

**Baumb, Nelly**

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**From:** Pat Burt <patburt11@gmail.com>  
**Sent:** Monday, October 26, 2020 12:05 PM  
**To:** Council, City; Minor, Beth  
**Subject:** Item 4A: Consideration of Council Ad Hoc on Boards and Commissions Recommendations

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Beth,

Below are my comments on Item 4A for tonight's meeting.

Pat Burt

10/26, 2020

From: Pat Burt

### **Item 4A: Consideration of Council Ad Hoc on Boards and Commissions Recommendations**

The proposed Board and Commission Handbook provides a valuable draft with much good content. By reference, the City of Richmond Commissioner Handbook stands out among practices by other cities as being particularly thoughtful, complete and well written, <https://www.ci.richmond.ca.us/DocumentCenter/View/48361/COR-Board-and-Commissioners-Handbook---Revised-Nov-2019-?bidId=>. The ad-hoc City Council Committee should review the Richmond handbook and incorporate versions of its most appropriate elements.

Several parts of the proposed Palo Alto Handbook are problematic and should be returned to the ad-hoc committee for modifications. They are:

1. The role of Council liaisons
2. Communication/public disclosure of all communications
3. Advocacy by BCC members
4. Addressing the media
5. Removal from office

### **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. However, at minimum, they should be available for contacts with members of advisory bodies, and particularly with the chairs."*

**Recommendation:** This language should be strengthened to clearly address the problem of CC members on occasion using their liaison roles to further their own policy agendas. The reference to “facilitate and enhance” the work of the Board could be inferred to include active policy guidance or participation in the board’s actions by the liaison. The role of the liaison should be: 1) for the purpose of providing a constructive relationship between the city council and the advisory committee without implying direction, review or oversight of the activities of the advisory committee, 2) provide the board relevant information about Council policies or requests made of the Board, 3) be a conduit to the Mayor and the Council for any questions, or input from the Board to the Council.

## CONDUCT AND PROCEEDINGS

**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.”*

**Recommendation:** As written, this mandate applies to matters that are not quasi-judicial and involve purely legislative of policy recommendations to the Council, including disclosure of any research by a Board member or any substantive communication with any member of the public on any item before the Board. This a new, very broad requirement that goes well beyond legal mandates or what the Council requires of itself, which exceeds state law. The BCC disclosure guidelines should mirror those that apply to the City Council.

**Advocacy:** *“To the best of their ability, 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.”*

**Recommendation:** It is the role of Commissioners to advise the Council on policies and positions within the domain of their Commission. **It should not be the responsibility or limitation of a Commissioner to represent or be the mouthpiece of the Council, especially on issues outside of the domain of their Commission or if the commissioner may not agree with Council policies.**

- *Learn to trust your own judgment on decisions*

**Recommendation:** Rather than such patronizing guidance to commissioners who often have exceptional professional backgrounds, **commissioners should be encouraged to value and respect the professional expertise of staff and consultants, but the policy should be clear that Commissions exist to provide independent critical thinking, expertise, and public input.** Otherwise, staff and consultants could report directly to the Council with the need or added value of a Commission.

**ADDRESSING 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. Statements to the media should generally be avoided. If asked, route questions through the Chair in collaboration with the City’s Chief Communications Officer. When addressing 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.”*

**Recommendation:** Commissioners should be clear when they speak to the press whether it on their behalf and when they are representing positions of the Commission as a whole. **The role of a Commissioner is to advise the Council as a whole and to respond to Council requests for recommendations on prospective policies, or on how to best implement Council adopted policies. When speaking with the press as Commissioners, Commissioners should avoid politicizing their role as advisors to the Council and should not attempt to use the press or the public to politicize their personal views. The Commission is an adjunct of the Council and should not act as a shadow cabinet or as oppositional to the Council.** If a Commissioner is not comfortable with this role, the Commissioner has the prerogative to resign from the Commission.

