



City of Palo Alto

(ID # 12052)

Policy and Services Committee Staff Report

Report Type: Action Items

Meeting Date: 3/9/2021

Summary Title: Discuss Possible Edits to the Council Procedures and Protocol

Title: Council Retreat Referral to Discuss Possible Edits, Changes, or Updates to the City Council Procedures and Protocols Handbook

From: City Manager

Lead Department: City Manager

Recommendation

Staff recommends that Policy and Services Committee consider and discuss suggested edits, changes, and revisions to the City Council Procedures and Protocols and refer selected changes to staff for inclusion into the City Council Procedures and Protocols document.

Staff can return to Policy and Services for additional review at a future meeting or submit directly to the full City Council, as recommended by Policy and Services.

Background

Policy and Services Committee reviewed the [City Council Procedures and Protocols Handbook](#) (CPP) at their December 8, 2020 meeting ([CMR #11814](#); [Action Minutes](#)). At that time, no changes were suggested, and no action was taken by the Committee.

The full Council discussed the CPP at the City Council Retreat held January 30, 2021 ([CMR #11964](#); [Draft Minutes](#)), and requested that Policy and Services consider any recommendations for changes and editing that City Council members would suggest via email to staff. The recommendations received by the publication of this report are included in Attachment A. Any additional comments from City Council members received after will be included in an at places memo for the Policy and Services Committee meeting.

Discussion

The CPP describes the way the Palo Alto City Council does its business and is a directional guide. It is intended to accomplish two goals: first, the CPP is an informational guide for anyone doing business or appearing before the City Council. Second, the CPP is a compilation of procedures and protocols that have been formally adopted by the City Council. Municipal Code 2.04.100 states the following related to the handbook:

Municipal Code 2.04.100 - Handbook of procedural rules

The council shall adopt by resolution a handbook of procedural rules governing any aspect of the conduct of meetings and hearings for the council and its standing committees, including but not limited to agenda requirements, the order of business, rules of order, rules of evidence, closed session procedures and rules for public participation in meetings. The handbook of procedural rules shall be deemed guidelines and failure to comply with any procedural rule shall not be the basis for challenge to or invalidation of any action of the council, nor shall they be construed to create any independent remedy or right of action of any kind.

The CPP itself identifies the intended value of the document in Section 5 – Enforcement (p. 36):

Section 5 – Enforcement

Council Members have the primary responsibility to assure that these protocols are understood and followed, so that the public can continue to have full confidence in the integrity of government. As an expression of the standards of conduct expected by the City for Council Members, the protocols are intended to be self-enforcing. They therefore become most effective when members are thoroughly familiar with them and embrace their provisions. For this reason, Council Members entering office shall sign a statement affirming they have read and understood the Council protocols. In addition, the protocols shall be annually reviewed by the Policy and Services Committee and updated as necessary.

The last substantial review and revision by City Council was February 1, 2020 ([CMR #11036; Minutes](#)), during the annual City Council Retreat, with approval following a referral to Policy and Services.

Staff do not currently have any additional recommended changes at this time.

Timeline, Resource Impact, Policy Implications (If Applicable)

Based on the outcome of this meeting, staff will incorporate recommended changes and either return to Policy and Services Committee for further discussion and/or refinement, or send the edits to the full City Council for approval no later than July 2021. Depending on the nature and extent of revisions sought, direction to revise the CPP or add standing committee topics could involve substantial staff resources.

Stakeholder Engagement

As announced during the Annual City Council Retreat, staff solicited comments about changes or edits from City Council members. Those received prior to publication of this report are included in Attachment A. Should any additional comments be received prior to the March 9, 2021 Policy and Services Committee meeting, they will be included at places for consideration.

Environmental Review

This is not a project as defined by CEQA and no review is needed.

Attachments:

- Attachment A: Council P&P Topics 03-09-21

ATTACHMENT A

Council Suggestions for Areas to Edit, Change, or Update in the City Council Procedures & Protocols

Cormack

- consider adopting a policy prohibiting Councilmembers from using electronic devices for communication during public meetings. This is in keeping with the AB1234 ethics training, which states that the public expectation is that decision makers will listen during open, noticed, public meetings.

DuBois

Procedures

1. Adopt policy on quasi-judicial items coming to council - Suggestion is no private contacts/meetings with applicants or appellants after the item finishes with ARB and PTC

Protocol Discussion

1. Use of staff time - We have a rule which limits each Council member's use of staff time to an hour a week. This should be applied fairly across all council members
2. Liaison must refrain from personal viewpoints; they are there representing the full council, do not speak on matters on which council has not taken a position - Should consider refreshing this for clarity - had some issues last year
3. Finish Travel Expense section
4. Add/clarify on role of elected official's role with other public agencies
 - a. Adopt clarifying language on default behavior - expand J on page 47 to include league of city guidelines
 - b. Ability to censure when a stated policy is in effect
 - c. Bolstering our protocols, Page 46
<https://www.cityofpaloalto.org/civicax/filebank/documents/41516>
 - J. Advocacy Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City, nor will they allow the inference that they do.
 - d. Incorporate some of this language from League of Cities, Role as an Elected Official, Page 14

<https://www.cacities.org/Resources-Documents/Education-and-Events-Section/New-Mayors-Council-Members/2020-Session-Materials/2020-New-Mayors-Council-Members-Resource-Guide/10-Your-Role-as-an-Elected-Official>

e. Council Conduct with Other Public Agencies

Be clear about representing the City or personal interests. If a Council Member appears before another governmental agency or organization to give a statement on an issue, the Council Member must clearly state if his or her statement reflects personal opinion or is the official stance of the City. If the Council Member is representing the City, the Council Member must support and advocate the official City position on an issue, not a personal viewpoint. If the council Member is representing another organization whose position is different from the City, the Council Member should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council Members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.