



City of Palo Alto

(ID # 12074)

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

Attached to this memorandum is additional information received from members of the City Council subsequent to the original report. Staff has revised Attachment A to include the additional feedback received related to this item.

Attachments:

- Revised-Attachment A: Council P&P Topics 03-09-21
- Addendum to Attachment A_Burt Comments

ATTACHMENT A - REVISION

Council Suggestions for Areas to Edit, Change, or Update in the City Council Procedures & Protocols (Additional Comments Added to the End of the Original Attachment)

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.

Kou

Policy considerations:

- Quasi-judicial items
 - why/what/when Consent and Action
- Consent items
 - what is a reasonable limit to the dollar amount for items to be on consent
 - remove item from Consent: suggest 2 votes instead of 3
 - read/annouce each Consent Item before vote is taken
- Mayoral Rotation Policy

Other considerations for protocols:

- 1) add the City's Organizational chart
- 2) Code of Ethics
- 3) Council Liaison roles to BCCs especially, providing personal perspectives on a subject and thereby leading or giving directive as to their support.
- 4) Page 47 No. J - need role and advocacy clarification and procedure for Council appointee(s) to regional or state agencies/boards/committees.
- 5) 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 (<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](#)).

Burt

Overall, beyond the need for substantive changes and edits, I think that the Handbook suffers from having been added onto multiple times over decades with the aggregate result being a document that is difficult for the CC and the public to use effectively. Once P&S and the CC have approved substantive changes, we may want to hire a low-cost third-party technical writer with experience in manuals such as what has been done to assist in the XCAP report.

Attached are my partial comments and recommendations on changes to the CC Procedures and Protocols.



CITY OF PALO ALTO

CITY COUNCIL PROCEDURES AND PROTOCOLS HANDBOOK

Commented [PB1]: The Handbook has been added onto and edited multiple times over many years making it somewhat disjointed and less clear. It may be beneficial to hire a third party writer to make it simpler and clearer.

Procedures and Protocols Approved 02/01/2020

If you have any questions about this handbook, please feel free to contact the City Clerk by phone at (650) 329-2571 and e-mail at city.clerk@cityofpaloalto.org or the City Attorney by phone at (650) 329-2171 and e-mail at city.attorney@cityofpaloalto.org.

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CITY COUNCIL PROCEDURES

INTRODUCTION & CONTENTS

This handbook 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 handbook is an **informational guide** for anyone doing business or appearing before the City Council. Second, the handbook is a compilation of **Procedures and Protocols** that have been formally adopted by Council Resolution.

The handbook is organized into two sections:

- 1) **Public Participation in Council Meetings**
This section explains the basic rules for speaking to the City Council. It covers things like when to speak, time limits, and how groups of speakers are handled.
- 2) **Council Meeting & Agenda Guidelines**
This section explains the different kinds of meetings the City Council holds, what they are for, and how the meeting agenda is prepared.

Commented [PB2]: Need to define "Procedures vs "Protocols". The differences are not clear. Are Procedures "binding" and Protocols "advisory"?

This language is at the bottom of Section 2.3.B. Should an abbreviated version of it be moved to the Introduction?

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. (See Cal. Govt Code section 54950.)

Commented [PB3]: This sentence says both "describe" how the CC does its business. It's not clear whether these are "directive" to the CC or informational for the community.

SECTION 1 - PUBLIC PARTICIPATION IN COUNCIL MEETINGS

1.1 - Policy

It is the policy of the City Council to assure that members of the public have the opportunity to speak to any regular or special meeting agenda item before final action. These rules establish the rights and obligations of persons who wish to speak during City Council meetings.

1.2 – Purpose

These rules are intended to enhance public participation and Council debate so that the best possible decisions can be made for Palo Alto. Palo Alto has a long and proud tradition of open government and civil, intelligent public discourse. Open government meetings must allow everyone to be heard without fear of intimidation, cheers or jeers. For these reasons, the City Council takes these rules seriously. Disruptive or unruly behavior in violation of the law can result in removal from the Council meeting and/or arrest and prosecution.

Commented [PB4]: The Handbook should be reviewed through the lens of enhancing public participation and enhancing CC debate.

Commented [PB5]: Responsibilities of the public toward civil civic discourse should be described which are different from what is illegal.

