



City of Palo Alto

City Council Staff Report

(ID # 10039)

Report Type: Action Items

Meeting Date: 2/2/2019

Summary Title: Council Retreat Discussion on Council Procedures and Protocols

Title: Council Retreat Discussion on Council Procedures and Protocols as They Pertain to Meeting Management and Participation in Local and Regional Boards Including Council Member Responsibilities

From: City Manager

Lead Department: City Manager

Background

The City Council Procedures and Protocols Handbook describes the way the Palo Alto City Council does its business and is a directional guide. At its October 29, 2018 meeting, the City Council made basic amendments to conform to the City Council's reduction to seven members. The Council also referred to Policy & Services additional discretionary changes to the Municipal Code and/or Procedures and Protocols.

Discussion

For the purpose of the Council Retreat, staff recommends that the discussion focus on two topics: (a) Councilmember participation with local and regional boards, and (b) Council meeting management.

With respect to councilmember participation with local and regional boards, the following attachments are provided:

A – 2019 Councilmember Board and Commission Assignments

B – Excerpt from the Council Procedures and Protocols Handbook, Protocols Section 2.4 Conduct with Palo Alto Boards and Commissions

Now that 2019 councilmember assignments have been set, the City Council may wish to review and clarify its expectations for involvement with the various board and commissions, in particular given there are two fewer councilmembers to cover these assignments.

As reflected in Attachment B, the only guidance currently provided regarding the council's level of involvement is in Paragraph G: "Maintain an Active Liaison Relationship. Appointed Council

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

In light of fewer councilmembers to cover these assignments, the Council may wish to consider whether additional guidance should be stated:

- a. In addition to (or in place of) encouraging attendance, Boards and Commission chairs could be invited to meet periodically with Council liaisons.
- b. Palo Alto Organizations could be invited to meet periodically with Council liaisons, and/or provide an annual written update on activities.
- c. Council liaisons could be invited to provide verbal updates on their liaison assignments at Council meetings under Council Member Questions, Comments, and Announcements.
- d. Staff could coordinate periodic updates on Regional Organizations to Council with the assigned Council liaison.

With respect to Council meeting management, the following attachments are provided:

C – Minutes from the November 13, 2018 Policy & Services Committee Meeting

D – Excerpt from the Council Procedures and Protocols Handbook, Procedures Section 2
Council Meeting and Agenda Guidelines

The Policy and Services Committee discussed the Council Procedures and Protocols at the November 13, 2018 Policy and Services meeting and unanimously approved direction to Staff to finish the previous suggested revisions to the 2015 Procedures and Protocols and bring the updated document to Council for discussion, early in 2019 bring a discussion to Policy and Services Committee regarding Council assignments due to the reduction from 9 to 7 Council Members.

Now that the Council has conducted a few meetings with seven members, Staff agendized Meeting Management at the Council’s retreat in order to provide councilmembers with the opportunity to discuss any suggestions for meeting management. A few specific suggestions have been noted:

- a. Staff could provide additional time tracking to keep the Council informed of how long an item is being discussed, and pace relative to the scheduled agenda.
- b. Additional public notice could be provided to reinforce that Oral Communications on issues not on the agenda will be limited to 30 minutes, with additional communications heard after scheduled items.

Council feedback on these and other suggestions will be incorporated into a comprehensive draft of the Council Procedures and Protocols Handbook, for review by the Policies and Services Committee.

Attachments:

- Att A - 2019 Board-Committee Assignments
- Att B - Council Protocols Section 2.4
- Att C - Policy & Services Committee 11-13-18 Minutes
- Att D - Council Procedures Section 2

2019 Council Member Assignments

	Cormack	DuBois	Filseth	Fine	Kniss	Kou	Tanaka	COMMENTS
COUNCIL COMMITTEES								
CITY/SCHOOL LIAISON COMMITTEE	X					X		Third Thursday of each month at 8:00 am at School District
COUNCIL/CAO COMMITTEE		X	X		X			Scheduled as needed
FINANCE COMMITTEE	X	X (ch)		X				First & Third Tuesdays of each month at 7:00 pm
P&S COMMITTEE					X (ch)	X	X	Second Tuesday of each month at 7:00 pm
RAIL COMMITTEE <i>(Committee of Whole)</i>	X	X	<i>(recused)</i>	X (ch)	<i>(recused)</i>	X	X	Wednesdays at 8:00 am -- as required
BOARDS AND COMMISSIONS								
HISTORIC RESOURCES BOARD		X						First & Third Wednesday of each month at 8:30 am
HUMAN RELATIONS COMMISSION		X						Second Thursday of each month at 7:00 pm
LIBRARY ADVISORY COMMISSION	X							Fourth Thursday of every other month at 7:00 pm
PARKS AND RECREATION COMMISSION	X							Fourth Tuesday of each month at 7:00 pm
PUBLIC ART COMMISSION					X			Third Thursday of each month at 7:00 pm
UTILITIES ADVISORY COMMISSION	(alt)	X						First Wednesday of every month at 7:00 pm

2019 Council Member Assignments

	Cormack	DuBois	Filseth	Fine	Kniss	Kou	Tanaka	COMMENTS
PALO ALTO ORGANIZATIONS (CITY & LOCAL)								
BUSINESS ASSOC. OF CA. AVE						X		Meets Thursday on varied weeks of the month; time and location are under change
CHAMBER OF COMMERCE-PA DOWNTOWN BUSINESS & PROFESSIONAL ASSOCIATION (BID)							X	Meets first Wednesday at noon, location announced before each meeting. Board meets on the 2nd Wednesday each month, 9:00 am - typically 90 mins. Boston Private Bank, 420 Cowper Avenue
ART CENTER FOUNDATION					X			The 3 rd Wednesday of each month. Alternating 8:00 am and 4:30 pm with no meetings in August. Jan. 9am / Feb. 4:30pm / Mar. 9am...
AVENIDAS					X			The Board meets 6 times a year: odd numbered months, 2nd Wednesday, 11:30-1:30
NEIGHBORS ABROAD					X			Second Wednesday each month at 7:30 p.m.
FRIENDS OF JR. MUSEUM & ZOO	X							Board meets on the 2nd Thursday of each month at 9:00 am
LYTTON GARDENS						X		The Board of Directors meets on the fourth Thursday in January, March, May, August, and October.
PALO ALTO COMMUNITY CHILD CARE	X							Fourth Wed. 5:30-7:30 pm, they would like the Liaison to attend one or two meetings per year and perhaps one less formal meeting with the Executive Director early in the year
PALO ALTO HOUSING CORP					X			Meetings are held quarterly (the 4th Wednesday) at 7:30 am in the CCR.
PA / STANFORD CITIZEN CORPS COUNCIL (E Prep)						X		At-large/Council liaison to various community based efforts
SILICON VALLEY BOARD OF REALTORS					X			Meets every other Wednesday at 8:30 am in Los Gatos
YOUTH LIAISON						X		Project Safety Net (PSN) and Youth Council

