



Architectural Review Board

Staff Report (ID # 14741)

Report Type:	Action Items	Meeting Date: 9/15/2022
Summary Title:	ARB By-Law Changes and Council Handbook #2	
Title:	Review and Approve Changes to the Architectural Review Board's (ARB) By-Laws to Better Align With Council's BCC Handbook.	
From:	Jonathan Lait	

Background

On November 30, 2020, the City Council adopted a new City Boards, Commissions, and Committees Handbook (found [online](#) and attached).¹

The ARB also has three main guiding documents: [Chapter 2.21](#) of the Municipal Code, The ARB By-laws, and the ARB's Procedural Rules (see attachments)

At the ARB's last hearing, we discussed proposed changes to the ARB's By-laws to better align with the Handbook.

Discussion

The By-laws and Procedural Rules were last updated in 2015, therefore some items are out of date and in need of update.

Based on discussions at the last hearing, Staff has made several changes to the ARB's By-laws as shown in Attachment C and further discussed below.

1. Term start dates and limits

Council's Handbook states the ARB can serve a maximum of three consecutive 3-year terms, starting April 1st. The Municipal Code and Handbook are consistent. No changes are needed to the By-laws.

¹ Handbook: https://www.cityofpaloalto.org/files/assets/public/city-clerk/palo-alto-boards-commissions-and-committees-handbook_final_adopted_november-2020.pdf

Current Board member terms can be seen on ARB webpage - bit.ly/paloaltoARB

2. Timing of Chair and Vice Chair Elections

During a straw poll, the Board agreed to hold elections at the first April hearing of each year, which will include new members every three years. Staff has suggested changes to Section 3.1 of the By-laws (Attachment C).

3. ARB Annual Report vs Council's Work Plan

ARB agreed with Staff's suggestion to combine the Annual Report and the Workplan. Proposed By-law changes (Attachment C) make it clear that it is the Chair's responsibility to lead this effort and have it completed before the end of their term (March 31st).

4. Pending Projects, Pre-meeting and Pronouns

As discussed by the Board, Staff included By-law changes that will ensure the list of pending projects (Section 3.33) is always provided and explains the need for a pre-meeting with staff (Section 6.1). We also took the opportunity to change the pronouns in the document, to make it more gender neutral.

ARB² Liaison & Contact Information

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Attachments:

- Attachment A: Council Handbook November 2020 (PDF)
- Attachment B: Municipal Code Chapter 2.21 (PDF)
- Attachment C: ARB By-laws with proposed changes (DOCX)
- Attachment D: ARB Procedural Rules (PDF)

² Emails may be sent directly to the ARB using the following address: arb@cityofpaloalto.org



CITY BOARDS, COMMISSIONS, AND COMMITTEES HANDBOOK

| A Reference Guide

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I. INTRODUCTION



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MANDATORY REVIEW REQUIREMENT

The Boards, Commissions, and Committees (BCC) Handbook is a reference guide that applies to advisory and regulatory bodies. It is intended to provide an overview of basic laws and procedures during a member's term and to clarify the role and responsibilities of the Board, Commission, and Committee members in relation to the City Council, City staff and the public.

I _____, confirm that:

- I was provided with a copy of the BCC Handbook upon my appointment to a Palo Alto Board, Commission, and Committee.
- I have read the entire Handbook, including any updates as of the signing of this document, reviewing each section including:
 - Requirements to be a member of a Board, Commission, and Committee
 - Ethics Training (AB1234)
 - Legal (Brown Act, Conflict of Interest, Political Reform Act)
 - Role and Responsibilities
 - Code of Conduct
- I agree to follow the guidelines and regulations provided in this Handbook, as required by the California Government Codes (including the Brown Act), Fair Political Practices Commission (FPPC) regulations, and the Municipal Code, as well as any other required policies/statutes. In the event there is a conflict between state or federal law and this Handbook, state or federal law shall govern. In the event there is a conflict between this Handbook and any procedure adopted by a BCC, this Handbook shall govern.
- I understand that the BCC Handbook is intended as a tool to provide guidance on process and procedures as well as to draw my attention to the primary rules of serving on a BCC under the guidance of the City Council.
- No legal advice is intended through this Handbook.
- It is my responsibility to re-visit this Handbook through my term to review protocol and regulations, and for guidance.
- I am invited to consult with the Staff Liaison, City Clerk, and City Attorney any time I have questions or concerns relating to these guidelines and my service.

Signature

Date

*I serve on the following BCC*_____.

*This page is due to the City Clerk's Department within 60-days of appointment. Ethics training completed on (date)*_____

Thank you for your attention to this important information and your responsibility as a BCC Member.

ABOUT THE CITY



Palo Alto, known as the “Birthplace of Silicon Valley,” is home to 69,700 residents and nearly doubles during the day with an influx of employees from major employers. Unique among city organizations, the City of Palo Alto operates a full array of services including its own gas, electric, water, sewer, refuse and storm drainage provided at very competitive rates for its customers. The City of Palo Alto offers robust community amenities including 36 parks, 39 playgrounds, five community and youth centers, 41 miles of walking/biking trails and five libraries. The City also manages a regional airport and provides fire, police and emergency services. Palo Alto is an award-winning City recognized nationally as innovative and well-managed, one of a small number of California cities with a AAA bond rating. City services and performance also receive high marks from community members in the annual community survey conducted by the Polco (formerly National Research Center).

As the global center of technology and innovation, Palo Alto is the corporate headquarters for many world-class companies and research facilities. Home to Stanford University and a top-ranked public school system, Palo Alto also features beautiful and historic residential neighborhoods, vibrant shopping and retail districts. Palo Alto has a highly educated and culturally sophisticated citizenry that is actively engaged in making a difference both locally and globally.

For the City’s website, go here: www.cityofpaloalto.org

To connect with the City on social media, go here: www.cityofpaloalto.org/connect

To sign up for the City’s digital newsletter, go here: www.cityofpaloalto.org/newslettersignup

CITY COUNCIL

The City of Palo Alto operates under a Council-Manager type of government. The City Council consists of seven members and it is the governing body elected directly by the electorate of Palo Alto. Every year, the City Council Members vote and select a Mayor. As the legislative branch of our local government, the City Council makes final decisions on all City matters, sets City-wide priorities and policies, and directs the City Manager to implement these priorities and policies. The City Council adopts ordinances and resolutions as necessary for efficient governmental operations, approves the budget, and acts as a board of appeals. It appoints the City Manager, City Attorney, City Auditor and City Clerk, as well as the members of the City's advisory Boards, Commissions, and Committees (BCCs).

BCCs are primarily responsible for advising and making recommendations to the City Council on City policies and programs. The City Council then uses the advice and recommendations offered by BCCs to make decisions. In addition to making policy recommendations, the Architectural Review Board and Planning and Transportation Commission, and Historic Resources Board also provide recommendations to the Planning Director or Council on project applications.

To learn more about the City Council, go here: www.cityofpaloalto.org/council

For the City Council meeting agendas, go here: www.cityofpaloalto.org/councilagendas

II. APPOINTED BOARDS, COMMISSIONS AND COMMITTEES



The City of Palo Alto has eight standing Boards, Commissions, and Committees. The City Council also establishes other Ad Hoc committees to assist them in their decision-making process from time to time.

The standing Boards, Commissions and Committees are:

- Architectural Review Board
- Historic Resources Board
- Human Relations Commission
- Parks and Recreation Commission
- Planning and Transportation Commission
- Public Art Commission
- Storm Water Management Oversight Committee
- Utilities Advisory Commission

Other examples of Council appointed groups have included the former Library Advisory Commission, the Citizen Corps Council, the Youth Commission, the Expanded Community Advisory Panel (XCAP) on rail crossings, and the North Ventura Coordinated Area Plan Working Group.

During recruitment periods for BCCs, applicants are encouraged to visit the City website and apply for openings on various BCCs. The requirements for each BCC can be found in the Municipal Code or Council action creating the advisory body and will be reflected in the recruitment material – for example, some have a residency requirement. A physical address must be included on the application and proof of the address provided must be issued if requested. Once applications are received, the City Council determines which applicants to interview. The City Council will then vote to appoint members to serve on a BCC during a public City Council meeting. New appointments for complete terms are made in the Spring. Any needed replacement appointments for partial terms are made as necessary.

If you need to leave your seat on a BCC before your term is expired, submit your resignation in writing to your Staff Liaison, with a copy to the City Clerk. Each letter of resignation must be addressed to the City Council.

Each BCC meets according to its established schedule.

LIMITATION ON TERMS

Any person appointed to a board or commission shall be immediately eligible, upon the expiration of their term or resignation prior to completion of their term if appointed to a different board or commission, to serve on a different board or commission. All board and commission members are eligible to serve two successive terms on the same board or commission. No person who has served two such successive terms shall be eligible for appointment to that same board or commission for two years following the expiration of the second full term for which the member was appointed and served. Serving an unexpired term of up to 2 years in length shall not count toward years served in terms of eligibility.