**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...The City Council may remove a member by a majority vote of the City Council without cause, notice or hearing.”*

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

## **Summary**

The Council should provide direction to the ad-hoc committee and staff about modifications to the draft Handbook, refer to the City of Richmond Handbook as a valuable model for re-drafting the Palo Alto Handbook, and request that a revised draft be returned to the Council before year-end.

## Baumb, Nelly

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**From:** Jeff Greenfield <jeffg13@gmail.com>  
**Sent:** Monday, October 26, 2020 12:31 AM  
**To:** Council, City  
**Subject:** PRC and BCC Recommendations

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Dear City Council,

I am the Chair of the Parks & Recreation Commission (PRC), but am writing to you on my own behalf.

I am writing to (1) recommend that you keep the PRC as a body of seven commissioners, and (2) offer recommendations regarding the proposed changes to Boards, Commissions, and Committees (BCCs).

The PRC is an effective commission serving City Council and our Community across the broad scope outlined in our Parks, Trails, Natural Open Space and Recreation Master Plan. We have nurtured a strong working relationship with staff, and PRCs contributions are valued and appreciated by staff. Here are reasons to consider keeping the PRC as it is:

- The breadth of PRC's scope merits 7 commissioners to help spread out the workload.
- Major projects and Ad Hocs efforts range from park improvements (scheduled renovations, dog parks, restrooms, ...) and park & facility use policy - to recreation program and facility development - to Baylands tide gate restoration & Foothills Park 7.7. Acres - to fund development & CIP review.
- PRC work includes considerable community outreach with currently 13 liaison roles, ranging from community gardens, aquatics, and field users, to the City/School Committee, Youth Council, and VCAP.
- More commissioners translates directly to increased community outreach. Reducing commissioners reduces community engagement and input.
- A smaller commission size makes collaborative Ad Hoc work and general brainstorming outside of meetings ***much more*** difficult. Please consider the efficacy of your role on Council if you were only permitted to converse with one other Councilmember on any topic.
- Recruitment is not an issue, though increased individual workload could make recruiting more difficult.
  - 5 applications were recently received for 1 open partial (2-year) PRC appointment.

- A year ago, 9 applications were received for 4 open PRC appointments.
- The benefits of reducing PRC to five commissioners are not obvious.
- PRC is not broken... Please leave the PRC as it is.

I appreciate the effort from the Council Ad Hoc and staff on the BCC Handbook and Guidelines. I support increased consistency across BCCs, improved training, and clarified guidelines. I am generally in favor of this proposal and offer the following additional suggestions and questions:

- Work Plans
  - Details regarding a practical process for promptly updating workplans, taking into considering full Council agendas, would be appreciated.
  - Consider recommending an annual BCC Retreat to establish annual Priorities and a Work Plan.
- Timelines
  - Consider appointment of all BCCs during Q4 of odd numbered, non-election calendar years.
    - Optimizes alignment of annual BCC startup cycles and workplans, with Council annual retreat and priorities.
    - Eliminates lame-duck appointments.
    - Limited appointments for partial terms may be necessary during CYQ4 of even numbered years, or perhaps CYQ2 of any year.
- Media Communications
  - All BCC members must be permitted to speak with the media, as individuals, not representing a BCC
  - Comments to media by the Chair, or any BCC, must not require collaboration with the City CCO.
- BCC Member Removal
  - Guidelines are being established for BCCs. If someone does not adhere to the guidelines, either consistently or egregiously, removal should be a potential consequence.
    - Clear ethical guidelines for removal should also be established.
    - Any Removal should occur during an open public meeting.
- Meetings
  - Consider adding guidelines for **online** BCC meetings.
  - Mandate that links to all presentations should be included in meeting minutes [HB pg. 27]

- Often links are not included in the agenda; either way we should standardize...
- Additional Items
  - Use the full name of “Parks Master Plan” within the PRC description [HB pg. 12]
    - Change “Parks Master plan” to “Parks, Trails, Natural Open Space and Recreation Master Plan”.
  - I’m open to a 1 year, advisory vote (i.e. non-voting) youth term on the PRC. I think this younger voice would be beneficial for our overall community.