2019 Council Member Assignments

	Cormack	DuBois	Filseth	Fine	Kniss	Kou	Tanaka	COMMENTS
REGIONAL ORGANIZATIONS (1)								
TMA LIAISON				X				
VTA BOARD				X				
VTA - POLICY ADVISORY COMMITTEE					X			The board meets on the second Thursday of each month at 4:00 pm in San Jose.
CALTRAIN POLICY MAKER COM. (LPMG)						X		Meets the 4th Thursday each month at 6:00 pm in San Carlos
VTA GRAND BLVD TASK FORCE		X						Meets Quarterly at 10:00 am (locations vary)
ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG)- DELEGATE					X			Meets the 3rd Thursday Every other Month at 7:00 pm in Oakland
SANTA CLARA COUNTY CITIES ASSOCIATION (1) and LEGISLATIVE ACTION COMMITTEE (2)					X (board) (alt LAC)	X (LAC)		(1) = Meets 1st Wednesday each month at 3:30 in San Jose and (2) = Scheduled as needed
LEAGUE OF CALIFORNIA CITIES - PENINSULA DIVISION					(alt)	X		Meets at 6:00 pm the 4th Thursday of Feb May Aug and Oct
STA CLARA VALLEY WATER DISTRICT COMMISSION		X						Meets quarterly Jan., April, July, Oct. on Wed.'s at noon, undetermined which week of the month they meet.
Bay Area Water Supply & Conservation Agency BAWSCA	X							3rd Thursday of every other month 7PM
SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY	(alt)				X			Meets the 4th Thursday each month at 4:00 pm locations rotate, This also requires an alternate.
JOINT PA/SCVWD WATER RECYCLING COMM	(alt)	X (ch)						2 from Palo Alto

2019 Council Member Assignments

	Cormack	DuBois	Filseth	Fine	Kniss	Kou	Tanaka	COMMENTS
REGIONAL ORGANIZATIONS (2)								
Ad hoc Comm on South Flow Arrivals						X		Ad hoc Committee for 120 days beginning the end of 2017
SFO AIRPORT ROUNDTABLE LIAISON						X		Meets Quarterly at 10:00 am (locations vary)
NORTHERN CALIFORNIA POWER AGENCY (NCPA)			(alt)					(1) NCPA Committee meeting meets at 8:30 am each month. (2) Executive Board meets the 4th Thursday each month at 9:30 am. (3) L&R meets quarterly with varied time and loactions

Excerpt from City Council Procedures and Protocols Handbook (Protocols Section 2 - Council Conduct)

2.4 - Conduct with Palo Alto Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect. Council Members serve as liaisons to Boards and Commissions, according to appointments made by the Mayor, and in this role are expected to represent the full Council in providing guidance on Council processes or actions to the Board or Commission. Refrain from speaking for the full Council on matters for which the full council has not yet taken a policy position. In other instances, Council Members may attend Board or Commission meetings as individuals, and should follow these protocols:

- A. If Attending a Board or Commission Meeting, Identify Your Comments as Personal Views or Opinions.
Council Members may attend any Board or Commission meeting, which are always open to any member of the public. Any public comments by a Council Member at a Board or Commission meeting, when that Council Member is not the liaison to the Board or Commission should make a point to clearly state it is an individual opinion and not a representation of the feelings of the entire City Council.
- B. Refrain from Lobbying Board and Commission Members.
It is inappropriate for a Council Member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer, or to advocate a particular policy perspective. It is acceptable for Council Members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.
- C. Remember that Boards and Commissions are Advisory to the Council as a Whole, not as Individual Council Members.
The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. Council Members should not feel they have the power or right to unduly influence Board and Commission members. A Board and Commission appointment should not be used as a political reward.
- D. Concerns about an Individual Board or Commission Member Should be Pursued with Tact.
If a Council Member has concerns with a particular Board or Commission member fulfilling his or her roles and responsibilities and is comfortable in talking with that individual privately, the Council Member should do so. Alternatively, or if the problem is not resolved, the Council Member should consult with the Mayor, who may address the issue to the Council as appropriate.
- E. Be Respectful of Diverse Opinions.
A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some

individuals serving on Boards and Commissions, but must be fair to and respectful of all citizens serving on Boards and Commissions.

F. Keep Political Support Away from Public Forums.

Board and Commission members may offer political support to a Council Member, but not in a public forum while conducting official duties. Conversely, Council Members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Council Member.

G. Maintain an Active Liaison Relationship.

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

MINUTES - Policy and Services Com. November 13, 2018 - Item # 3

3. Review Council Procedures and Protocols.

Rob de Geus, Deputy City Manager started off by stating that the last time the procedures and protocols were thoroughly looked at was back in 2015. Staff's recommendation was to have the Policy and Services Committee (Committee) review and comment on the previous discussion that City Council (Council) had. Then Staff would review the Committee's comments and present a new draft to the Council in the beginning of 2019.

Jim Keene, City Manager articulated that the protocols and procedures were constantly changing with each new City Council that was elected. He explained that the in-depth discussion that happened in 2015 was never formally adopted. He suggested that the Council and the Committee have more discussions on procedures and protocols instead of just an annual review. He cautioned the Committee about thinking about pushing for implementation of any changes made to the procedures and protocols until the new City Council was sworn in.

Molly Stump, City Attorney advised that the expectations for new procedures and protocols should be clear.

Chair Fine noted that there were two main issues and one was that residents of Palo Alto were not happy with the efficiency of the Council and the engagement process between Council and residents. The other issue was that the procedures and protocols were guidelines and it was up to the City

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Council to enforce them. Staff's time was directly impacted by how the City Council's meetings functioned and he wanted to make sure that the Committee realized that before they made their comments. He suggested that the new 2019 City Council review the standing City Council Committees and Regional Assignments.

Council Member Wolbach agreed that the Committee should make very clear recommendations to the new 2019 City Council. He suggested the Committee review the time for public speakers, how many members it took to pull an item from the Consent Calendar, clarification on how a City Council Member calls in remotely to a meeting, time restrictions for items on meetings that run past 10:00 P.M., and review the Regional Assignments and City Council Committees. In terms of public speaker time, he wanted to encourage the public to group up and have a spokesperson present their case to the Council.