APPOINTED BOARDS, COMMISSIONS, AND COMMITTEES

ARCHITECTURAL REVIEW BOARD



The Architectural Review Board reviews and makes recommendations to the Planning Director on design and related issues for certain new construction, and changes and additions to commercial, industrial and multiple-family projects, as described in the Municipal Code. The Board's goals and purposes are to:

- Promote orderly and harmonious development of the City
- Enhance the desirability of residence or investment in the City
- Encourage the attainment of the most desirable use of land and improvements
- Enhance the desirability of living conditions upon the immediate site or in adjacent areas
- Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other
- To implement and enforce the city's ordinances pertaining to architecture and design

The Board is composed of five members, at least three of whom are architects, landscape architects, building designers or other design professionals. Terms are for three years and commence on November 1. See Palo Alto Municipal Code (PAMC) Sections [2.16](#) and [2.21](#). Residency is not required.

For the ARB webpage, go to <https://www.cityofpaloalto.org/gov/boards/architectural/>

HISTORIC RESOURCES BOARD



The Historic Resources Board advises the Planning Director and City Council on matters relating to Palo Alto's historic buildings. The responsibilities of the Board include:

- Reviewing and making recommendations to the Architectural Review Board on proposed exterior changes of commercial and multiple-family buildings on the Historic Building Inventory;
- Reviewing and making recommendations on exterior changes of significant (Categories 1 and 2) single-family residences on the Historic Building Inventory;
- Researching and making recommendations to the City Council on proposed additions and on reclassifications of existing buildings on the Inventory; and
- Performing other functions as may be delegated from time to time to the Historic Resources Board by the City Council.

Terms are for three years and commence on November 1. The Historic Resources Board includes seven members and the members must have demonstrated interest in and knowledge of history, architecture or historic preservation. One (1) member is an owner/occupant of a category one or two historic structure, or of a structure in an historic district; three (3) members are architects, landscape architects, building designers or other design professionals and at least one (1) member possesses academic education or practical experience in history or a related field. See PAMC Chapters [2.16](#), [2.27](#) and [16.49](#).

The Historic Resources Board webpage can be found here: <https://www.cityofpaloalto.org/gov/boards/historic/>

HUMAN RELATIONS COMMISSION



The Human Relations Commission is charged with studying, fostering community awareness and understanding, encouraging dispute resolution, and recommending legislation regarding persons or groups who do not benefit fully from public or private opportunities or resources in the community, or are unfairly or differently treated due to factors of concern to the Commission. The Commission's responsibilities include:

- Public or private opportunities or resources in the community include, but are not limited to, those associated with ownership and rental of housing, employment, education and governmental services and benefits;
- Factors of concern to the Commission including but not limited to, socioeconomic class or status, physical condition or handicap, married or unmarried state, emotional condition, intellectual ability, age, sex, sexual preference, race, cultural characteristics, ethnic background, ancestry, citizenship, and religious, conscientious or philosophical belief;
- The Commission will conduct such studies and undertake such responsibilities as the Council may direct; and
- The Commission recommends allocation of Federal CDBG funds

The Commission is composed of five members who are not Council Members, officers, or employees of the City, and who are residents of the City of Palo Alto. Terms are for three years and commence on May 1. See PAMC Sections [2.16](#) and [2.22](#).

The Human Relations Commission webpage can be found here: <https://www.cityofpaloalto.org/gov/boards/hrc>

PARKS AND RECREATION COMMISSION



The Parks and Recreation Commission advises the Community Services Director and City Council on matters pertaining to the activities of the Open Space, Parks and Golf Division and the Recreation Division of the Community Services Department. The Commission's responsibilities include:

- Advising on planning and policy matters relating to the goals of and the services provided by the Open Space, Parks and Golf Division, and the Recreation Division;
- Advising on planning and policy matters relating to the construction and renovation of capital facilities;
- Reviewing state legislative proposals that may affect the operation of the two Divisions;
- Receiving community input concerning parks, open space and recreation activities; and
- Updating and advancing the Parks Master plan and related policies and programs.

The Parks and Recreation Commission is composed of seven members who are not Council Members, officers, or employees of the City, and who are residents of the City of Palo Alto. Terms of Commissioners will be for three years. See Palo Alto Municipal Code (PAMC) Sections [2.16](#) and [2.25](#).

The Parks and Recreation Commission webpage can be found here:

https://www.cityofpaloalto.org/gov/boards/parks_and_recreation_commission/

PLANNING & TRANSPORTATION COMMISSION



The Planning & Transportation Commission advises the City Council, Planning Director and Transportation Director on land use and transportation matters, including the Comprehensive Plan, zoning, transportation programs, and related matters. The Commission's primary responsibilities include:

- Preparing and making recommendations to the City Council on the City's Comprehensive Plan regarding development, public facilities and transportation in Palo Alto
- Considering and making recommendations to the City Council on zoning map and zoning ordinance changes
- Reviewing and making recommendations to the City Council on subdivisions, on appeals on variances and use permits
- Considering other policies and programs affecting development and land use in Palo Alto for final City Council action
- Reviewing and making recommendations on individual projects as described in the Municipal Code, and Open Space development
- Reviewing and making recommendations to the City Council on transportation, parking and other related mobility issues.

The Commission is composed of seven members who are current residents of the City of Palo Alto and are not Council Members, officers, or employees of the City. Terms are for four years and commence on November 1. See Palo Alto Municipal Code (PAMC) Sections [2.16](#) and [2.20](#) for more information.

The Planning and Transportation Commission webpage can be found here:

<https://www.cityofpaloalto.org/gov/boards/ptc/>

PUBLIC ART COMMISSION



The Public Art Commission oversees Palo Alto's temporary and permanent public art programs. The primary duties of the Commission are:

- To advise the city in matters pertaining to the quality, quantity, scope, and style of art in public places
- To periodically review the capital improvement program with the staff for inclusion of works of art in various projects
- To devise methods of selecting and commissioning artists with respect to the design, execution, and placement of art in public places and to advise staff on the selection and commissioning of artists, and the amounts to be expended on art in public places
- To advise and assist staff in obtaining financial assistance for art in public places from private, corporate, and governmental sources
- To review plans for the installation of art in public places and review the inventory of art in public places
- To act as a liaison between local artists and private property owners desiring to install works of art on their private property in public view

The Commission, a five-member body appointed by the City Council, meets once a month. Terms are for three years and commence on May 1. See PAMC Sections [2.16](#), [2.18](#), and [2.26](#). Members are not required to be residents of Palo Alto and should have some demonstrated connection to art.

The Public Art Commission webpage can be found here: <https://www.cityofpaloalto.org/gov/boards/arts/>.

STORM WATER MANAGEMENT OVERSIGHT COMMITTEE



The purpose of the Storm Water Management Oversight Committee is to review proposed storm water management capital improvements and operating programs to be funded from the Storm Water Management Fees and to monitor expenditures of the fund. The Storm Water Management Oversight Committee is charged with reviewing the annual budget and expenditures of the Storm Water Management Fund in order to ensure that revenue from the Storm Water Management Fee is being budgeted and spent in accordance with the terms of the storm water management ballot measure approved by a majority of property owners in 2017. The Committee is responsible for:

- Performing an annual review of the proposed Storm Water Management Fund budget
- Performing an annual review of actual expenditures from the Storm Water Management Fund
- Adopting findings on an annual basis that the proposed budget and actual expenditures of the Storm Water Management Fund are consistent with the spending plan outlined in the 2017 storm water management ballot measure
- Reporting findings on an annual basis to the City Council

The Committee is composed of seven members who are selected and appointed by the City Council for a term of four years. Each Committee member shall be a resident of Palo Alto, an employee of a business located in Palo Alto or an owner of real property within the City.

The Storm Water Management Oversight Committee webpage can be found here:

https://cityofpaloalto.org/gov/boards/storm_water_management_oversight_committee/

UTILITIES ADVISORY COMMISSION



The Utilities Advisory Commission (UAC) is charged with advising the City Council on: long-range planning and policy and major program and project matters relating to the electric utility, gas utility, water utility, wastewater collection utility, fiber optics utility and recycled water matters; acquisition and development of electric, gas and water resources; joint action projects with other public or private entities which involve electric, gas or water resources; and environmental implications of electric, gas or water utility projects, and conservation and demand management. Specifically, the Utilities Advisory Commission advises the Council on:

- Development of the City utilities and the recycled water resources
- Joint action projects with other public or private entities
- The consistency with adopted and approved plans, policies, and programs of any major utility
- Legislative proposals regarding City utilities and the recycled water resources, to which the city is a party, in which the city has an interest, or by which the city may be affected
- Utility capital improvement programs, operating budgets and related reserves, and rates, and the recycled water program, budget, and rate
- Environmental aspects and attributes of City utilities and recycled water resources
- Water and energy conservation, energy efficiency, and demand side management

The Utilities Advisory Commission is composed of seven members who shall be appointed by and serve at the pleasure of the City Council. The term of office of each member shall be three years or until his or her successor is appointed. Six members of the Commission shall at all times be residents of the City. See Palo Alto Municipal Code (PAMC) Sections [2.16](#) and [2.23](#) for more information on the Utilities Advisory Commission.