Commented [PB6]:

1.3 - Summary of Rules

Every regular City Council agenda has two different kinds of opportunities for the public to speak. The first is during **Oral Communications**. This part of the meeting is provided so that the public can speak to anything that is in the City's jurisdiction, on subjects that are, when there is no item not listed on the agenda. The Council allows up to three minutes per speaker but limits the total time to a maximum of 30 minutes per meeting. State law does not permit the Council to act on or discuss an item raised in oral communications because doing so would deprive the broader public of an opportunity to participate, but Council Members may ask brief clarifying questions and may ask City staff to follow up on any concerns that are raised.

The second opportunity to speak is during the public comment or public hearing portion of **Each Agenda Item**. Public comments or testimony must be related to the matter under consideration. The Council allows up to three minutes per speaker for most matters depending on the number of speakers. During "quasi-judicial" hearings (where the City Council is legally required to take evidence and make impartial decisions based upon that evidence), the applicant¹ or appellant may have up to ten minutes at the outset and three minutes for rebuttal at the end. These hearings are specially marked on the Council agenda.

A person who wants to speak to the Council should fill out a speaker card and submit it to the City Clerk. Speakers are not legally required to provide a name or address. The Clerk will give the cards to the Mayor or Vice Mayor so that the speakers can be identified and organized in an orderly way.

1.4 - General Requirements

A. Accessibility

Palo Alto makes every reasonable effort to accommodate the needs of the disabled consistent with law. Any provision of these rules may be modified if needed to provide reasonable accommodation. Persons needing assistance should contact: ADA Director, City of Palo Alto, 650/329-2496 (voice) or 650/328-1199 (TDD).

¹ For all purposes, applicant also refers to applicant agent.

B. Presiding Officer's Permission Required

The presiding officer at Council meetings (usually the Mayor or Vice-Mayor) is authorized and required to "preserve strict order and decorum." (PAMC section 2.04.080(b).) This is important in order to assure a fair opportunity for everyone to participate in an open and civil setting.

- Any person desiring to address the Council must first get the permission of the Presiding Officer by completing a speaker card and handing the card to the City Clerk.
- The Presiding Officer shall recognize any person who has given a completed card to the City Clerk, subject to limitations on the time for public participation described in these Procedures.
- No person, other than a Council Member and the person having the floor, shall be permitted to enter into any discussion without the permission of the Presiding Officer.
- No person shall enter the staff area of the Council dais without the permission of the Presiding Officer or appropriate Council Appointed Officer.

C. Recording

Persons wishing to address the Council shall:

- Use the microphone provided for the public and speak in a recordable tone, either personally or with assistance, if necessary.
- Speakers are requested to state their name but cannot be compelled to do so as a condition of addressing the Council.

D. Specific Requirements and Time Limits

1) Oral Communications

Oral communications shall be up to three minutes per speaker. ~~and, at~~ the discretion of the Presiding Officer, ~~the amount of time per speaker will~~ may be limited allow for to a total of thirty minutes for all speakers combined.

- Oral communications may be used only to address items that are within the Council's subject matter jurisdiction but not listed on the agenda.
- Oral communications may not be used to address matters where the receipt of new information would threaten the due process rights of any person.
- All remarks shall be addressed to the Council as a body and not to any *individual* member.
- Council members shall not enter into debate or discussion with speakers during oral communications.

Commented [PB7]: Is "decorum" legally binding on the public based on constitutional free-speech rights? The boundaries of decorum may need better description. Is Section D.6 below the applicable definition of "decorum"?

- The Presiding Officer may direct that the City Manager ~~will~~to respond to the person speaking and/or the Council at a later date.

2) Other Agenda Items

Public comments or testimony on agenda items other than Oral Communications shall be limited to a maximum of three minutes per speaker unless additional time is granted by the Presiding Officer. The Presiding Officer may reduce the allowed time ~~to less than two minutes~~ if necessary to accommodate a larger number of speakers.

3) Spokesperson for a Group

When a group of people wishes to address the Council on the same subject matter, they may designate a spokesperson to address the Council. Spokespersons are subject to the same time limits as other speakers, except that spokespersons who are representing a group of five or more people who are present in the Council chambers will be allowed ten minutes and will to the extent practical be called upon ahead of individual speakers.

Commented [PB8]: On occasions when speakers are limited to 1 minute, a group of 5 would be allowed to have twice as much speaking time (10 minutes) in combination than would any 5 individual speakers combined (95 minutes).