Council Member DuBois advised that the City Council appoint non-City Council Members for some of the local Boards. He asked Staff how they determine which rules to use if the 2015 strategy was never adopted.

Ms. Stump explained that some of the old rules were inconsistent with the Brown Act and so the 2015 rules were being applied for consistency.

Council Member DuBois wanted to allow conference calling or video calls for City Council Members who were in remote locations and it should not be limited geographically. He agreed that pulling items from the Consent Calendar was a topic that needed to be discussed. He wanted to see what other Cities did that had a small City Council. He wanted clarification and alignment on the rules for the Council's appointed Boards and Commissions. He wanted to review the swearing in date after an election.

Ms. Stump interjected to state that the City's Charter had a rule on when elected officials would be sworn in and a change to that rule would require a Charter Amendment change. She added that swearing in new City Council Members did not have to happen at a meeting, it could be done privately.

Council Member DuBois inquired if the Council could make the Charter Amendment.

Ms. Stump confirmed that Council could propose a Charter Amendment. In terms of General Municipal Elections, it had no impact on organized labor.

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Council Member Holman agreed that a discussion should happen in terms of the time limit for public speakers. She did not want the time limit to be less than 2-minutes. She did not want to have City Council Members making significant changes to projects without having those ideas vetted before the meeting.

Ms. Stump commented that the Brown Act did not allow City Council Members to propose new topics or suggestions at meetings unless there was proper public noticing was done before hand. She cautioned Council Member Holman that there were major challenges to limiting Council Members from bringing forward new topics during a meeting.

Council Member Holman restated that she wanted City Council Members to limit their opinions if it would make a significant change to a project. Those opinions needed to be thoroughly presented to the City Council in a Staff report with all documentation before it could be discussed.

Ms. Stump advised that the City Council and the Committee needed to make rules that the majority was in agreement with.

Mr. Keene added that Council Member Holman's concern was appropriate and noteworthy but could not be resolved in one meeting.

Council Member Holman noted that in terms of the number of City Council Members it took to pull an item from the Consent Calendar it should be reduced to two instead of three. She wanted to discuss the guidelines and standards on how an item was placed on the Consent Calendar. She stated that if a City Council Member was going to vote no on a Consent Calendar item, they should be given the option to speak to their no vote after voting. She wanted more guidelines for Study Sessions. She wanted a review of the Council Appointed Officer (CAO) Committee roles, limitation, and expanse. She requested that there be clarification on the election of Mayor and Vice Mayor was a Brown Act action and on how those positions were elected. In terms of the role of the Mayor participating in meetings, those needed to be strengthened, and that the Mayor must be fluent in parliamentary procedures. All quasi-judicial items should be indicated on agendas and there should be some training for all Boards and Commissions on parliamentary procedures. She proposed more work be shifted from the Finance Committee to the Policy and Services Committee to help balance out the work load.

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Chair Fine articulated that 3-minutes for a public speaker was reasonable and to avoid 1-minute at all costs. In addition, there should be clear wording written on the public speaker cards stating how much time was allotted when there were large groups of speakers. He agreed that some guidelines or criteria should be used to determine what items go on the Consent Calendar. He wanted to leave the procedure that three City Council Members were needed to pull an item from the Consent Calendar. He suggested to add language that the review of City Council's policy and procedures be optional every year and not mandatory. He agreed with Council Member Dubois that video calling would be best when a City Council Member was in a remote location. He concurred that a limit should be maintained on how many times a year a City Council Member could call in. He wanted to remove the language that the site where the City Council Member was calling from should be compliant with the Americans Disability Act. He agreed with Council Member Wolbach that there should be a check in during City Council meetings at 10 or 10:30 P.M. to determine if a new action item should be taken up at such a late hour. He wanted to revise the language stating that each City Council Member has 1-hour to ask questions about an item. In terms of Council Committee votes, he recommended that an item that did not receive unanimous vote should have the Mayor and Vice Mayors discretion to be put on the Consent Calendar or be an action item. He wanted to try a clock that tracked how long each City Council Member talked in 2019. In terms of Calling the Question, he wanted to know if it was possible to move that to a simple majority instead of a 2/3s majority.

Ms. Stump clarified that the rule was modeled after Robert's Rules.

Chair Fine wanted clarification on when a City Council Member was supposed to notify Staff or the Mayor about pulling an item from the Consent Calendar. He agreed with City Council Member Holman that there should be a discussion about if a City Council Member should speak to their no vote on Consent Calendar items.

Mr. Keene cautioned that if a City Council Member were allowed to speak to their no vote, then a discussion and debate could quickly take place among the City Council about that item.

Ms. Stump added there was tension between Staff and City Council when a City Council Member does not give notice to Staff that they want to pull an item from the Consent Calendar.

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Chair Fine asked for more definition on Study Sessions. He wanted to limit the behavior of addressing public speakers outside of the public comment period unless the Chair has identified them and told them to come to the microphone to speak.

Mr. Keene restated that he understood that the Committee wanted the item to come to the new Council in 2019.

Council Member Holman proposed that the Policy and Services Committee review the City Council Committees and Regional Assignments.

Council Member Wolbach disclosed that it was a good idea to have the protocols be City Council Member to City Council Member and the procedures were the public to City Council Members interactions. He was in support of changing the number of City Council Members that were needed to pull an item from the Consent Calendar and letting a City Council Member who voted no to speak. He believed that it was appropriate for a Council Member to voice significant changes to a project if it was within the agenized item. He recommended that the Mayor, Vice Mayor, City Manager, and the City Clerk review the City Council's Committees and Regional Assignments at the start of each year. He recommended that when speaker times were limited to 1-minute, he wanted to still allow groups of five or more speakers to speak for 10-minutes.

Council Member DuBois restated that any City Council Member can put a consent item on as an action item and make any action item a consent Item.

Mr. Keene clarified that any City Council Member could put an item on the Consent Calendar. By doing it that way there were many City Council Member's requesting to put the same item on the Consent Calendar but with different wording.

Council Member DuBois suggested that City Council Members should be given more responsibility and the City Council Member were to live up to those responsibilities. In terms of a significant change to a project he suggested that there be a process that less than a majority could trigger the continuation of an item. In regards to the City Council Member with the highest vote become Mayor, he thought that was an interesting idea. He felt strongly that a Committee's vote on an item that was not unanimous should go to the City Council for discussion. He liked the idea that each City Council Member have their own clock. He agreed that if an item was on the Consent Calendar that it made sense to speak after the vote. He stated that the

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review of City Council Committees and Regional Assignments should be discussed by the Policy and Services Committee but the Mayor would appoint who were on those City Council Committees.