The Utilities Advisory Commission webpage can be found here: <https://cityofpaloalto.org/gov/boards/uac/>

IV. YOUR ROLE AS A BOARD, COMMISSION, OR COMMITTEE MEMBER

ROLE OF ALL MEMBERS

All Board and commission members are responsible for certain duties and commitments to the City, City Council, and the BCC on which they serve. Each member must know, understand, accept, and accomplish his or her delegated responsibilities in order to be effective. General expectations include:

- Come prepared
- Work collaboratively
- Respect one another, City staff and the public
- Serve the public
- Avoid conflict of interest issues
- Disagree through respectful dialogue



Getting Started

- Take the Oath of Office.
- Complete and sign a Form 700 and turn it in to the City Clerk's Office.
- Understand the role and responsibilities of the appointed BCC.
- Be informed of its functions and relationship with other BCCs.
- Timely complete Ethics training (AB 1234).
- Attend the orientation scheduled by your Staff Liaison and/or the City Clerk.
- Become familiar with the BCC's governing rules and regulations.
- Decide with your Staff Liaison on how and when you will receive agenda packets.
- Attend all regular and special meetings. In the event that you cannot attend a meeting, provide timely notification to the Chair and the Staff Liaison.

During Meetings

- Arrive at meetings on time.
- Be prepared for meetings.
- Review all staff reports, maps, studies, proposals, correspondence, minutes, etc. prior to the meeting.
- Have all reference materials on hand for the meeting.
- Familiarize yourself with conflict of interest regulations and discuss potential conflicts of interest with the City Attorney's office prior to the meeting where any matter of potential conflict will arise. Recuse yourself from any participation in a matter where you have a conflict.
- Consult the City Attorney if you have any questions of a legal nature related to your service as a BCC member.
- Avoid leaving before the meeting adjourns without prior notice.
- Establish a good working relationship with fellow members, City Council, and staff liaison. Exhibit mutual respect to fellow members to ensure a positive working environment.
- Become familiar with parliamentary procedures to ensure that meetings proceed in a timely fashion.
- Consider the overall public good when making a decision.
- Talk to the Chair and Staff Liaison about placing items on future agendas.
- If you receive correspondence addressed to the BCC, including email, forward the correspondence to the Staff Liaison so copies can be distributed to all members and the correspondence can become an official City record.

- Discourage visible and audible signs of agreement or disagreement from the audience such as applause or statements from the floor. Such demonstrations can intimidate those with an opposing view and unintentionally discourage open public discussion of all the issues and points of view.
- Limit your own comments to the issues before the BCC. Avoid the appearance of straying from the subject or "grandstanding."
- Individual commissioners should avoid giving Staff Liaisons direction or making specific requests outside of the public meetings.

ROLE AND RESPONSIBILITIES OF THE CHAIR

At the beginning of the year, each BCC will select a member to serve as Chair. The Chair exists to structure productive meetings, encourage the input of ideas, promote inclusiveness, and facilitate the overall decision-making process. They do not have greater power than any other member. The following is a list of duties and responsibilities of the Chair:



- Ensure that the BCC completes the annual work plan and reports the results annually to the City Council. The work plan shall include metrics of community involvement and participation in meetings and activities.
- Set a positive tone and manage public input to promote civility and decorum.
- Preside at all meetings, submit all motions to vote and in general, do all things ordinarily required of a Chair such as call or cancel a meeting, coordinate the setting of the agenda with the Staff Liaison, receive public testimony, ensure compliance with the Brown Act, etc. Move forward committee priorities and refrain from promoting or setting a personal agenda. Ensures that items not listed on the agenda are prohibited from being discussed or acted upon pursuant to the Brown Act, unless specific circumstances apply.
- Act as the spokesperson for the BCC, including as the media's point of contact for information regarding BCC activities. Seek advice and involvement of the City's Public Communications Manager as needed, through the Staff Liaison.
- Ensure that all members are heard in a fair and safe manner. The Chair is responsible for ensuring the effectiveness of the group process. Identifies points of agreement among the BCC members in order to build a consensus.
- Ensures that consideration of items on the agenda moves along without delay and makes sure that public testimony is received, but not allowed to disrupt the meeting. This includes setting an acceptable time limit; if necessary.
- Clarifies all ideas as they are discussed, and repeats motions made in a way so all members understand the motion they will be asked to vote on and ensures that actions are properly moved, seconded, and voted upon. Always indicate clearly how the vote is taken such as call for the negative vote, saying, "Those opposed, say No."

In the absence of the Chair, the Vice Chair shall act as presiding officer and shall have the same responsibilities.

REQUIRED TRAINING

Mandatory training shall be provided to all board, commission and committee members by the City through a collaboration between the Offices of the City Attorney, City Clerk, and City Manager, and will include an orientation session for new members. Training shall be delivered as deemed necessary by the Council and/or the City Attorney, City Clerk and City Manager and may include topics germane to a specific board or commission and/or training generic to all boards and commissions (e.g. ethics training or “how to run a meeting” for board and commission chairs).

ROLE OF THE STAFF LIAISON(S)

The staff liaison serves as the link between City staff, City Council, and BCC members. The City Manager assigns a staff liaison to each BCC to provide support, coordination, and guidance. The Staff Liaison makes sure that required BCC meetings occur and, in conjunction with the Chair, prepares the monthly meeting agendas. The staff liaison is also responsible for the coordination, distribution, and posting of all committee agendas pursuant to the Ralph M. Brown Act. Committee members should feel free to contact the staff liaison with questions or requests for support such as sharing City policy or program information and providing historical context to issue under review by the BCC. Staff liaisons will provide direction, guidance, and clerical, organizational, and administrative support to commissions on an as needed basis. The staff liaison also facilitates the transmission of BCC interests, concerns, and recommendations to the City Manager and City Council.

The staff liaison must be aware and advise the Commission of any potential Brown Act violations; the liaison must be present and attentive for the duration of the meeting. At the request of the Chair, and with the support of a majority of the BCC members, the Staff Liaison researches and investigates issues, prepares alternatives and recommendations for BCC and City Council review, and implements City Council policy decisions.

Other duties include facilitating the transmission of BCC interests, concerns, and recommendations to the City Manager and/or City Council; maintaining communication with the Chair regarding City Manager and/or City Council direction or requests; coordinating the annual selection of a Chair and Vice Chair in accordance with the City Council adopted policies and procedures, supporting annual workplan development, and keeping the City Clerk apprised of any resignations or other issues affecting the BCC.

During the BCC meeting Staff Liaisons will ensure there is a quorum prior to the Chair calling a Commission meeting to order and adjourn a Commission meeting in the event there is lack of a quorum 15 minutes after the start time of a meeting. In addition, the Staff Liaison will not allow the public to address the Commission during the 15 minutes while waiting for additional members to arrive to form a quorum. Staff may make announcements during this time; no agenda items shall be discussed among the members present. The Staff Liaison will advise the Commission to recess or adjourn the meeting if a quorum is not present at any point during the meeting.

ROLE OF COUNCIL LIAISONS

The City Council relies upon the expertise and recommendations of the BCCs in advising the Council as it sets City policy. The Council liaison function serves to facilitate and enhance this work. Their principal function is to provide a wide range of information to the advisory body, such as information about Council discussions, policies and actions. This helps provide an historical perspective and thereby place the BCC work in context. However, the BCCs should act independently in formulating recommendations for the City Council to consider. Therefore, it is inconsistent for liaisons to direct, guide or unduly influence the policy making work of the City's advisory bodies. Council liaisons have flexibility in discharging their duties. They may serve with or without attending the meetings of their advisory bodies. Historically, Boards and Commission members have valued consistent participation by Council liaisons. However, at minimum, they should be available for contacts with members of advisory bodies, and particularly with the chairs.

USE OF SUBCOMMITTEES AND AD HOC COMMITTEES

BCCs may consider dividing into subcommittees and/or use ad hoc committees to address certain issues when appropriate. The City Council prefers the use of Ad Hoc committees which are short term and established for the BCC to discuss a specific topic or priority. Sub-committees should be used judiciously as it is the wish of the Council that the entire BCC participate in most agenda topics. Sub-committees work independently and bring a report and recommendations back to the BCC. The subcommittee and/or the ad hoc committee would be composed of less than a quorum of the body and set their own schedule. Subcommittee meetings must be noticed under the Brown Act. Ad hoc committees convene for a single topic and disband when the work on a single item is finished. Ad hoc committee meetings need not be noticed or open to the public. The Chair usually makes assignments to subcommittees and ad hoc committees and directs the workflow. BCCs may have both standing subcommittees and ad hoc committees, though it is recommended that BCCs focus their work through Ad Hoc committees.