4) Quasi-Judicial Hearings

In the case of a quasi-judicial hearing, single applicants and appellants shall be given ten minutes for their opening presentation and three minutes for rebuttal before the hearing is closed. In the case of a quasi-judicial hearing for which there are two or more appellants, the time allowed for presentation and rebuttal shall be divided among all appellants, and the total time allowed for all appellants shall be a total of twenty minutes for the opening presentation and six minutes for rebuttal before the hearing is closed; however, under no circumstances shall an individual appellant be given less than five minutes for presentation and three minutes for rebuttal. In the event a request is made and the need for additional time is clearly established, the Presiding Officer shall independently, or may upon advice of the City Attorney, grant sufficient additional time to allow an adequate presentation by the applicant or appellant.

5) Addressing the Council after a Motion

Following the time for public input and once the matter is returned to the Council no person shall address the Council without first securing the permission of the Presiding Officer to do so, subject to approval of the City Attorney with respect to any hearing required by law.

6) Decorum

The Palo Alto Municipal Code makes it unlawful for any person to:

- Disrupt the conduct of a meeting
- Make threats against any person or against public order and security while in the Council chamber.
- Use the Council Chambers during meetings for any purpose other than participation in or observation of City Council Meetings.

Any Council Member may appeal the Presiding Officer's decision on a decorum violation to the full Council. Decorum violations are a

misdeemeanor and may lead to a person being removed from the Council meeting. (PAMC sections 2.04.120, 2.04.150.)

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, and transparent 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 two different kinds of meetings. These are **Regular Meetings** and **Special Meetings**.

A. Regular Meetings

Regular meetings are conducted at City Hall on the first three Monday nights of each month, except during the Council's annual summer and winter recesses. The meetings are scheduled to begin at 6:00 p.m.

1) Posting of Agendas

Under the Brown Act, regular meeting agendas must be posted no later than the Friday immediately preceding the meeting. It is City policy to make every effort to post the agenda on Thursday, eleven days prior to the meeting.

Agendas are posted in King Plaza by the elevators and are uploaded to the City Council web page.

2) Supporting Reports and Materials

It is City policy to make every effort to provide supporting reports and materials at the time the agenda is posted. Typically, this will occur eleven days before the meeting. Materials that are not available at the time of agenda posting will be distributed as soon as feasible before the meeting. Materials that are distributed to a majority of Council will be made available to the public at the same time, as required by law. Some materials, such as presentation materials or "at places" memoranda may be distributed to Council Members and the public at the meeting.

Commented [PB9]: "Presentation materials" often provide the most substantive information. Is there a need to refine the expectations of when these materials will be provided to the CC and the public so that "at places" materials are minimized?

B. Special Meetings

Special meetings are "special" because the Mayor or Council can call them on a minimum of 24 hours' notice, or because they are held on a different day of the week, at a different time, or in a 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**.

Commented [PB10]: The 4th Monday is often a Special meeting, but does not seem to qualify under this description.

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. (See Cal. Govt Code section 54950.)

Commented [PB11]: Which Procedures are “Guidelines” only? For example, Section 2.4 is a legally binding requirement as are other requirements of state law or the municipal code. .

2.4 - General Requirements

Commented [PB12]: A section is needed that describes virtual meetings under emergency conditions and what rules are waived.

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. (PAMC section 2.04.010.) The Presiding Officer will ensure that during each regular meeting there will be at least one 10 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. (PAMC section 2.04.050.)

Commented [PB13]: Should department heads be required to be in their “regular stations” in the CC chambers at 6Pm if their items are not scheduled until later in the evening?

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 addition, at least a quorum of the Council must participate from a location within the City (Government Code Section 54953(b)(3)).

Commented [PB14]: What about frequent absences by CC members for other causes?

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 72 hours 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 meeting will include a closed session, the Council Member must also ensure that there is a private location available for that portion of the meeting.

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:

- Five days written notice in advance of the publication of the agenda 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, Council members need to ensure the 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 five-day 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 posting requirement was met at the location and that the location is publicly accessible and must describe the location.

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.

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. (PAMC section 2.04.070.) 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 and/or Closed Session
- 3) Special orders of the day
- 4) Agenda Changes, Additions and Deletions
- 5) Oral communications
- 6) Approval of minutes
- 7) 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.
- 8) City Manager Comments
- 9) Action Items
- 10) Inter-Governmental Legislative Affairs
- 11) Council Member Questions, Comments and Announcements
- 12) Adjournment

F. Study Sessions

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. The Decorum rules still apply to the behavior of the Council and public.