Council Member Holman emphasized that it was part of agenda management and not just about how many people showed up that determined how long public speakers could talk. She articulated that City Council Members should never pull anything off the Consent Calendar that was an appeal. She was not in favor of limiting City Council Members to a specific time in which they could talk.

Council Member Wolbach was not in favor of having a minority of City Council Members to force an item to be continued. He was in favor of having a non-binding clock for each City Council Member.

MOTION: Council Member Fine moved, seconded by Council Member Wolbach to direct Staff to finish the previous suggested revisions to the 2015 Procedures and Protocols and bring the updated document to Council for discussion, including comments made by the Committee tonight; and early in 2019 bring a discussion to Policy and Services Committee regarding Council assignments due to the reduction from 9 to 7 Council Members.

Council Member Holman asked Chair Fine for clarification on what he meant by thinning out the 2015 revisions of the procedures and protocols.

Chair Fine commented that he wanted the document to be cleaned up and remove any redundant items.

Mr. Keene interjected that Chair Fine meant that it should not be content based but just clarity.

MOTION PASSED: 4-0

Mr. Keene advised that agenda management was key to having a successful meeting. He believed that the Mayor should have some training on how to run a successful City Council meeting and shaping the agendas. He did not agree with reducing the number of people needed to pull an item from the Consent Calendar to two people. He advised to set an advanced deadline for City Council Members to notify Staff that they wanted to pull an item from the Consent Calendar. In terms of significant changes made to Staff's recommendations, City Council Members needed to know the ramifications to Staff when those major changes were being suggested.

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Council Member Holman suggested that Staff reports should include a recommended action by the City Council, two alternatives, and all three should list the pros and cons of those actions.

Future Meetings and Agendas

Mr. Rob de Geus, Deputy City Manager announced that December 11, 2018 was the date for the next meeting.

ADJOURNMENT: Meeting adjourned at 9:26 P.M.

Excerpt from Council Policies & Procedures
SECTION 2 – COUNCIL MEETING & AGENDA GUIDELINES

2.1 - Policy

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

2.2 – Purpose

The purpose of these guidelines is to facilitate the orderly and efficient conduct of Council business. This purpose recognizes the value of establishing a community understanding of meeting procedures so that broad public participation is encouraged. This purpose also recognizes that Council Members must have a common approach to the discussion and debate of City business so that meetings are both streamlined and thorough.

2.3 - Summary of Guidelines

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

- A. **Regular Meetings** are conducted at City Hall on the first three Monday nights of each month, except during the Council's annual vacation. The meetings are scheduled to begin at 6:00 p.m. Regular meeting agendas must be posted in the City Plaza by the elevators no later than 7:00 p.m. on the preceding Friday as required by the Brown Act. It is City policy to make every effort to complete and distribute the agenda and related reports by the preceding Thursday, eleven days prior to the meeting.

Once the agenda is posted, it shall also be uploaded to the City Council web page for use by the public. It is City policy to make every effort to complete and distribute the agenda and related reports by the Thursday, eleven days prior to the meeting.

- B. **Special Meetings** are "special" because the Mayor or Council can call them on a minimum of 24 hours notice, or are held on a different day of the week, at a different time or different location. Special meetings need not be held at City Hall, as long as the alternate location is within the City. The Council makes every effort to provide notice well in advance of 24 hours, especially when the special meeting is for the purpose of conducting a **Study Session**.
- C. **Study Sessions** are meetings during which the Council receives information about City business in an informal setting. The informal study session setting is intended to encourage in-depth discussion and detailed questioning and brainstorming by Council on issues of significant interest, including City policy matters, zoning applications, and major public works projects. The Council may discuss the material freely without following formal rules of parliamentary procedure. Staff may be directed to bring matters back for future Council consideration as no action can be taken at a study session. Public comments on study session items may be received together with oral communications immediately following the session or may be heard during discussion of the item as determined by the Mayor. The Decorum rules still apply to the behavior of the Council and public.
- D. **Closed Sessions** can be part of regular or special meetings. Closed sessions are the only kind of Council meeting that the public cannot attend. State law allows closed sessions to discuss pending litigation, employment issues, real estate negotiations

and certain other matters. Members of the public are permitted to make public comments on closed session matters. The Council must make a public report after the session when certain kinds of actions are taken.

These are guidelines, not rules. The Council intends that City staff and Council Members will follow these guidelines. However, these guidelines should not be used in a way that leads to inefficiency, unfairness, or the promotion of form over substance. State law establishes a variety of *mandatory* meeting rules the City must follow in order to assure open and public government, regardless of unusual situations and consequences.

2.4 - General Requirements

A. Regular Meetings

Attendance Required. Council Members, the City Clerk, City Attorney, and City Manager, along with any other city officers and department heads that have been requested to be present, shall take their regular stations in the Council chamber at 6:00 p.m. on the first, second and third Mondays of each month, except during the established Council vacation.ⁱ The Mayor will ensure that during each regular meeting there will be one 5 minute break. The Council expects its members to attend regularly and notify the City Clerk of any planned absences. The Council may levy fines of up to \$250.00 against Council members who willfully or negligently fail to attend meetings.ⁱⁱ

B. Telephonic Attendance Of Council Members At Council Meetings

The City Council Procedures provisions concerning Telephonic Attendance shall apply to City Council members. Requests by Council Members to attend a Council meeting via telephonic appearance are actively discouraged. Telephonic attendance shall be permitted not more than 3 times a year in extraordinary events such as a medical, family or similar event requiring a Council Member's absence. In addition, at least a quorum of the Council must participate from a location within the City (Government Code Section 54953(b)(3)).

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

- The meeting agenda identifies the teleconference location and is posted at that location in an area that is accessible and visible 24 hours a day for at least 5 days prior to the meeting.
- The teleconference location is open and fully accessible to the public, and fully accessible under the Americans with Disabilities Act, throughout the entire meeting. These requirements apply to private residences, hotel rooms, and similar facilities, all of which must remain fully open and accessible throughout the meeting, without requiring identification or registration.
- The teleconference technology used is open and fully accessible to all members of the public, including those with disabilities.
- Members of the public who attend the meeting at the teleconference location have the same opportunity to address the Council from the

remote location that they would if they were present in Council Chambers.

- The teleconference location must not require an admission fee or any payment for attendance.