Ad hoc or "temporary" committees are treated differently under the Brown Act. Ad hoc committees are not subject to the notice and posting requirements of the Brown Act so long as the committee:

- Consists of less than the number of members which would constitute a quorum;
- Has a defined purpose and a time frame to accomplish that purpose; and
- Is advisory such as the committee has not been delegated any decision-making power and will be returning to the full board on its recommendation.

Establishing Ad Hoc Committees

Members of ad hoc committees designed to be advisory to the board/commission may be appointed by the chair, on behalf of the entire board, commission, or committee or by an action of the entire BCC, depending upon the procedures and practices of the BCC. Although, as noted, the ad hoc committee itself is not subject to the Brown Act if the BCC desires to create an ad hoc committee, the action to create the ad hoc committee should be done at a publicly noticed meeting under the Brown Act and the item should be placed on an agenda for that purpose.

ANNUAL WORKPLAN AND PERFORMANCE MEASURES

Each BCC should prepare an annual work plan for proposal to the Council by second quarter of the calendar year. The Council will review

the work plans and provide feedback annually at a dedicated City Council meeting. The annual report should include the results of the prior year's plan. When applicable, the City Council would like to see metrics of community involvement and participation in meetings and activities included in the work plan.

Council expects BCCs to work on items in the approved workplan. In addition, Council may refer additional items to the BCC in response to new developments. BCCs should refrain from expending their time and that of the staff liaison on items that have not been approved by the City Council. If the BCC would like to add an issue for review after an annual workplan has been approved the City Council, a prompt request by the BCC Chair to the City Council is required and the item will then be addressed by the City Council as a whole.

A workplan template can be found later in the handbook, see **Exhibit A**.

GENERAL PROCEDURES FOR CONDUCT OF BCC MEETINGS

The Chair should recognize other BCC members in the order in which they raise their hands to speak. The Chair should provide an opportunity for each member to speak on an item. BCC members should speak when recognized by the Chair.

When a member of the public desires to address the BCC, they should fill out a speaker's card, proceed to the podium when called, and wait to be recognized before speaking. The Chair should let the public know how long they are allocated to speak. Speakers should limit their remarks to the issue under discussion. Remarks should be addressed to the BCC as a body, and not to any individual BCC member, staff member, or other person.

AGENDA AND ORDER OF BUSINESS



The agenda should contain a brief general description of each item to be considered. Except where provided by law, no discussion or action will be taken on an item not appearing on the agenda. The sequence of items in an agenda is generally as follows:

- Call to Order
- Roll Call
- Approval of Minutes
- Public Comment on items not on the agenda
- Action Items
- Reports of BCC Members, Sub-Committees, and Ad Hoc Committees
- Brief announcements or Matters of BCC Interest
- Adjournment

All agendas should include language stating that agenda materials may be provided in alternate formats pursuant to the Americans with Disabilities Act (ADA).

PARLIAMENTARY PROCEDURE



Parliamentary procedures establish a framework for orderly meetings. They encourage participation, structure discussion and facilitate decision making. They permit expression of minority views while ultimately allowing a majority to fashion an outcome.

The following principles are the foundation of effective parliamentary procedures:

- Fairness, respect and courtesy should be afforded to everyone.
- Do only one thing at a time: one subject at a time and one speaker at a time.
- Business must be conducted. The BCC exists to facilitate action, not obstruct it.
- All BCC members are equal and have equal voting rights.
- The majority decides, but the rights and interest of a minority must be protected.
- Silence gives consent, so if you oppose please speak up.
- Once settled, a question generally may not be reintroduced.

The City Council does not use Robert's Rules of Parliamentary Procedure, which were created to structure the meetings of very large formal legislative bodies. The Council has adopted a more streamlined set of procedural requirements [here](#) starting on page 27. BCC members may also find it helpful to review [Rosenberg's Rules of Order](#), a simplified set of procedural rules designed for use at the local government level. A tenet of parliamentary procedure is finality. After vigorous discussion, debate, and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter generally is deemed resolved. Exceptions to this general rule include when a proper motion to reconsider is made, or where new developments occur that warrant further work on an issue.

CODE OF CONDUCT

This section is intended to describe a code of conduct for Boards, Commission and Committee members and designed to define the manner in which Council Members and BCC members should treat one another, City staff, constituents, and others they come into contact with in representing the City of Palo Alto. The City Council encourages positive and respectful dialogue. Therefore, members shall refrain from abusive conduct, personal charges, hostile body language, disrespectful language or verbal attacks upon the character of others. It is both encouraged and expected that the chair of each BCC intercedes when the conduct of another member is rude or violates code of conduct.

BCC members are important to the City's decision-making process, act on behalf of the City Council in their volunteer roles and help shape and further community discussions on complex issues and topics. As such, disagreement may arise during public meetings as different perspectives are shared and providing different perspectives to Council is encouraged. A high level of professionalism and civility is expected of all BCC members throughout their tenure. Disagreement and criticism of policy is fine but personal attacks must be avoided.

It is important that BCC members treat each other and the public with respect, even through disagreement. Elected and appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

Residents, property owners and businesses of City of Palo Alto are entitled to have fair, ethical and accountable local government. Such a government requires that public officials: be independent, impartial and fair in their judgment and actions; use their public office for the public good, not for personal gain, and conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility. Elected and Appointed officials shall honor this personal code of conduct from the time of their election or appointment to office.

Act in the Public Interest: Recognizing that stewardship of the public interest must be their principal concern, everyone shall work for the common good of the City of Palo Alto and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in fair and equitable manner.

Comply with the Law: Everyone shall comply with the laws of the nation, the State of California and the City in the performance of their public duties. These laws include but are not limited to: the United States and California constitutions; the City of Palo Alto Charter, Municipal Code, City policies and other governing documents related to conflict of interest, election campaigns, financial disclosures, and employer responsibilities and open processes of government.

Conduct of Members: Everyone shall refrain from abusive conduct and verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff or the public.

No Tolerance for harassment or Microaggressions: The City of Palo Alto is committed to providing an environment for employees, elected or appointed officials, members of the public, and contractors that promotes dignity and respect and is free from discrimination and harassment. The City prohibits all forms of harassment and discrimination based upon protected classifications as defined below. “Protected Classification” includes race, religion (including religious dress or grooming practice), religious creed, color, sex (includes gender, gender identity, gender expression, transgender, pregnancy, childbirth, medical conditions related to pregnancy or childbirth, breastfeeding or medical conditions related to breastfeeding), sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnicity, national origin, ancestry, citizenship status, military and veteran status, marital status, family relationship, age, medical condition, genetic characteristics and/or genetic information, and physical or mental disability.

In addition to prohibiting explicit harassment, the City of Palo Alto strives to provide an inclusive environment. One method to create an inclusive public space is to help people develop awareness of microaggressions and remove them from conversation. Microaggressions are comments or actions that subtly and often unconsciously or unintentionally expresses a prejudiced attitude toward a member of a marginalized group (such as a racial minority). The City will provide training to help members develop awareness of and then eliminate microaggressions.

Any employee, applicant, elected/appointed official, contract worker, intern or volunteer, who believes he or she has been harassed or retaliated against are encouraged to promptly report the incident and the individuals involved. BCC members may consult with the Chair, Vice-Chair or staff liaison regarding making a report.

Respect for Process: Duties shall be performed in accordance with the processes and rules of order established by the City Council.

Conduct of Public Meetings: BCC members shall inform themselves of public issues, listen attentively to public discussions before the body, and focus on the business at hand.

Communication: It is the responsibility of BCC members to publicly share substantive information that is relevant to a matter under consideration that they received from sources outside of the public decision-making processes.

Disclosure of Corruption: BCC members shall take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State and the Federal government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or action that may qualify as corruption, abuse, fraud, bribery or other violations of the law.

Conflict of Interest: To ensure public confidence in City decision making, BCC members shall familiarize themselves with and comply with state conflict of interest laws.

Gifts and Favors: BCC members shall not take advantage of services or opportunities offered due to their public office and that are not available to the public in general. They shall refrain from accepting gifts, favors or promises of future benefits that might compromise their independence, judgment, or action or give the appearance of being compromised.

Confidential Information: BCC members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their financial or private interests.

Representation of Private Interests: In keeping with their role as stewards of the public trust, BCC members shall not appear on behalf of the private interests of a third-party before the City Council or any board, commission or committee or proceeding the City.

Advocacy: It is the role of Commissioners to advise the Council on policies and positions within the domain of their Commission. To the best of their ability, within the domain of their Commission, BCC members shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City.

Improper Influence: BCC members shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, commission or committees.

Policy Role of Members: BCC members shall respect and support the Council-Manager structure of the City of Palo Alto as provided in the City Charter.