Thank you for your consideration and dedicated service to our community.

Jeff Greenfield

## Baumb, Nelly

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**From:** Kathleen Early <kathy.early@gmail.com>  
**Sent:** Saturday, October 24, 2020 8:08 PM  
**To:** Council, City  
**Subject:** Re: No Gag Order

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Also, I believe it would be good to put off the decision on reducing the number of members of the Parks and Recreation Commission from 7 to 5. Wait till after the election and the installation of the new board. A refreshed board may have good input on ways to save money that don't involve reducing the Commission.

On Sat, Oct 24, 2020 at 7:24 PM Kathleen Early <[kathy.early@gmail.com](mailto:kathy.early@gmail.com)> wrote:

Dear City Council Members:

Please vote against the proposed new handbook. From all I have read about it in the Palo Alto weekly, it sounds scary. A gag order on commissioners and administrators? Remove any commissioner at any time and for any reason? Are we soon to live under a dictatorship?

Please vote to set this handbook aside for further review. It might be good to wait until the new board is onboard to make changes of this sort.

Sincerely yours,  
Kathy Early  
Palo Alto resident

## Baumb, Nelly

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**From:** Palo Alto Free Press <paloaltofreepress@gmail.com>  
**Sent:** Monday, October 26, 2020 1:50 PM  
**To:** Aram James  
**Cc:** Stump, Molly; Minor, Beth; Scheff, Lisa; Shikada, Ed; Council, City; Diana Diamond  
**Subject:** Re: California Public Records Act request

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City attorney Molly Stump may claim that writing the proposed handbook is constitutionally protected. Here's the precedent...

Supreme Court Decision

<http://www.lawandfreedom.com/site/constitutional/Watchtower.pdf>

What makes for a more interesting story is the fact that Dave Price and his entire news team has blocked Palo Alto Free Press emails.

How would the first amendment address that issue.

Sent from my iPhone

On Oct 26, 2020, at 11:13 AM, Aram James <abjpd1@gmail.com> wrote:

10/26/20

***California Public Records Act request***

From: Aram James

To: Molly Stump, Lisa Scheff, Ed Shikada, and Beth Minor et al:

Pursuant to the California Public Records Act I am requesting the names of all of the members of the city attorneys office, city managers office or any and all other staff or employees of the City of Palo Alto who wrote or assisting in the writing of a ***proposed handbook*** for standards and guidelines for City of Palo Alto commissioners who sit on boards, commissions, and committees. (For background re the handbook, see: *City Council Staff Report dated 10/19/2020-(ID# 11682)*).

In an article published in the Palo Alto Weekly, dated October 23, 2020, written by Journalist Diana Diamond, titled: ***Why a gag order for Commissioners?*** wrote the following: *...Filseth earlier*

*had told me that he was unaware of the rules about talking with the press; Dubois told me that neither he nor Cormack as council reps wrote the report.*

Based on journalist Diana Diamond's article, listed above, I am led to believe that members of the city council did not write the proposed: City Boards, Commissions and Committees Handbook. Who did?

Sincerely

Aram James  
State-bar# 80215

415-370-5056

## Baumb, Nelly

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**From:** RICH STIEBEL <w6apz@comcast.net>  
**Sent:** Saturday, October 24, 2020 10:12 AM  
**To:** Council, City  
**Subject:** Transparency 102420o

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Only through the free exchange of ideas between all citizens of Palo Alto, whether they are council members, commission members, the general public or staff will we arrive at the best actions for all Palo Alto.

Keep council and commission discussions TRANSPARENT!

Rich Stiebel  
840 Talisman Drive  
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650-494-0128