G. Closed Sessions

Closed Sessions can be part of regular or special meetings. Closed sessions are the only part of a 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 prior to the start of the closed session.

The Council must make a public report after the session when certain kinds of actions are taken.

H. 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 items 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.

I. Public Comment

Members of the public wishing to speak to items on the Consent Calendar shall be permitted to speak prior to Council Member requests to remove an item or the vote to adopt the Consent Calendar.

J. Council Requests to Remove Item

Three Council Members may request that an item be removed from the consent calendar following public comment on the consent 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.

K. Hearing of Removed Items

Removed items will be heard either later in the meeting or agendaized for a subsequent meeting, depending upon the number of speakers, the anticipated length of the items that have been officially scheduled for discussion on a particular evening, the availability of staff required to support the discussion, and legally-required noticing procedures. The Mayor, in consultation with the City Manager, will decide when any removed items will be heard.

L. Consent Calendar Categories

The consent calendar portion is the section where administrative and non-controversial items shall be presented. The 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 may include:

1) Ordinances and Resolutions

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

- Second Reading (passage and adoption) of Ordinances.
- Resolutions that 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); the Council Priorities, and other similar sources.

- Budget amendments 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

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.
- Other similar matters as determined by the City Manager, in consultation with the Mayor.

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 Unanimously Recommended for Approval by a Council Committee Unless Otherwise Recommended by the Committee, Mayor, City Attorney or City Manager*
- 5) *Items Recommended for Approval by any Council-Appointed Boards and Commissions, Provided that Other Public Hearing Requirements are Not in Effect or As Otherwise Recommended by the Board or Commission, Mayor, City Manager or City Attorney*

M. Colleagues Memos

Any two Council Members may bring forward a colleague memo on any topic to be considered by the entire Council. Two 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 three Council Members may sign a colleague memo. 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. Colleagues 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 and City Attorney 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 Colleagues 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 Colleagues Memo and refer it to a committee or direct the City Manager to agendize the matter for Council action, allowing City staff time to prepare a summary of staffing and resource impacts. Action may be taken immediately by the Council on Colleagues 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 when the Agenda is published, and in no event less than 72 hours before a scheduled regular 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 Colleagues Memo contains

all actions that the Council Members want completed on the night of the Council review.

N. 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 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;

O. Adjournment

P. 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) Items Rescheduled to a Date Uncertain

When Council reschedules an item to a date uncertain, the City Manager, Clerk and Mayor shall confer on an appropriate date to reschedule the item.

2) Items Rescheduled to a Date Certain

Council may reschedule an item to a specific future Council meeting.

Q. 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.

R. 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. (PAMC section 2.04.020.) Unlike regular meetings, there are no circumstances that permit the City Council to add new items to a special meeting agenda or notice.

S. Study Sessions

Study sessions are meetings or agenda items 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.

T. Closed Sessions

Closed sessions are the only kind of agenda item 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. Closed sessions will be scheduled at the beginning or end of Council meetings to the extent possible and appropriate. Closed sessions may be scheduled in the middle of 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 a 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) Vote to Go Into Closed Session
The Council shall vote to go into closed session.
- 4) 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.
- 5) 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. (PAMC section 2.04.030.) 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. 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.

6) 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.

7) Confidentiality

No person in attendance at a closed session may disclose the substance or effect of any matter discussed during the session. (PAMC section 2.04.040.)

U. 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.

V. 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 efficiently post the motion on the screen for the convenience of the community and Council Members.

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	



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W. 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.



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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.

X. Quasi-Judicial 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 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 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 Project subject to these rules is a formulated plan to go forward with a particular project or development.

1) Quasi-Judicial Proceedings Defined

Quasi-judicial 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

2) Restrictions on Council Communications Outside of Quasi-Judicial 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



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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 Matters*
The City Attorney, in conjunction with the City Clerk and City Manager, will identify agenda items involving quasi-judicial 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 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



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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.

Y. Standing Committees

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



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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*

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.



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Z. 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.

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 three or fewer 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 post this information 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*



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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.