Positive Work Environment: BCC members shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.

Compliance and Enforcement: BCC members have the primary responsibility to ensure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of City government. This personal code of conduct shall be considered to be a summary of ethical conduct by Palo Alto Boards, Commissions and Committees. A member can be removed from their BCC position by the City Council if their conduct fails to meet any of these ethical standards.

For Quasi-Judicial Hearings: Communications with an applicant or any member of the public is strongly discouraged beginning from the time an application has been submitted and until final decision is reached. If any communication does occur, it must be fully disclosed.

Conduct in Public Meetings

The following guidelines provide specific examples of conduct that reinforce the principles identified above:

- *Use formal titles:* Elected and appointed officials should refer to one another formally during public meetings, such as Mayor, Vice Mayor, Chair, Commissioner, Board member or Councilmember followed by the individual's last name.
- *Practice civility and decorum in discussions and debate:* Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. This includes non-verbal communications including body language or eye rolling. No shouting or physical actions that could be construed as threatening will be tolerated. Lack of civility is grounds for dismissal.
- *Honor the role of the chair in maintaining order, while respecting each member's prerogative to intercede on inappropriate conduct:* It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced respectfully and with reason, following procedures outlined in parliamentary procedure and the suggestion below.
- *Avoid personal comments that could offend other members:* If a member is personally offended by the remarks of another member, or feels the remarks may be offensive to others, the offended member

should communicate their position and seek resolution to the situation raised. The chair will maintain control of this discussion.

- *Demonstrate effective problem-solving approaches:* Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose.

Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council.

The Institute for Local Government offers tools and publications to help further a consistent code of conduct for all Boards, Commissions and Committees. This [publication](#) offers tips for civility during public meetings. Some key recommendations include:

- Ensure everyone gets a chance to share their viewpoint
- Embrace different perspectives
- Avoid debates and interruptions
- Listen
- Be compassionate

Conduct with City Staff

Governance of a city relies on the cooperative efforts of elected officials who set policy, appointed officials who advise the elected, and City staff who advise, implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals: Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Unprofessional and/or antagonistic behavior towards staff is not acceptable.

MEETING MANAGEMENT

The City of Palo Alto is committed to conducting efficient, effective, and accessible government operations. The following material outlines techniques that can be used to ensure that BCC meetings are efficiently run and give all residents an equal opportunity to address the issues.

PROCEEDINGS

- It is generally a good idea to turn off cell phones, PDAs or iPads and refrain from texting during meetings unless there is an emergency.
- Please be aware that any messages sent or received relating to City business, including those posted on social media, may become a public record and releasable if requested.
- Documents used or shared at Board, Commission and Committee meetings are subject to the Public Records Act.
- Start the meetings on time. Keep the agenda in mind in order to give each item the appropriate time.
- Announce at the start of a meeting if the order of agenda items is to be rearranged for convenience, for response to those attending for only certain items, or for better pacing of the agenda.
- Let the Chair run the meeting.
- Be fair, impartial, and respectful of the public, staff, and each other.
- Give your full attention when others speak.
- Encourage public participation in the meeting process.
- Come to each meeting with an open mind.
- Base decisions on public engagement, committee discussion, and meeting dialogue.
- Abstain if you have a conflict of interest or if you believe you may have one and have not yet conferred with the City Attorney. You may also abstain if you feel you cannot be fair or cannot consider the item with the public's interest foremost in mind.
- Value and respect the professional expertise of staff and consultants, while providing independent critical thinking, expertise, and input. Remember that people may be attending a meeting for the first time and may be unfamiliar with your procedures. In your discussion, either avoid or explain technical terms or verbal shorthand.
- Listen to the public's concerns. Do not engage in side conversations or otherwise be distracted during public testimony. The opportunity for public testimony is central to the strength of democracy and is therefore encouraged. Active listening, however, does not mean engaging the public in debate. Your response is appropriately saved for after the public testimony is closed.
- Sometimes questions can most effectively focus discussion and direct decision-making. For Example: *What is the history behind this item? What are the benefits and drawbacks? What other alternatives should we consider?*

ATTENDANCE

- The City Council expects that members of BCCs will make every effort to attend all scheduled meetings.
- A compilation of attendance will be submitted to the City Council at least annually listing absences for all commissions/committee members.
- If you miss more than one-third of the BCC meetings during the calendar year, this will be reported to Council and may result in your removal from the BCC.
- Any member who feels that unique circumstances have led to numerous absences can appeal directly to the City Council for a waiver of this policy or to obtain a leave of absence.
- While it is expected that members be present at all meetings, the chair and staff liaison should be notified if a member knows in advance that he/she will be absent.
- When reviewing commissioners for reappointment, attendance at commission meetings will be given significant consideration.

LATE ARRIVAL TO MEETINGS

If a member anticipates being late to a meeting, please notify the staff liaison regarding the approximate time of arrival. Staff will alert the Chair.

ABSENCES

Please refer to the BBC attendance requirements in the section above. It is an expectation as part of your BCC service to attend all meetings. If you plan to be absent from a meeting, inform your staff liaison prior to the posting of your committee's agenda.

MINUTES

The staff liaison will prepare action minutes (except for the Historic Resources Committee, where the secretary shall do so). Action minutes or summary (sense) minutes are preferred. Verbatim minutes are discouraged. The minutes serve as the permanent official record of the advisory body. The minutes should reflect the members in attendance, members who were absent, a description of each agenda item and the action taken by the advisory body. Titles of motions and resolutions are recorded verbatim. In order to become an official record of activities, minutes must be approved by the BCC. Minutes are normally approved as soon as reasonably possible. Amendments or corrections may be made to the minutes in public meetings, with the approval of the BCC.

INTERACTING WITH THE MEDIA AND THE PUBLIC

It is important to recognize that as a BCC member your actions and comments are often interpreted to be that of the entire BCC, the staff, or the City.. The Communications Office is available to assist BCC members in interactions with the media.

When speaking with the media, observe the following guidelines:

- You must clarify who you represent as the speaker. Are you speaking in your capacity as a BCC Chair or as a private resident? Keep in mind that a member's comments to the press or other public comments are sometimes misinterpreted even though the BCC Chair states that they are speaking for themselves.
- Do not make promises to the public that are binding on the BCC, staff, or the City Council.
- Comments to the media or the public should be factual and accurate. Avoid speculation.

V. CITY POLICIES AND PROCEDURES

SWEARING IN AND OATH OF OFFICE

Before taking office, each BCC member must be sworn in by the City Clerk, by taking the Oath of Office to swear, or affirm, that he or she will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that he or she will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that he or she takes this obligation freely, without mental reservation or purpose of evasion; and that he or she will well and faithfully discharge the duties upon which he or she is about to enter.



FORM 700 OBLIGATION AND CONFLICT OF INTEREST (GOVERNMENT CODE SECTION 87103 FINANCIAL INTEREST)

BCC members must file an annual Form 700 by April 1 of each year. In addition, most filers also must file within 30 days of assuming and leaving office. If you have any questions about your Form 700 duty to file, please contact the City Clerk. Failure to timely file a Form 700 is grounds for dismissal.

ETHICS, CONFLICTS OF INTEREST, TRAINING

State and local laws have been adopted to ensure that local decision making is free from certain conflicts of interest or the possibility of conflicts of interest. The Council has determined that appointed BCC members should comply with these rules. Beyond the rules, BCC members should conduct themselves to a high ethical standard, ensuring that all their duties are performed in the public interest.

BCC members must complete two hours of approved ethics training within one year of appointment, and every two years thereafter. BCC members are responsible for compliance and submitting their certificates of completion to the City Clerk. The training covers both conflicts of interest law and ethics principles.

There are a number of options for complying with the training requirement:

Self-study materials are available at <http://www.ca-ilg.org/ab1234compliance>. The materials require that you read two articles on public service ethics laws and principles, take a self-assessment test, and then submit it to the Institute for Local Government with a processing fee for each test. The Institute will review your test(s), provide you the correct answers to the questions and a proof of participation certificate.

The Fair Political Practices Commission (FPPC) offers free online training at <http://localethics.fppc.ca.gov/login.aspx>. This option requires you to log onto the FPPC's website, review various screens of materials, take periodic tests to assure retention of the information and then print out a certificate. Failure to recuse can be grounds for dismissal.

REMOVAL

BCC members serve at the pleasure of the Council. Council reserves the right to remove one or more members of a BCC at any time, for any reason. BCC members understand that they are not entitled to any process in the event Council removes them from service. Incumbents seeking a reappointment are required to complete and file an application with the City Clerk by the application deadline.

Board and commission members provide domain knowledge and reflect a diverse range of perspectives in the community. Removal of appointees shall not be on the basis of political perspectives of the Council or commissioner. Removal should be based on performance related concerns such as legal or ethical violations, a pattern of absences, misconduct toward staff, colleagues, or the public, or actions that undermine the public trust in the commission or the Council.