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

Approved Teleconference Guidelines for Council Members:

- 5 days written notice must be given by the Council Member to the City Clerk's office; the notice must include the address at which the teleconferenced meeting will occur, the address the Council packet should be mailed to, who is to initiate the phone call to establish the teleconference connection, and the phone number of the teleconference location. If cellular telephones are used to participate in teleconferenced meetings then Council members need to ensure speaker phone option is functioning.
- The Council Member is responsible for posting the Council agenda in the remote location, or having the agenda posted by somebody at the location and confirming that posting has occurred. The City Clerk will assist, if necessary, by emailing, faxing or mailing the agenda to whatever address or fax number the Council Member requests; however, it is the Council Member's responsibility to ensure that the agenda arrives and is posted. If the Council Member will need the assistance of the City Clerk in delivery of the agenda, the fax number or address must be included in the one-week advance written notice above.
- The Council Member must ensure that the location will be publicly accessible while the meeting is in progress.
- The Council Member must state at the beginning of the Council meeting that the 72-hour posting requirement was met at the location and that the location is publicly accessible, and must describe the location.

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

C. Items Considered After 10:30 p.m.

The City Council makes every effort to end its meetings before 11:00 p.m. The Council also generally does not take up new matters after 10:30 p.m. Before 10:00 p.m. the Council will decide and announce whether it will begin consideration of any agenda items after 10:30 and, if so, which specific items will be taken up.

D. Late Submittal of Correspondence or Other Information Related to Planning Applications.

In order to allow for adequate Staff review and analysis, and to ensure public access to information, all plans, correspondence, and other documents supporting planning applications being heard by the City Council must be submitted to staff not later than noon five working days prior to the release of the Council Agenda Packet. If any

correspondence or other information is submitted after this deadline to Council Members or staff, and Staff determines additional review is needed Staff will reschedule the item for a future Council meeting. If a Council member receives planning application materials from a project applicant he or she shall notify the City Clerk and the City Manager as soon as possible. There are no restrictions on the rights of applicants or others to comment or respond to information contained within the Staff Report. At the meeting the City Council may determine whether to continue or refer the item to the appropriate Board and/or Commission if significant changes to a project or significant new information become known. Nothing in this statement is intended to restrict the rights of applicants or other interested parties to respond to information contained in or attached to a Staff Report.

*For all purposes, applicant also refers to applicant agent.

E. Agenda Order

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

- 1) Roll Call
- 2) Study Session/Closed Session
- 3) Special orders of the day
- 4) City Manager Comments
- 5) Oral communications, including oral communications related to any study session that began immediately before the regular meeting
- 6) Approval of minutes
- 7) Agenda Changes, Additions and Deletions
- 8) Consent calendar
Items may be placed upon the consent calendar by any council-appointed officer whenever, in such officer's judgment, such items are expected to be routinely approved without discussion or debate. The consent calendar shall be voted upon as one item.
- 9) Action Items
- 10) Inter-Governmental Legislative Affairs

F. Council Questions & Comment

Consent Calendar: No discussion or debate shall be permitted upon items upon the consent calendar; however, any Council Member may request that his or her vote be recorded as a "no" or "not participating" due to a specified conflict of interest on any individual item. Council Members may also explain their "no" votes at the end of the Consent Calendar, with a 3 minute time limit for non-appeal items and 5 minutes for appeal item for each Council Member. Council Members may also submit statements in writing to the City Clerk before action is taken. The City Clerk shall preserve and make available such written statements in a manner consistent with the

Brown Act and shall assure that the minutes of the meeting make reference to the existence and location of such written statements.

G. Public Comment

Members of the public wishing to speak to items on the Consent Calendar will have the option of testimony prior to adoption of the Consent Calendar.

H. Council Requests to Remove Item

Three Council Members may request that an item be removed from the consent calendar prior to and following the public comment period on the agenda. The City Manager's office should be advised whenever possible, in writing, of a request for removal no later than noon the Sunday before the meeting.

I. Hearing of Removed Items

Removed items will be heard in the meeting, depending upon the number of speakers and the anticipated length of the items that have been officially scheduled for discussion on a particular evening. The Mayor will decide when during the meeting any removed items will be heard.

J. Consent Calendar Categories

The consent calendar portion is the section where administrative and non-controversial shall be presented. Mayor and City Manager should be sensitive to high dollar value items and consider placing those items in the action agenda section. The consent section is presented in 5 categories in the following order:

1) Ordinances and Resolutions

The following ordinances and resolutions may appear on a consent calendar:

- Second Reading (passage and adoption) of Ordinances.
- a resolution which are ceremonial in nature.
- Ordinances or resolutions that implement a prior Council policy direction in the manner contemplated by the Council's previous actions, in the Adopted Budget (including the Capital Improvement Program and especially in the department key plans); and the Council Top Priority Workplan, among other sources..
- Budget amendment ordinances that accept funding such as grants or gifts, provided Council has previously approved the activity or program.
- Resolutions approving funding applications, such as grants or loans, provided that the program or activity has been previously approved by Council.

2) Administrative Matters Including Contracts, Appointments, Approval of Applications, and Any Other Matter.

The titles of administrative matters need not be read. An administrative matter may be placed on the consent calendar if it is:

- An action that is merely the administrative execution of previous Council direction. The Council direction and vote will be quoted in the staff report accompanying the item.

- Contracts for which the subject or scope of work has been previously reviewed by the City Council.
 - A contract for goods, general services, professional services, public works projects, dark fiber licensing contracts or wholesale commodities, purchases, as outlined in the Purchasing Ordinance, provided such contracts represent the customary and usual business of the department as included in the Adopted Budget. Examples include: routine maintenance contracts, annual audit agreement; software and hardware support agreements, janitorial services, copier agreements or postage machine agreements.
 - Rejection of bids.
 - Designation of heritage trees.
 - Designation of historic building at the request of the property owner if there are no unusual policy ramifications.
 - Approval of funding applications, such as grants or loans, provided that Council has previously approved the general program or activity.
 - Formal initiation, for consideration at a later date, of a zoning code amendment or review process, such as preliminary review.
 - Status report required by law for fee administration.
 - Cancellation of meetings or scheduling of special meeting.
- 3) *Request to Refer Items to Any Council Standing Committee, Committee, Board, Commission or Council Appointed Officer.*
The consent calendar includes matters for which staff is merely seeking Council approval of a referral to a Council standing committee or other City official, advisory board or commission. This does not preclude staff from making referrals to the standing committees. Staff uses such referrals in order to expedite the business of the full Council, since its agenda is so full. Discussion of a complex issue by another body, provides an opportunity for public input and extended discussion by the members of the body. The full Council is then able to benefit from the minutes of that discussion when the item comes back to the Council for final approval. This practice also allows the City/School Liaison Committee to consider items of interest to both agencies without having to go through the formality of a Council agenda referral.
- 4) *Items Recommended for Approval if the Committee Unanimously Recommends Placement on the Consent Calendar, Unless Otherwise Recommended by the Committee, Mayor, City Attorney or City Manager.*
- 5) *Items Recommended for Approval, and for Placement on the Consent Calendar, by any Council-Appointed Boards and Commissions, Provided that Other Public Hearing Requirements are Not in Effect.*

