Committee discussed it fully at another meeting.

Council Member Holman suggested a series of Motions that began with moving the swearing-in date to January 1 for all newly elected Council Members.

Council Member Kniss recalled that Council Members were not required to be sworn-in on January 1.

Council Member Klein noted incumbent Council Members reelected to office were not official Council Members from January 1 until sworn-in.

Chair Kniss inquired whether reelected Council Members were not officially Council Members from January 1 until they were sworn-in.

Ms. Stump explained a Council Member who served four years was out of office at midnight on December 31, and were not eligible to act as a Council Member.

**MOTION:** Council Member Klein moved, seconded by Council Member Holman to recommend to the Council that it do all things reasonable and necessary to have newly elected Council Members sworn-in on January 1; and the City Clerk make that a part of the package given to all candidates.

**MOTION PASSED:** 4-0

**MOTION:** Council Member Klein moved, seconded by Council Member Holman to recommend to the Council that the reorganizational meeting for election of Mayor and Vice Mayor in odd-numbered years take place on the first business day in January.

**MOTION PASSED:** 3-1 Kniss no

**MOTION:** Council Member Klein moved, seconded by Council Member Price to recommend to the Council to consider, depending on information from the City Clerk regarding cost, the possibility of a Charter Amendment to eliminate this problem.

**MOTION PASSED:** 4-0

Chair Kniss suggested the Committee obtain parameters for amending the Charter in two to three months.
Council Member Holman noted the Council would meet the first business day of January for its reorganizational meeting, and that they retain the first regular Monday meeting for celebration.

Chair Kniss indicated the Mayor and Vice Mayor would not be elected at the first regular Monday Council meeting.

Council Member Klein explained in odd years, the reorganizational meeting occurred on the first business day, and the ceremonial event occurred the following Monday.

Council Member Price appreciated the modification to explore the possibility of moving the reorganizational meeting to December.

Chair Kniss referred the issue of a Charter Amendment to the City Clerk and noted an ending date for the Winter Break was not set.

Ms. Stump stated the Winter Break was scheduled to begin on December 20, 2013.

Chair Kniss indicated the Winter Break could end on January 3, 2014; in 2015, it had to end a day earlier.

**FUTURE MEETINGS AND AGENDAS**

Sheila Tucker, Assistant to the City Manager noted Staff would return to the May 2013 meeting with vehicle habitation and an update on the emerging technologies pilot program for the April 2013 meeting.

Council Member Price suggested Val Fong and Thomas Fehrenbach be present for the emerging technologies update.

Ms. Tucker anticipated the emerging technologies pilot as an informational item.

Chair Kniss hoped the City Clerk could provide a report regarding amending the Charter at the April or May meeting.

Council Member Holman inquired whether the recommendation for a Charter Amendment would be presented to the Council.

Chair Kniss answered no and said it would return to the Committee.
MINUTES

Molly Stump, City Attorney anticipated a Staff Report would consider election date options for a Charter Amendment, cost estimates for an election, and a survey of surrounding jurisdictions with options for framing the Amendment.

Council Member Holman inquired whether recommendations other than the Charter Amendment would be presented to the Council with a note that the Policy and Service Committee was considering a Charter Amendment.

Chair Kniss responded yes.

ADJOURNMENT: Meeting adjourned at 9:00 P.M.
<table>
<thead>
<tr>
<th>CITY</th>
<th>LENGTH OF TERM</th>
<th>COMMENCEMENT DATE OF TERM</th>
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<tbody>
<tr>
<td>SANTA CLARA BOARD OF SUPERVISORS</td>
<td>4 YEARS (3 TERMS)</td>
<td>COMMENCES AT NOON ON THE FIRST MONDAY OF JANUARY</td>
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<tr>
<td>CITY OF BELMONT (General Law City, therefore, terms are defined in the general law (elections code))</td>
<td>4 YEARS (2 TERMS)</td>
<td>COMMENCES NEXT REGULAR COUNCIL MEETING AFTER THE CANVASS BY THE COUNTY (USUALLY WITHIN 28 DAYS OF THE ELECTION)</td>
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<tr>
<td>CITY OF CUPERTINO (General Law City, therefore, terms are defined in the general law (elections code))</td>
<td>4 YEARS (2 TERMS)</td>
<td>COMMENCES NEXT REGULAR COUNCIL MEETING AFTER THE CANVASS BY THE COUNTY (USUALLY WITHIN 28 DAYS OF THE ELECTION)</td>
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<tr>
<td>CITY OF MOUNTAIN VIEW</td>
<td>4 YEARS (2 TERMS)</td>
<td>COMMENCES AFTER FIRST MEETING IN JANUARY FOLLOWING THEIR ELECTION AND CONTINUING UNTIL THEIR RESPECTIVE SUCCESSORS QUALIFY</td>
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<tr>
<td>CITY OF SAN CARLOS</td>
<td>4 YEARS</td>
<td>COMMENCING THE TUESDAY SUCCEEDING THE ELECTION</td>
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<tr>
<td>CITY OF SAN JOSE</td>
<td>4 YEARS (2 TERMS)</td>
<td>COMMENCES ON THE FIRST DAY OF JANUARY NEXT FOLLOWING, AND END ON THE LAST DAY OF DECEMBER IN THE FOURTH CALENDAR YEAR SUCCEEDING, THE DATE OF THE MEMBER’S ELECTION</td>
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<tr>
<td>CITY OF SAN MATEO</td>
<td>4 YEARS (3 TERMS)</td>
<td>COMMENCES FIRST REGULAR COUNCIL MEETING IN DECEMBER AND UNTIL THE GENERAL MUNICIPAL ELECTION THE FOUR YEAR THEREAFTER AND THE ELECTION AND</td>
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### Survey of Surrounding Cities

<table>
<thead>
<tr>
<th>City</th>
<th>Length of Term</th>
<th>Commencement Date of Term</th>
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</thead>
<tbody>
<tr>
<td>City of Santa Clara</td>
<td>4 Years (2 Terms)</td>
<td>Commence on the date the City Council certifies the canvass of the election returns submitted to it by the County Registrar of Voters</td>
</tr>
<tr>
<td>City of Sunnyvale</td>
<td>4 Years (2 Terms)</td>
<td>Commences at the first regular meeting in January</td>
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