The City Council may remove a member by a majority vote of the City Council. Three council members can agendize a removal action item. The removal vote will occur in an open Council session where any member of the public can speak.

VI RALPH M. BROWN ACT

**GENERAL OVERVIEW**

The Ralph M. Brown Act, Government Code section 54950 et seq., sets forth certain legal requirements regarding BCCs based on the public's right to know how decisions are made. Public agencies, boards, commissions, and committees exist to aid in the conduct of the people's business. With the exception of ad hoc subcommittees, all City BCC meetings shall be publicly noticed and agendized as required by the Brown Act. The public shall be permitted to attend and participate, according to the rules. These transparency procedures improve promote trust in the public body and foster mutual respect by serving the public's right to be heard and considered in the decision-making process.

The League of California Cities prepared a publication titled Open & Public V: A Guide to the Ralph M. Brown Act which is an informative guide to the Brown Act, including tips, examples and illustrations. View it for free at: <http://www.cacities.org/openandpublic>.

For additional information or to answer questions, BCC members should consult with their staff liaison, and through the staff liaison the City Attorney, as necessary.

MEETINGS AND AGENDAS

A "meeting" takes place whenever a quorum is present and official business is considered. An agenda for each regularly scheduled meeting must be posted at least 72-hours in advance. Agendas for special meetings require 24 hours' notice. The agenda should include a brief description of every item to be considered. Except for very brief announcements, if an item is not on the agenda, discussion should be deferred to a future meeting when it can be properly agendized.

AVOIDING UNLAWFUL MEETINGS AND "SERIAL" MEETINGS

BCC members are permitted to socialize in a non-meeting setting but must refrain from discussing any BCC business. Care should be taken to make sure that if a quorum of a BCC is gathered at a public or private meeting place, no public business is discussed and that the gathering will not be interpreted as a meeting. Any conversation that occurs among a majority of the members of a BCC on business that will come before it or is likely to come before it is improper under the Brown Act no matter the means by which the conversation takes place - in person communications, phone calls, writings, and electronic correspondence. When using email, be cognizant that the Brown Act may be violated if a majority of a BCC engages in communication about City business that is or is likely to come before that BCC. Email correspondence is covered by the Brown Act and BCC members should be careful not to "reply all" to a communication directed to a BCC. In addition, emails and phone call records relating to City business may be searchable and releasable pursuant to Public Records Act requests.

PUBLIC PARTICIPATION

The public has the right to be notified of items on the agenda, to attend meetings of a legislative body, to record the meeting, to speak before or during consideration of an agenda item, and to see the materials of the legislative body.

Every agenda must include time for public comment on matters within the jurisdiction of the BCC and not on the agenda. BCC members generally should not engage in discussion of items raised by the public that are not on the agenda.

If a Board or Commission member receives materials or information directly from an applicant, he or she shall notify the Staff Liaison immediately.

Agenda materials released less than 72 hours prior to the meeting must be made available to the public at a specified location as well as at the BCC meeting. The public must be allowed to speak on every agenda item, before an action or vote is taken by the BCC.

Accommodations are available so that persons with disabilities can participate in all aspects of a BCC meeting. Members of the public may make a written request to the staff liaison, including the requestor's name, address, phone number and brief description of the requested materials, preferred alternative format, auxiliary aid or service, or other needed accommodation. Advance notice is kindly requested so that arrangements can be made.

VI. CONCLUSION



The City Council thanks you for applying for and accepting a position on one of the City's Boards, Commissions, or Committees, and for devoting your time to help build a great community in Palo Alto through your civic involvement. Please use this Handbook as a guide as you carry out your duties as a member of a BCC, and please contact the City Clerk or your staff liaison if you need any further information, advice, or assistance.

EXHIBIT A**BCC WORK PLAN GUIDELINES AND PROCESS**

The City Council will vote on BCC work plans annually. Workplans are due in June and should consist of up to three priorities. The City Council will ask the BCC Chair to present the workplan to the City Council. Workplans should include if there is an intent to use Ad Hoc committees to assist in the BCC work for the year ahead. After the workplan is approved, if there is an additional priority the BCC would like added, the BCC chair would make a prompt request to the Council.

To guide the work of developing the BCC annual workplans, a short checklist is provided below:

- Review purpose of the BCC
- Discuss any City Council priorities for the BCC
- Discuss existing and possible projects, priorities and goals
 - Order from high priority to low priority
- Finalize draft work plan for City Council review
- Use approved workplan as a guide to focus BCC work throughout the term of the workplan (one or two years)
- Present report to the City Council annually and include:
 - List of priorities, projects and goals
 - Status updates
 - If items are not complete, include why and any other additional details to share with the Council

BCC WORKPLAN TEMPLATE

<div>BCC NAME</div> <div>BCC Purpose:</div>							
Approved Projects, Priorities, and Goals	Name of Project, Priority or Goal	Benefit, if Completed	Mandate by State or Local law and approved by City Council? Y/N	Policy Update as Directed by the City Council Y/N	Timeline for Completion	Resources needed, i.e. staff support, sub committee established, etc.	Measure of Success
Prioritize projects, priorities and goals	Name of Project, Priority or Goal	Priority 1: Urgent (within six months)	Priority 2: High (within the year)	Priority 3: Medium (within 2 years)	Priority 4: Low (beyond 2 years)		

Chapter 2.21

ARCHITECTURAL REVIEW BOARD

Sections:

2.21.010 Architectural review board.

2.21.025 Term of office.

2.21.030 Procedures of the architectural review board.

2.21.040 Duties of the architectural review board.

2.21.010 Architectural review board.

There is created an Architectural Review Board consisting of five persons appointed by the City Council, and at least three of whom shall be architects, landscape architects, building designers or other design professionals. The Architectural Review Board shall have the powers and duties specified in this chapter, and shall comply with the procedures specified in this chapter.

(Ord. 5208 § 9, 2013; Ord. 4826 § 2 (Exh. 1 (part)), 2004)

2.21.025 Term of office.

Terms of office on the Architectural Review Board shall be three years. Effective January 1, 2022, terms of office due to expire on December 15 of each year shall be extended to expire on March 31 of the following year, and thereafter terms of office shall commence on April 1. If a successor is unavailable, a member may remain in office until his or her successor is appointed, subject to the limits in Section 2.16.080.

(Ord. 5529 § 6, 2021; Ord. 5311 § 4, 2015; Ord. 5208 § 11, 2013)

2.21.030 Procedures of the architectural review board.

The architectural review board shall meet at least monthly and shall prescribe bylaws, forms, applications, rules and regulations for the conduct of its business. All meetings of the architectural review board shall be open to the public. The architectural review board shall send a report, not less than once a year, to the planning commission and city council for the purpose of communicating the concerns of the board with respect to the city's plans, policies, ordinances and procedures as these affect the projects which the board reviews.

(Ord. 4826 § 2 (Exh. 1 (part)), 2004)

2.21.040 Duties of the architectural review board.

The duty of the architectural review board is to perform all duties required of it by Title 16 (Building Regulations), Title 18 (Zoning), and any other applicable sections of this code. In addition, the director of planning and development services and the city council may request the opinion of the architectural review board on other architectural matters.

(Ord. 5494 § 3, 2020; Ord. 4826 § 2 (Exh. 1 (part)), 2004)

RULES AND REGULATIONS AND BY-LAWS OF THE
PALO ALTO ARCHITECTURAL REVIEW BOARD

ARTICLE I

NAME

Section 1.0 The name of this board shall be the PALO ALTO ARCHITECTURAL REVIEW BOARD (ARB)

ARTICLE II

Section 2.0 This board shall perform any duties imposed upon it by Ordinances of the City of Palo Alto and by applicable State and Federal law, or as requested by the City Council of the City of Palo Alto.

ARTICLE III

Officers

Section 3.0 The officers of the Board Shall consist of a Chairperson, a Vice Chairperson, and a Secretary who shall be a non-voting member.

Section 3.1 The offices of Chairperson and Vice Chairperson shall be elected from among the appointed members of the Board, and the person so elected shall serve for a term of one year or until a successor is elected. Elections shall be held at the first ~~organizational meeting of the Board in 1973, and at the first meeting in April of~~ each year, or on such date that coincides with the first meeting of new Board members appointed to a full term ~~October of each subsequent year.~~

Section 3.2 The Director of Planning and ~~Community Environment~~ Development Services of the City of Palo Alto or ~~his/her~~ their designated representative shall be the Secretary of the Board.

Section 3.3 The duties of the offices of the ARB shall be as follows:

Section 3.31 It shall be the duty of the Chairperson to preside over all meeting of the Board, to appoint committees and to serve as an ex-officio member of the committees so appointed, to call special meetings of the Board and to designate the time and place of such meeting, to set the date and time for the public hearing held by the Board, to sign documents and correspondence in the name of the Board, to ensure the Annual Report/Council Work Plan is completed before the end of their term (March 31st). and to represent the Board before the City Council, its commissions and committees, and such other groups and organizations as may be appropriate. The Chairperson may designate the Vice Chair, or in the Vice Chairperson's absence, another member of the Board to act in ~~his/her~~ their stead.