CITY COUNCIL PROTOCOLS

The handbook is organized into eight sections to serve as guidelines:

- 1) **Core Responsibilities**
- 2) **Council Conduct**
- 3) **Other Procedural Issues**
- 4) **Policy & Services Committee – Role, Purpose & Work Planning**
- 5) **Enforcement**
- 6) **City Council Emails for Agenda-Related Items**
- 7) **City Council and Board and Commissions Policy for Travel and Miscellaneous Expense Reimbursement, 2020**
- 8) **City of Palo Alto Council Protocols Ethics Addendum**



SECTION 1 - CORE RESPONSIBILITIES

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect.

All Council Members:

- A. Demonstrate honesty and integrity in every action and statement
- B. Comply with both the letter and spirit of the laws and policies affecting the operation operations of government.
- C. Serve as a model of leadership and civility to the community
- D. Inspire public confidence in Palo Alto government
- E. Work for the common good, not personal interest
- F. Prepare in advance of Council meetings and be familiar with issues on the agenda
- G. Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- H. Participate in scheduled activities to increase Council effectiveness
- I. Review Council procedures, such as these Council Protocols, at least annually
- J. Represent the City at ceremonial functions at the request of the Mayor
- K. Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations
- L. Respect the proper roles of elected officials and City staff in ensuring open and effective government
- M. Provide contact information to the City Clerk in case an emergency or urgent situation arises while the Council Member is out of town



SECTION 2 - COUNCIL CONDUCT

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to improve the quality of life in the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

2.1 – Public Meetings

- A. Use Formal Titles
The Council should refer to one another formally during Council meetings as Mayor, Vice Mayor or Council Member followed by the individual's last name.
- B. Practice Civility and Decorum in Discussions and Debate.
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. Be respectful of diverse opinions.
- C. Honor the Role of the Presiding Officer in Maintaining Order and Equity.
Respect the Chair's efforts to focus discussion on current agenda items. Objections to the Chair's actions should be voiced politely and with reason, following the parliamentary procedures outlined in the City Council Procedural Rules.
- D. Demonstrate Effective Problem-Solving Approaches.
Council Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Council Members are role models for residents, business people and other stakeholders involved in public debate.
- E. Be Respectful of Other People's Time.
Stay focused and act efficiently during public meetings.

2.2 - Private Encounters

- A. Treat Others as You Would Like to be Treated.
Ask yourself how you would like to be treated in similar circumstances, and then treat the other person that way.

2.3 – Council Conduct with City Staff



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The key provisions on Council-staff relations found in section 2.04.170 of the Palo Alto Municipal Code:

“Neither the council nor any of its committees or members shall direct, request or attempt to influence, either directly or indirectly, the appointment of any person to office or employment by the city manager or in any manner interfere with the city manager or prevent the city manager from exercising individual judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.”

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City Staff, which analyze problems and issues, make recommendations, and implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

A. Treat All Staff as Professionals.

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with your Council colleagues, practice civility and decorum in all interactions with City staff.

B. Channel Communications through the Appropriate Senior City Staff.

Questions of City staff should be directed only to the City Manager, Assistant City Manager, City Attorney, City Clerk, Assistant City Clerk, City Auditor, Senior Assistant City Attorneys, or Department Heads. The Office of the City Manager should be copied on any request to Department Heads. Council Members should not set up meetings with department staff directly, but work through Department Heads, who will attend any meetings with Council Members. When in doubt about what staff contact is appropriate, Council Members should ask the City Manager for direction. However, nothing in these protocols is intended to hinder the access Council-appointed liaisons (e.g. to the San Francisquito JPA or NCPA) may require in order to fulfill their unique responsibilities.

C. In Order to Facilitate Open Government, All Council Members Should Make Decisions with the Same Information from Staff On Agendized or Soon-To-Be Agendized Items (i.e. Items on The Tentative Agenda or in a Council Committee).

D. Never Publicly Criticize an Individual Employee. Including Council-Appointed Officers. Criticism is Differentiated From Questioning Facts or the Opinion of Staff.

All critical comments about staff performance should only be made to the City Manager through private correspondence or conversation. Comments about staff in the office of the City Attorney, City Auditor or City Clerk should be made directly to these CAOs through private correspondence or conversation-

E. Do Not Get Involved in Administrative Functions.



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Avoid any staff interactions that may be construed as trying to shape staff recommendations. Council Members shall refrain from coercing staff in making recommendations to the Council as a whole.