K. Colleagues Memo's

Any three Council Members may bring forward a colleague memo on any topic to be considered by the entire Council. Three Council Members are required to place such a memo on the agenda, reflective of the Council procedure requiring a motion and a second for consideration of a motion by the Council. Up to four Council Members may sign a colleague memo. The City Attorney recommends that the colleague memo be limited to three Council Members in order to avoid the potential of a Brown Act issue. Prior to preparing a colleague memo, Council Members will consult with the City Manager to determine whether the City Manager is or is not able to address the issues as part of his/her operational authority and within current budgeted resources. Colleague's memos should have a section that identifies any potential staffing or fiscal impacts of the contemplated action. This section will be drafted by the City Manager. Council Members shall provide a copy of the proposed memo to the City Manager or appropriate senior staff prior to finalization. Completed Council colleagues memos shall be provided to the City Clerk's staff by noon on the Tuesday 11 days prior to the Council meeting that the memo is intended to be agendized, to provide time for the City Clerk to process for the Council packet.

The City Council will not take action on the night that a colleague memo is introduced if it has any implications for staff resources or current work priorities which are not addressed in the memo. The Council will discuss the colleague memo and then direct the City Manager to agendize the matter for Council action within two meetings, allowing City staff time to prepare a summary of staffing and resource impacts. Action may be taken immediately by the Council on colleague memos where there are no resource or staffing implications or where these are fully outlined in the colleagues memo. The Brown Act requires that the public be fully informed of the potential action by the Council via the Agenda 72 hours before a scheduled Council meeting. In order to satisfy the Brown Act requirements, the Council should consult with the City Attorney to ensure that the proposed title to the colleague memo contains all actions that the Council Members want completed on the night of the Council review.

L. Council Member Questions, Comments and Announcements

The purpose of this agenda item is to allow Council to question staff briefly on matters upon which Council has taken action or given direction, make general comments as a reference to staff on factual matters of community concern, or make brief announcements in a manner consistent with Government Code section 54952.2. New assignments will not be given nor will major policy issues be discussed or considered. To the extent possible, Council will confer with staff before raising matters of _____ nature under this agenda item. This agenda item will generally be limited to 15 minutes in length and the public may not speak to matters discussed;

M. Closed Sessions

N. Adjournment

O. Rescheduling Agenda Items

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

1) Meeting Adjourned Sine Die

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

2) Meeting Adjourned to Date Certain

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

3) Continued Items

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

P. Adding New Items to the Agenda

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

Q. Special Meetings

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

R. Study Sessions

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

1) Time

Special study sessions will be held as needed.

2) No Formal Rules

Study sessions are intended to be conducive to in-depth factual presentations by City staff and detailed questioning and brainstorming by Council. The Council may discuss the material freely without following formal rules of parliamentary procedure, and the Mayor shall have discretion to determine

the appropriate process for conducting the study session, including when public comment and oral communications will be heard.

3) Public Participation.

The general rules of decorum apply.

4) No Final Action

Staff may be directed to bring matters back for Council consideration at future meetings, as no action can be taken.

S. Closed Sessions

Closed sessions are the only kind of Council meeting that the public cannot observe. State law allows closed sessions to discuss pending litigation, employment issues, real estate negotiations and certain other matters. To the greatest extent possible, the City Attorney and City Clerk shall use standardized agenda descriptions that are consistent with Government Code section 54954.5. Special closed sessions will be scheduled before or after regular or special Council meetings to the extent possible and appropriate. Closed sessions may be scheduled during a regular or special Council meeting, but this is discouraged by Council; The City Council will take a vote to go into Closed Session prior to closed session beginning.

1) Announcements Before Closed Sessions

The Mayor/City Clerk shall announce the item or items to be considered in closed session by reference to the appropriate agenda number or letter, or in an alternate form that shall be provided by the City Attorney.

2) Public Comments

Members of the public are permitted to make public comments on closed session matters. The City Clerk shall be present in the open session to record Council attendance and any statements made during oral communications or by the Council.

3) Attendance

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

4) Public Reports

State Law and a Palo Alto initiative require the Council to make a public report after a closed session when certain kinds of actions are taken.^v Reports from closed sessions shall be made by the Mayor, the Vice Mayor in the Mayor's absence, or such other City representative as designated by the Council or its committees. Such designated person is the only individual authorized to make public statements concerning the closed session.

It is the policy of the City Council to inform the public of action taken in closed session to the greatest extent possible. It is recognized, however, that the need for confidentiality is inherent in closed sessions and that certain matters if revealed may be a detriment to the results desired. The Council shall publicly report: (a) any decision to appoint, employ, or dismiss a public employee and the roll call vote thereon at its next public meeting, (b) actions

related to litigation and the roll call vote on such actions, unless the report would, in the written opinion of the City Attorney for specifically stated reasons, clearly jeopardize the city's ability to effectuate service of process on one or more unserved parties or impair the city's ability to resolve the matter through negotiation, mediation or other form of settlement. Notwithstanding the City Attorney's written opinion, the Council may under any circumstance, by majority vote, determine that it is in the City's best interests to disclose actions taken in closed session related to litigation. The public report shall be given as soon as possible, but no later than the next regular meeting, and shall include the vote or abstention of every member present. The City Attorney's written opinion shall be made public, along with any action taken and any vote thereon, as soon as any litigation is concluded. The City Attorney shall record any action and vote upon such forms as the City Attorney may deem desirable.

5) No Minutes

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

6) Confidentiality

No person in attendance at a closed session may disclose the substance or effect of any matter discussed during the session.^{vi}

T. Motions, Debate & Voting

1) Policy

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

2) Purpose

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

3) Summary of Rules

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

U. Motions

A motion is a formal proposal by a Council Member asking that the Council take a specified action. A motion must receive a second before the Council can consider a matter. Matters returning to the Council with unanimous approval from a standing committee will be introduced without a motion if directed by the committee. Motions may be provided to the City Clerk in advance of the City Council meeting so that the Clerk can post the motion on the screen for community and Council members thus saving transcription time.