Section 3.32 It shall be the duty of the Vice Chairperson to assist the Chairperson and to act in ~~his/her~~their stead during ~~his/her~~their absence.

Section 3.33 It shall be the duty of the Secretary to keep a record of all meeting of the Board, to accept in the name of the Board documents and correspondence addressed to it, to present such correspondence to the Board, to provide the Board with early notification of pending projects that will require the ARB's review, and perform other staff functions as deemed necessary by the Board. The Secretary will determine the agenda for all public meeting of the Board, based upon an assessment of the applications made to the City requiring architectural review, and based also upon the desirability of hearing such other matters as may be deemed, by the Chairperson or by the Secretary, to be of concern to the Board.

ARTICLE IV

Committees

Section 4.0 The Chairperson shall appoint special committees as they be desired or required.

ARTICLE V

Quorums and Voting

Section 5.0 Three members of the Board shall constitute a quorum for the purposes of conducting business.

Section 5.1 All actions taken must be by affirmative vote of majority of those Board members present, except to adjourn or continue for lack of a quorum.

A tie vote constitutes a denial of an item, except that a member of the Board may then move that the item be reconsidered or continued to another meeting. A majority of the Board may then vote to reconsider or continue the item to another meeting

ARTICLE VI

Meetings

Section 6.0 Regular meetings of the ARB shall be held not less than twice a month. The Chairperson shall establish the dates of the meetings. Meetings shall be held on Thursday at 8:30 A.M. in the Palo Alto City Hall. Regular meetings may be adjourned and reconvened upon a majority vote of the members present.

Section 6.1 The Chair, Vice Chair and Secretary shall meet a few days ahead of each public hearing to go over the agenda and submit early questions to staff that will be answered at the hearing.

Section 6.2~~1~~ Special meetings may be called at any time by the Chairperson, or at the request of three members, by a written or oral notice given to each member at least 48 hours before the time specified for the proposed meeting.

ARTICLE VII

Rules

Section 7.0 All meetings of the Board shall be conducted in accordance with a modified Robert's Rules of Order.

ARTICLE VIII

Design Awards

Section 8.0 Design Awards for outstanding built projects may be awarded every five years beginning in 2005. Award-winning projects shall be selected from those reviewed by the ARB, and completed since the last awards were made.

Section 8.1 Criteria and number of awards shall be determined by the awarding board.

Section 8.2 Winning projects may be displayed in the City Hall lobby for one month following the presentation of awards. The ARB shall request that the Mayor of the City of Palo Alto issue an appropriate proclamation.

THE FOREGOING BY-LAWS WERE ADOPTED BY A MAJORITY VOTE OF THE PALO ALTO ARCHITECTURAL REVIEW BOARD THE 28TH DAY OF JUNE, 1973.

Amended: July 3, 1974
 May 19, 1977
 August 4, 2005
 February 5, 2015
 October ?? 2022



ARCHITECTURAL REVIEW BOARD PROCEDURAL RULES

Introduction & Contents

These Procedural Rules supplement the Bylaws of the Architectural Review Board (“Board”) and are to be construed consistent with those Bylaws. In the event of any conflict between these Rules and the Bylaws, the Bylaws shall prevail.

These rules are organized in three sections:

I. Public Participation in Board Meetings

This section explains the basic rules for speaking to the Board. The Board follows a modified Roberts’ Rules of Order.

II. Motions, Debate & Voting

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

III. Quasi-Judicial Proceedings

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



ARCHITECTURAL REVIEW BOARD PROCEDURAL RULES

I. Public Participation in Board Meetings

A. Policy. It is the policy of the Board to assure that members of the public have the opportunity to speak to any regular or special meeting agenda item before final action. In addition, an opportunity will be provided for members of the public to address the Board on items within its purview but not on the agenda at each regular or special meeting. These rules establish the rights and obligations of persons who wish to speak during Board meetings.

B. General Requirements.

1. Accessibility. Palo Alto makes every reasonable effort to accommodate the needs of the disabled. Persons with disabilities who require auxiliary aids or services in using City facilities, services or programs or who would like information on the City's compliance with the Americans with Disabilities Act (ADA) of 1990, may contact (650) 329-2364.

2. Presiding Officer's Permission Required. The presiding officer at Board meetings (usually the Chair or Vice-Chair) is responsible for preserving strict order and decorum. This is important in order to assure a fair opportunity for everyone to participate in an open and civil setting.

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

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

c) Except as provided by these rules, no person shall be permitted to enter into any discussion without the permission of the presiding officer.

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

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



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

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

4. Specific Requirements and Time Limits.

a) Oral Communications. Oral communications may be limited to three minutes per speaker and will be limited to a total of thirty minutes for all speakers combined.

1) Oral communications may be used only to address items that are within the Board's subject matter jurisdiction, but not listed on the agenda.

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

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

4) Board Members shall not enter into debate or discussion with speakers during oral communications.

5) The presiding officer may request that City staff respond to the person speaking and/or the Board at a later date.

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

1) Spokesperson for a Group. When any group of people wishes to address the Board on the same subject matter, the presiding officer will inform the group that a spokesperson



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may be chosen by the group to address the Board. Spokespersons who are representing a group of five or more people who are identified as present at the Board meeting at the time of the spokesperson's presentation will be allowed up to fifteen minutes at the discretion of the presiding officer, provided that the non-speaking members agree not to speak individually.

2) Quasi-Judicial Hearings. In the case of a quasi-judicial hearing, applicants and/or appellants, as applicable, shall be given ten minutes each for their opening presentation and ten minutes for rebuttal before the hearing is closed. When the appeal is brought by a party other than the applicant, the appellant's opening statement should precede the applicant's opening statement and the appellant's rebuttal should follow the applicant's rebuttal. In the event a request is made and the need for additional time is clearly established, the presiding officer shall independently, or may upon advice of the Board's attorney, grant sufficient additional time to allow an adequate presentation by the applicant or appellant in a hearing required by law. A person who participates during the ten minute period allotted for appellants and/or applicants may not speak during the time allotted for public comment without first securing the permission of the presiding officer.

3) Addressing the Board after a Motion. Following the time for public input and once the matter is returned to the Board no person shall address the Board without first securing the permission of the Board, subject to approval of the Board's Attorney with respect to any hearing required by law.

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II. Motions, Debate & Voting

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

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

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

B. Motions. A motion is a formal proposal by a Board Member asking that the Board take a specified action. A motion must receive a second before the Board can consider a matter.

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

2. Procedure.

a) Get the Floor. A Board Member must receive the permission of the presiding officer before making a motion.

b) State the Motion. A motion is made by a Board Member (the “maker”) stating his or her proposal.

c) Second Required. Any other Board Member (including the presiding officer) who supports the proposal (or who simply wishes it to be considered) may “second” the motion without first being recognized. A motion to raise a question of personal privilege does not require a second.

d) Motion Restated. The presiding officer should restate the motion for the record, particularly if it is long or complex.

e) Lack of a Second. If there is no second stated immediately, the presiding officers should ask whether there is a second. If no Board Member seconds the motion the matter will not be considered.

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

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

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

3. Precedence of Motions. When a motion is before the Board, no new main motion shall be entertained. The Board recognizes the following secondary motions, which may be considered while a main motion is pending. These motions shall have precedence in the order listed below. This means that a secondary motion that is higher on the list will be considered ahead of a pending secondary motion that is lower on the list:

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

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

a) Fix the time to which to adjourn. This motion sets a time for continuation of the meeting. It requires a second, is amendable and is debatable only as to the time to which the meeting is adjourned.

b) Adjourn. This motion ends the meeting or adjourns it to another time. It requires a second and is not debatable except to set the time to which the meeting is adjourned, if applicable. A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion; (b) when made

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as an interruption of a member while speaking; (c) when the previous question has been ordered; and (d) while a vote is being taken.