- F. Be Cautious in Representing City Positions on Issues.
Before sending correspondence related to a legislative position, check with City staff to see if a position has already been determined. When corresponding with representatives of other governments or constituents remember to indicate if appropriate that the views you state are your own and may not represent those of the full Council.
- G. Do Not Attend Staff Meetings Unless Requested by Staff.
Even if the Council Member does not say anything, the Council Member's presence may imply support, show partiality, intimidate staff, or hampers staff's ability to do its job objectively.
- H. Respect the "One Hour" Rule for Staff Work.
Requests for staff support should be made to the appropriate senior staff member, according to the protocol for channeling communications. Any request, which would require more than one hour of staff time to research a problem or prepare a response, will need to be approved by the full council to ensure that staff resources are allocated in accordance with overall council priorities. Once notified that a request for information or staff support would require more than one hour, the Council Member may request that the City Manager place the request on an upcoming Council agenda.
- I. Depend upon the Staff to Respond to Citizen Concerns and Complaints.
It is the role of Council Members to pass on concerns and complaints on behalf of their constituents. It is not, however, appropriate to pressure staff to solve a problem in a particular way. Refer citizen complaints to the appropriate senior staff member, according to the protocol on channeling communications. The senior staff member should respond according to the Policy and Procedure for Responding to Customer Complaints. Senior staff is responsible for making sure the Council Member knows how the complaint was resolved.
- J. Do Not Solicit Political Support from Staff.
The City Charter states that "Neither the city manager or any other person in the employ of the city shall take part in securing or shall contribute any money toward the nomination or election of any candidate for a municipal office." In addition, some professionals (e.g., City Manager and the Assistant City Manager) have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.

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



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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.



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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.

2.5 - Staff Conduct with City Council

A. Respond to Council Questions as Fully and as Expeditiously as is Practical.

The protocol for staff time devoted to research and response is in application here. If a Council Member forwards a complaint or service request to a department head or a Council Appointed Officer, there will be follow-through with the Council Member as to the outcome.

B. Respect the Role of Council Members as Policy Makers for the City.

Staff is expected to provide its best professional recommendations on issues. Staff should not try to determine Council support for particular positions or recommendations in order to craft recommendations. The Council must be able to depend upon the staff to make independent recommendations. Staff should provide information about alternatives to staff recommendations as appropriate, as well as pros and cons for staff recommendations and alternatives

C. Demonstrate Professionalism and Non-Partisanship in all Interactions with the Community and in Public Meetings.

D. It is Important for the Staff to Demonstrate Respect for the Council at all Times. All Council Members Should be Treated Equally.



SECTION 3 - OTHER PROCEDURAL ISSUES

3.1 – Commit to Annual Review of Important Procedural Issues

At the beginning of each legislative year, the Council will hold a special meeting to review the Council protocols, adopted procedures for meetings, the Brown Act, conflict of interest, and other important procedural issues.

3.2 – Don't Politicize Procedural Issues (e.g. Minutes Approval or Agenda Order) for Strategic Purposes

3.3 – Submit Questions on Council Agenda Items Ahead of the Meeting

In order to focus the Council meetings on consideration of policy issues and to maintain an open forum for public discussion, questions which focus on the policy aspects of agenda items should be discussed at the Council meeting rather than in one-on-one communications with staff prior to the meetings. Any clarifications or technical questions that can be readily answered can be handled before the meeting. Council Members are encouraged to submit their questions on agenda items to the appropriate Council Appointed Officer or City Manager by 5:00 p.m. the Wednesday prior to the meeting so staff can be prepared to respond before or at the Council meeting. More detailed procedures relating to agenda questions can be found in the addendum to these protocols titled "Policy and Procedures for Council E-mails for Agenda Related Items."

3.4 - Submittal of Materials Directly to Council

If Council receives planning application materials related to agenda item matters they will notify the City Clerk and the City Manager as soon as possible.

3.5 - 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.



3.6 – Respect the Work of the Council Standing Committees

The purpose of the Council standing committees is to provide focused, in-depth discussion of issues. Council should respect the work of the committees. If a matter is taken forward to the full Council for approval and it receives a unanimous vote at Committee, the item will be placed on the Consent Calendar unless otherwise recommended by the Committee, Mayor, City Attorney or City Manager if any of these entities believe the item is of significant public interest.