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:

- **Get the Floor**
A Council Member must receive the permission of the Mayor (or other presiding officer) before making a motion.
- **State the Motion**
A motion is made by a Council Member (the “maker”) stating his or her proposal. Longer proposals can be written and may be in the form of a resolution.
- **Second Required**
Any other Council Member (including the presiding officer) who supports the proposal (or who simply wishes it to be considered) may “second” the motion without first being recognized. A motion to raise a question of personal privilege does not require a second.
- **Motion Restated**
The Mayor should restate the motion for the record, particularly if it is long or complex.
- **Lack of a Second**
If there is no second stated immediately, the Mayor should ask whether there is a second. If no Council Member seconds the motion the matter will not be considered.
- **Discussion**
The maker shall be the first Council Member recognized to speak on the motion if it receives a second. Generally Council Members will speak only once with respect to a motion. If the Mayor or Council permits any Council Member to speak more than once on a motion, all Council Members shall receive the same privilege.
- **Secondary Motions**
Secondary motions may be made by a Council Member upon getting the floor.
- **Action**
After discussion is complete the Council will vote on the motion under consideration.

3) Precedence of Motions

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

- Fix the time to which to adjourn;
- Adjourn;

- Take a recess;
- Raise a question of privilege;
- Lay on the table;
- Previous question (close debate);
- Limit or extend limits of debate;
- Motion to continue to a certain time;
- Refer to committee;
- Amend or substitute;

4) Secondary Motions Defined

The purpose of the allowed secondary motions is summarized in the following text and table.

- *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.
- *Adjourn*
This motion ends the meeting or adjourns it to another time. It requires a second and is not debatable except to set the time to which the meeting is adjourned, if applicable. A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion; (b) when made as an interruption of a member while speaking; (c) when the previous question has been ordered; and (d) while a vote is being taken.
- *Take a recess*
This motion interrupts the meeting temporarily. It is amendable, but is not debatable.
- *Raise a question of personal privilege*
This motion allows a Council Member to address the Council on a question of personal privilege and shall be limited to cases in which the Council Member's integrity, character or motives are questioned, or when the welfare of the Council is concerned. The maker of the motion may interrupt another speaker if the presiding officer recognizes the "privilege." The motion does not require a second, is not amendable and is not debatable.
- *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.
- *Previous question*
This motion "calls the question" by closing debate on the pending motion. A motion for previous question requires a second, is not debatable and is not amendable. It applies to all previous motions on

the subject unless otherwise specified by the maker of the motion. If motion for previous question fails, debate is reopened; if motion for previous question passes, then vote on the pending motion. A motion for previous question requires a two-thirds vote of those Council Members present and voting.

- **Limit or extend debate**
This motion limits or extends the time for the Council or any Council Member to debate a motion. It requires a second, is amendable and is not debatable. The motion requires a two-thirds vote of those Council Members present and voting.
- **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.
- **Refer to a city agency, body, committee, board, commission or officer**
This motion sends a subject to another city agency, body, committee, board, commission or officer for further study and report back to Council, at which time subject is fully debated. It requires a second, is amendable, and is debatable only as to the propriety of referring. The substance of the subject being referred shall not be discussed at the time the motion to refer is made.
- **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.

Motion	Description	2nd Required	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, commission or officer for further study and report back to council, 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	



V. Debate and Voting

1) Presiding officer to state motion

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

2) Presiding officer may debate and vote

The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Council Members. The presiding officer shall not be deprived of any of the rights and privileges of a Council Member.

3) Division of question

If the question contains two or more divisible propositions, each of which is capable of standing as a complete proposition if the others are removed, the presiding officer may, and upon request of a member shall, divide the same. The presiding officer's determination shall be appealable by any Council Member.

4) Withdrawal of motion

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

5) Change of vote

Council Members may change their votes before the next item on the agenda is called.

6) Voting

On the passage of every motion, the vote shall be taken by voice or roll call or electronic voting device and entered in full upon the record.

7) Silence constitutes affirmative vote

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

8) Failure to vote

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

9) Abstaining from vote

Council Members should only abstain if they are not sufficiently informed about an item, e.g. when there was a prior hearing and they were unable to view the prior meeting before the current meeting. In the event of an abstention the abstainer in effect,



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"consents" that a majority of the quorum of the Council Members present may act for him or her.

10) Not participating

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

11) Tie votes

Tie votes may be reconsidered during the time permitted by these rules on motion by any member of the Council voting aye or nay during the original vote. Before a motion is made on the next item on the agenda, any member of the Council may make a motion to continue the matter to another date. Any continuance hereunder shall suspend the running of any time in which action of the City Council is required by law. Nothing herein shall be construed to prevent any Council Member from 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 Council may be made only during the meeting or adjourned meeting thereof when the action was taken. A motion to reconsider requires a second, is debatable and is not amendable. The motion must be made by one of the prevailing side, but may be seconded by any Council Member. A motion to reconsider may be made at any time and shall have precedence over all other motions, or while a Council Member has the floor, providing that no vested rights are impaired. The purpose of reconsideration is to bring back the matter for review. If a motion to reconsider fails, it may not itself be reconsidered. Reconsideration may not be moved more than once on the same motion. Nothing herein shall be construed to prevent any Council Member from making a motion to rescind such action at a subsequent meeting of the Council.

13) Appeal from the decision of presiding officer

When the rules are silent, the presiding officer shall decide all questions of order, subject to appeal by a Council Member. When in doubt, the presiding officer may submit the question to the Council, in which case a majority vote shall prevail. Any decision or ruling of the presiding officer may be appealed by request of any member. The presiding officer shall call for a roll call or electronic voting device vote to determine if the presiding officer's ruling shall be upheld. If said vote passes or results in a tie vote, the presiding officer's ruling shall stand. If said vote fails, the decision or ruling of the presiding officer is reversed.

14) Getting the floor; improper references to be avoided

Every Council Member desiring to speak shall address the chair and, upon recognition by the presiding officer, every Council Member shall be confined to the question under debate, avoiding all indecorous language and personal attacks.



15) Interruptions

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

W. Quasi-Judicial/Planned Community Hearings

Policy

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

Purpose

These rules are intended to assure that City Council decision making on quasi-judicial/planned community matters is based upon facts and evidence known to all parties and to support the role of Boards and Commissions in making independent recommendations to Council.

General Requirements

For purposes of this Section IV, a Quasi-Judicial or Planned Community Development Project subject to these rules is a formulated plan to go forward with a particular project or development.