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

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

e) Lay on the table. This motion is used to interrupt business for more urgent business. A motion to lay on the table requires a second, is not amendable and is not debatable. It shall preclude all amendments or debate of the subject under consideration. If the motion prevails, and the subject is tabled, the matter must be reagendaized in the future if further consideration is to be given to the matter.

f) Previous question. This motion "calls the question" by closing debate on the pending motion. A motion for previous question requires a second, is not debatable and is not amendable. It applies to all previous motions on the subject unless otherwise specified by the maker of the motion. If motion for previous question fails, debate is reopened; if motion for previous question passes, then vote on the pending motion. A motion for previous question requires a two-thirds vote of those Board Members present and voting.

g) Limit or extend debate. This motion limits or extends the time for the Board or any Board Member to debate a motion. It requires a second, is amendable and is not debatable. The motion requires a two-thirds vote of those Board Members present and voting.

h) Continue to a certain time. This motion continues a matter to another, specified time. It requires a second, is amendable and is debatable as to propriety of postponement and time set.

i) Refer to a city agency, body, committee, board, commissioner or officer. This motion sends a subject to another city agency, body,

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committee, board, commissioner or officer for further study and report back to the Board, at which time subject is fully debated. It requires a second, is amendable, and is debatable only as to the propriety of referring. The substance of the subject being referred shall not be discussed at the time the motion to refer is made.

j) Amend or substitute. This motion changes or reverses the main motion. It requires a second, is amendable, and is debatable only when the motion to which it applies is debatable. A motion to amend an amendment is in order, but one to amend an amendment to an amendment is not. An amendment modifying a motion is in order but an amendment raising an independent question or one that is not germane to the main motion shall not be in order. Amendments take precedence over the main motion and the motion to postpone indefinitely.

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

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Summary of Key Motions			
Type of Motion	2nd Req'd	Debate	Order of Debate
Main Motion	Yes	Yes	Mover & 2nder speak first
"Friendly" Amendment	No, but must be accepted by mover and 2nder of main motion	No	
Amendment (If friendly amendment not accepted)	Yes	Occurs with main motion BUT Chair has discretion to bifurcate issues/questions	
Substitute Motion	Yes	Yes, Debate & vote occurs before main motion	Mover & 2nder of substitute motion speak first

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C. Debate and Voting.

1. Presiding officer to state motion. The presiding officer shall assure that all motions are clearly stated before allowing debate to begin. The presiding officer may restate the motion or may direct City staff to restate the motion before allowing debate to begin. The presiding officer shall restate the motion or direct City staff to restate the motion prior to voting.
2. Presiding officer may debate and vote. The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Board Members. The presiding officer shall not be deprived of any of the rights and privileges of a Board Member.
3. Division of question. If the question contains two or more divisible propositions, each of which is capable of standing as a complete proposition if the others are removed, the presiding officer may, and upon request of a Board Member shall, divide the same. The presiding officer's determination shall be appealable by any Board Member.
4. Withdrawal of motion. A motion may not be withdrawn by the maker without the consent of the Board Member seconding it.
5. Change of vote. Board Members may change their votes before the next item on the agenda is called.
6. Voting. On the passage of every motion, the vote shall be taken by voice and entered in full upon the record.
7. Silence constitutes affirmative vote. Board Members who are silent during a voice vote shall have their vote recorded as an affirmative vote, except when individual Board Members have stated in advance that they will not be voting.
8. Failure to vote. It is the responsibility of every Board Member to vote unless disqualified for cause accepted by the Board or by opinion of the Board's Attorney. No Board Member can be compelled to vote.
9. Abstaining from vote. The abstainer chooses not to vote and, in effect, "consents" that a majority of the quorum of the Board Members present may act for him or her.

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10. Not participating. A Board Member who disqualifies him or herself pursuant to the Political Reform Act of 1974 because of any financial interest shall disclose the nature of the conflict and may not participate in the discussion or the vote. A Board Member may otherwise disqualify him or herself due to personal bias or the appearance of impropriety.

11. Tie votes. Tie votes may be reconsidered during the time permitted by these rules on motion by any member of the Board voting aye or nay during the original vote. Before a motion is made on the next item on the agenda, any member of the Board may make a motion to continue the matter to another date. Any continuance hereunder shall suspend the running of any time in which action of the Board is required by law. Nothing herein shall be construed to prevent any Board Member from agendaizing a matter that resulted in a tie vote for a subsequent meeting.

12. Motion to reconsider. A motion to reconsider any action taken by the Board may be made only during the meeting or adjourned meeting thereof when the action was taken. A motion to reconsider requires a second, is debatable and is not amendable. The motion must be made by one of the prevailing side, but may be seconded by any Board Member. A motion to reconsider may be made at any time and shall have precedence over all other motions, or while a Board Member has the floor, providing that no vested rights are impaired. The purpose of reconsideration is to bring back the matter for review. If a motion to reconsider fails, it may not itself be reconsidered. Reconsideration may not be moved more than once on the same motion. Nothing herein shall be construed to prevent any Board Member from making a motion to rescind such action at a subsequent meeting of the Board.

13. Appeal from the decision of presiding officer. When the rules are silent, the presiding officer shall decide all questions of order, subject to appeal by a Board Member. At the presiding officer's discretion, the presiding officer may submit the question to the Board, in which case a majority vote shall prevail. Any decision or ruling of the presiding officer may be appealed by request of any member. A majority vote is required to reverse the decision of the presiding officer.

14. Getting the floor; improper references to be avoided. Every Board Member desiring to speak shall address the chair and, upon recognition by the presiding officer, every Board Member shall be confined to the question under debate, avoiding all indecorous language and personal attacks.

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

III. Additional Requirements for Quasi-Judicial Hearings and Planned Community Zoning Applications

A. Policy. It is the policy of the Board to assure that the due process rights of all persons are protected during City hearings. A “quasi-judicial” hearing is a hearing that requires a higher level of procedural due process because of the potential impact on life, liberty or property. Usually, quasi-judicial hearings involve a single parcel of land and apply facts and evidence in the context of existing law. Findings must be stated to explain the evidentiary basis for the Board’s decision.

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

B. General Requirements.

1. Quasi-Judicial/ Planned Community Proceedings Defined. Quasi-judicial/planned community proceedings subject to these procedural rules include hearings involving the following matters:

- a) Design Enhancement Exceptions
- b) Subdivisions, other than final map approvals
- c) Architectural Review
- d) Planned Community Zoning
- e) Other matters as determined by the Board’s Attorney
- f) Appeals related to any of the above
- g) Environmental Review relating to any of the above

2. Restrictions on Board Communications Outside of Quasi-Judicial and Planned Community Zone Hearings. The Board deliberates and makes all decisions in public, however the Board recognizes there may be circumstances where one on one conversations with applicants or community members may be useful and informative. The following procedural guidelines are intended to implement the Board’s policy on such

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ex parte contacts, but shall not be construed to create any remedy or right of action.

3. Identification of Quasi-Judicial/Planned Community Matters. The City Attorney, in conjunction with the Planning Director, will identify agenda items involving quasi-judicial/planned community decisions on both the tentative and regular Board agendas. This identification is intended to inform the Board, interested parties, and the public that this policy will apply to the item.

4. Board Members to Track Contacts. Board Members will use their best efforts to track contacts with owners, developers, applicant representatives and members of the public pertaining to such identified quasi-judicial/planned community decision items. Contacts include conversations, meetings, site visits, mailings, or presentations during which substantial factual information about the item is gathered by or submitted to a Board Member.

5. Disclosure. When the item is presented to the Board for hearing, Board Members will disclose any contacts which have significantly influenced their preliminary views or opinions about the item. The disclosure may be oral or written, and should explain the substance of the contact so that other Board Members, interested parties, and the public will have an opportunity to become apprised of the factors influencing the Board's decision and to attempt to controvert or rebut any such factor during the hearing. Disclosure alone will not be deemed sufficient basis for a request to continue the item. A contact or the disclosure of a contact shall not be deemed grounds for disqualification of a Board Member from participation in a quasi-judicial/planned community decision unless the Board Member determines that the nature of the contact is such that it is not possible for the Board Member to reach an impartial decision on the item.

- a) If a Board Member receives any written materials in connection with these types of discussions, a copy of those materials shall be made a part of the public record.
- b) At the beginning of any such meeting or discussion, Board Members are strongly encouraged to review these Guidelines with the party they are meeting.
- c) Board Members shall endeavor to always keep an open mind, and not rush to pre-judge any matter, until after all concerned parties

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(including but not limited to applicants, members of the public and Staff) are heard during the public hearing.

d) Board Members shall refrain from coming to a conclusion on the item until the public hearing is closed.

6. No Contacts after Hearings. Following closure of the hearing, and prior to a final decision, Board Members will refrain from any contacts pertaining to the item, other than clarifying questions directed to City staff.

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

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

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

10. Board Members Who are Absent During Part of a Hearing. A Board Member who is absent from any portion of a hearing conducted by the Board may vote on the matter provided that he or she has watched or listened to a video or radio broadcast, or video or audio recording, of the entire portion of the hearing from which he or she was absent and if she or he has examined all of the exhibits presented during the portion of the hearing from which he or she was absent and states for the record before voting that the Board Member deems himself or herself to be as familiar with the record and with

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the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.

10. Appeals. Appeals to the Board and requests for hearings of minor staff architectural review shall be conducted *de novo*, meaning that new evidence and arguments may be presented and considered.

C. Record Before the Board. The Records before the Board on any matter shall be deemed to include the Comprehensive Plan, the Municipal Code and any relevant plans or studies which have been formally accepted or approved by the Board or by the City Council.