3.7 – The Mayor and Vice Mayor Should Work With Staff to Plan the Council Meetings

There are three purposes to the pre-Council planning meeting: 1) to plan how the meeting will be conducted, including review of approximate time allocation of staff report presentations and to ensure adequate time for large complex items; 2) to identify any issues or questions that may need greater staff preparation for the meeting; and 3) to discuss future meetings. Consideration in building the agenda should be given to the potential length of the meeting and at what point items of significant public concern may be heard.

The purpose of the meeting is not to work on policy issues. Normally, only the Mayor and Vice Mayor are expected to attend the pre-Council meetings with the City Manager and other CAOs, and Department Managers. The Mayor and Vice Mayor's role is to represent the interest of the entire Council.



SECTION 4 - POLICY & SERVICES COMMITTEE – ROLE, PURPOSE, & WORK PLANNING

The Municipal Code states that the role of the Council Policy & Services Committee is to:
...consider and make recommendations on matters referred to it by the council relating to parliamentary and administrative procedures and policy matters pertaining to intergovernmental relations, personnel policies, planning and zoning, traffic and parking, public work, and community and human services. (§2.04.220)

In 2009 and 2010, the Council reviewed the purpose and structure of the Committee and adopted recommendations on several items related to this. This section documents these agreements related to the Committee.

Purpose Statement: The purpose of the Policy & Services Committee is to review and identify important community issues and City policies and practices to ensure good public policy.

The Committee shall consider and make recommendations to Council on matters relating to parliamentary protocols, procedures and policy matters.

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.



SECTION 6 - CITY COUNCIL E-MAILS FOR AGENDA-RELATED ITEMS

6.1 - Policy

The Council adopted protocols provide a framework for the policy on e-mail communications between Council Members and Staff on agenda-related items, including the following:

- A. In order to facilitate open government, all Council Members should make decisions with the same information from Staff on agenda-related items (i.e. items on the tentative agenda or in a Council Committee)
- B. Submit questions on Council agenda items ahead of the meeting, In order to focus the Council meetings on consideration of policy issues and to maintain an open forum for public discussion, questions which focus on the policy aspects of agenda items should be discussed at the Council meeting rather than in one-on-one communications with Staff prior to the meetings. Any clarifications or technical questions that can be readily answered can be handled before the meeting. Council Members are encouraged to submit their questions on agenda items to the appropriate Council Appointed Officer or City Manager as far in advance of the meeting as possible so that Staff can be prepared to respond at the Council meeting.

In its settlement agreement with the San Jose Mercury News of February 2003, the City Council agreed to consider a policy under which the Council would waive any deliberative or other privilege, other than attorney-client privilege, that it might assert with regards to e-mails on agenda-related items. This policy and procedure implements that agreement. The Council, in adopting this policy, does not waive attorney-client-privilege or any other privilege associated with a closed session authorized under the Brown Act.

6.2 - Procedure

- A. Council Members should direct any questions on staff reports to the City Manager or designee. Questions on reports from the City Auditor, City Attorney, or City Clerk should be directed to the appropriate Council Appointed Officer. Council Members should not direct any questions on agenda items to other members of the City Manager's Staff or the Staff of the other Council Appointed Officers.
- B. Council Members should submit questions on agenda items no later than 5:00 p.m. on the Wednesday prior to the Council meeting at which the item will be discussed. Staff will make best reasonable efforts to post written responses to timely-submitted questions by Thursday 5:00 p.m. Any questions received after 5:00 p.m. on the Wednesday before the meeting may be responded to via e-mail, or alternatively, will be responded to at the Council meeting.
- C. Staff will not engage in "dialogues" with individual Council Members regarding questions, i.e. follow-up questions to initial questions will be responded to at the Council Meeting.



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- D. Staff will give highest priority to responding prior to the Council meeting via e-mail only on items on the Consent Calendar. Questions which address the policy aspects of the item on the Council agenda will not be responded to prior to the meeting, although Staff welcomes such questions in advance of the meeting in order to prepare for the Council and public discussion. Technical and clarifying questions on non-Consent Calendar items will be responded to as time permits.
- E. If the Staff will be responding to a Council Members Consent Calendar question at the meeting rather responding to the question via e-mail, Staff will inform the Council Member as early as possible after receipt of the question(s).
- F. Questions and all Staff-prepared responses will be forwarded to all Council Members as well as put up on the special web page created for public review of Council agenda questions and Staff responses. Staff will include the name of the Council Member posing the questions in the "subject" field of the e-mail response.
- G. Written copies of all Council Member agenda questions and Staff responses will be at Council places at the meeting; additionally copies will be made available in the Council Chambers for members of the public.