1) Quasi-Judicial/Planned Community Proceedings Defined

Quasi-judicial/planned community proceedings subject to these procedural rules include hearings involving the following matters:

- Conditional Use Permits
- Variances
- Home Improvement Exceptions
- Design Enhancement Exceptions
- Subdivisions, other than final map approvals
- Architectural Review
- Assessment protest hearings
- Other matters as determined by the City Attorney
- Appeals related to any of the above
- Environmental Review relating to any of the above



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- 2) *Restrictions on Council Communications Outside of Quasi-Judicial and Planned Community Zone Hearings*

It is the policy of the Council to discourage the gathering and submission of information by Council Members outside of any noticed public meeting, prior to final recommendations by the Architectural Review Board or Planning & Transportation Commission. The following procedural guidelines are intended to implement this policy, but shall not be construed to create any remedy or right of action.
- 3) *Identification of Quasi-Judicial/Planned Community Matters*

The City Attorney, in conjunction with the City Clerk and City Manager, will identify agenda items involving quasi-judicial/planned community decisions on both the tentative and regular Council agendas. This identification is intended to inform the Council, interested parties, and the public that this policy will apply to the item.
- 4) *Council to Track Contacts*

Council Members will use their best efforts to track contacts 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 the Council Member.
- 5) *Disclosure*

When the item is presented to the Council for hearing, Council Members will disclose any contacts which have significantly influenced their preliminary views or opinions about the item. The disclosure may be oral or written, and should explain the substance of the contact so that other Council Members, interested parties, and the public will have an opportunity to become apprised of the factors influencing the Council's decision and to attempt to controvert or rebut any such factor during the hearing. Disclosure alone will not be deemed sufficient basis for a request to continue the item. A contact or the disclosure of a contact shall not be deemed grounds for disqualification of a Council Member from participation in a quasi-judicial/planned community decision unless the Council Member determines that the nature of the contact is such that it is not possible for the Council Member to reach an impartial decision on the item.
- 6) *No Contacts after Hearings*

Following closure of the hearing, and prior to a final decision, Council Members will refrain from any contacts pertaining to the item, other than clarifying questions directed to City staff.
- 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 Council. Any motion directly or impliedly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable period of



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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

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

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 Council to support his or her position.

10) Council Members Who are Absent During Part of a Hearing

A Council Member who is absent from any portion of a hearing conducted by the Council may vote on the matter provided that he or she has watched or listened to a video or radio broadcast, or video or audio recording, of the entire portion of the hearing from which he or she was absent and if she or he has examined all of the exhibits presented during the portion of the hearing from which he or she was absent and states for the record before voting that the Council Member deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.

11) Appeals

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

*For all purposes, applicant also refers to applicant agent.

X. Standing Committees



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Policy

It is the policy of the Council to use standing committees in open and public meetings to study City business in greater depth than what is possible in the time allotted for Council meetings.

Purpose

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

General Requirements

Council standing committees shall be subject to the following procedural rules:

1) Quorum

A majority of the committee membership shall constitute a quorum.

2) Referrals

Only the Council or City Manager shall make referrals to the standing committees. Referrals will generally be directed to only one of the standing committees. Items may be withdrawn from the committee and taken up for consideration by the Council at any Council meeting with the consent of a majority of the Council, and subject to any applicable noticing or agenda posting requirements. Council members who submit matters to the Council which are referred to a standing committee may appear before the standing committee to which the referral has been made in order to speak as proponents of the matter. Standing committee meetings during which such referrals may be considered shall be noticed as Council meetings for the purpose of enabling the standing committee to discuss and consider the matter with a quorum of the Council present.

3) Function of committees

The purpose and intent of committee meetings is to provide for more thorough and detailed discussion and study of prospective or current Council agenda items with a full and complete airing of all sentiments and expressions of opinion on city problems by both the Council and the public, to the end that Council action will be expedited. Actions of the committee shall be advisory recommendations only.

4) Minutes

The City Clerk shall be responsible for the preparation and distribution to the Council of the minutes of standing committee meetings. The minutes for these meetings shall be Action minutes which reflect the motions made during these meetings. The minutes shall be delivered to all Council Members before the Council meeting at which the committee's recommendations are to be discussed.

5) Report of committee



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The minutes of each committee meeting shall serve as the report to the Council. Any member may write a separate report.

6) Agenda

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

7) Public Participation

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

8) Conduct of standing committee meetings

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

9) Oral Communications

Opportunities for oral communications shall be provided in the same manner as Council meetings.

Y. Ad Hoc Committees and Committee as a Whole

Policy

The Council may use Ad Hoc Committees or the Committee as a Whole on a limited basis where necessary to study City business in greater depth than what is possible in the time allotted for Council and Standing Committee meetings.

Purpose

These rules are intended to clarify the distinctions between Standing, Ad Hoc Committees, and the Committee as a Whole and to set up guidelines for creation of Ad Hoc Committees and the Committee as a Whole.

General Requirements

Council Ad Hoc Committees and the Committee as a Whole shall be subject to the following procedural rules:

1) Definition of Ad Hoc Committee

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



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- 2) *Definition of Committee as a Whole*
A Committee as a Whole is a committee composed of the entire City Council. The work of the Committee as a Whole is limited to a single finite purpose.
- 3) *Brown Act*
Ad Hoc Committees do not constitute legislative bodies and are not subject to the requirements of the Brown Act. The Committee as a Whole is subject to the Brown Act.
- 4) *Appointment*
The Mayor or the City Council may appoint four or less members of the Council to serve on an Ad Hoc Committee. In contrast, only the Council and not the Mayor alone can create a Standing Committee. The Mayor will publicly announce any Ad Hoc Committee created by him or her, its membership and stated purpose and posted on the City Council website. The City Manager shall prepare a report to Council about the anticipated time commitment required for staff to assist the Ad Hoc Committee.
- 5) *Duration*
Ad Hoc Committees are created for a finite period of time. If an Ad Hoc Committee does not complete its task by the end of the calendar year, it shall not continue unless reappointed by the new Mayor in the following year.
- 6) *Members*
Ad Hoc Committees shall consist of less than a quorum of Council members only, and shall not include any other persons such as members of other legislative bodies.
- 7) *Reporting*
Ad Hoc Committees shall report their recommendations to the Council no less than once per quarter in writing or orally. Any Council Member may during the COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS request that an updated Ad Hoc Committee report be placed on the next meeting's agenda.
- 8) *Termination of Ad Hoc Committee by Majority of Council*
A majority of the Council may vote to terminate any Ad Hoc Committee following placement of the issue on an agenda.
- 9) *Conclusion*
A public announcement shall be made any time the Ad Hoc Committee has concluded its work and/or upon dissolution.

2.5 - Election of Mayor

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



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- ⁱ Palo Alto Municipal Code, § 2.04.010(b).
 - ⁱⁱ Palo Alto Municipal Code, § 2.04.050(a).
 - ^v Palo Alto Municipal Code, § 2.04.070(c)
 - ^{iv} Palo Alto Municipal Code, § 2.04.020.
 - ^v Palo Alto Municipal Code, § 2.04.030.
 - ^{vi} Palo Alto Municipal Code, § 2.04.040.