THIS SECTION UNDER REVIEW

SECTION 7 - CITY COUNCIL AND BOARDS AND COMMISSIONS POLICY FOR TRAVEL AND MISCELLANEOUS EXPENSE REIMBURSEMENT, 2020

GENERAL CONSIDERATIONS

This policy is set by the City Council and applies to Council Members and to Board and Commissions members, who will be referred to as "Officials" in the policy. In reimbursing travel and miscellaneous expenses, a municipal purpose requiring the expenditure of public funds must be in evidence; also, in accord with the Charter and Municipal Code, such expenditures must be from authorized appropriations.

7.1 - Eligible Activities

The following activities ("Eligible Activities") are recognized by the Council as advancing municipal purposes and are eligible for expense reimbursement, subject to limitations on activities and specific and total expenditures described elsewhere in this policy:

- A. Communicating with representatives of regional, state and national government on adopted city policy positions;
- B. Attending educational seminars designed to improve officials' skill and information levels;
- C. Participating in regional, state and national organizations whose activities affect the City's interest;
- D. In collaboration with City staff, implementing a city-approved strategy for attracting or retaining businesses to the City.

All other expenditures require prior approval by the City Council at a regular or special meeting.

7.2 - Out-of-Town Conferences or Meetings

A. Reimbursement

All payments for travel and meetings shall be on the basis of either reimbursement of expenses advanced by the Council Member/Official or payments made directly to travel agencies/websites, hotels, airlines or the organization sponsoring the meeting. All requests for payments or reimbursements must be accompanied by invoices or paid detailed receipts and a copy of descriptive literature about the conference or meeting. The City Clerk, Mayor or Chair for Officials must approve, in advance, individual travel requests for out-of-town meetings and conferences, e.g., Annual League of California Cities Conference, National League of Cities Conference, etc., including Eligible Activated.



THIS SECTION UNDER REVIEW

Allowable expenses for local or Bay Area Eligible Activates do not require prior approval by the Mayor or Chair.

The total reimbursement shall not exceed the budget adopted by the Council for this purpose.

All reimbursements shall comply with the limits of Policy and Procedures 1-02 (Citywide Travel Policy).

Expense reports should be submitted within 30 days of end of trip. Inability to provide such documentation in a timely fashion may result in expense being borne by the Council Member or Official.

B. Meals and Incidentals

~~Notwithstanding the preceding general policy regarding reimbursement, a Council Member or Official may submit a payment request (supported by conference literature) for advance payment of meals and incidentals allowance according to the Internal Revenue Service authorized mileage reimbursement rate and payment for meals and incidentals consistent with City Policy and Procedures 1-02. If the amount advanced is exceeded, additional reimbursement may be requested upon return from the meeting. Requests for additional reimbursement must be supported by a detailed report and receipts for all meals and incidentals. The Mayor shall pre-approve additional reimbursements, and if the expenses are determined to be excessive, they may not be approved.~~

~~The City will provide a per diem ("per day") allowance for meals and incidentals to Council Members or Officials who are approved to travel overnight for official City business. Council Members or Officials will receive a flat rate for meals and will not be required to submit receipts.~~

~~The per diem rate varies and is dependent on the destination of travel. The rates for the various travel destinations are available on the U.S. General Services Administration website (<http://www.gsa.gov/portal/content/104877>). When meals are provided at an event, the value of that meal will be deducted from the daily per diem rate. Travelers will receive 75% of the daily per diem amount on days requiring transportation to and from the location (i.e., departure day and return day) regardless of departure and arrival times. Meals provided on days of travel shall be deducted at full-value.~~

Incidental Expenses

~~Incidental expenses related to City business shall be reimbursed at cost as supported by submitted receipts. Incidental expenses may include hotel parking charges, Internet connection services, and telephone charges.~~



THIS SECTION UNDER REVIEW

The actual costs for parking will be reimbursed when approval to use a personal vehicle or rental car is obtained in advance. Council Members or Officials should use the lowest cost alternative for parking within a reasonable area from the destination. Internet connection services purchased to conduct City business are reimbursable. Other charges on the hotel bill, such as pay-TV movies, cleaning, laundry, room service charges or charges for additional guests are not reimbursable.

C. Lodging Expense

Council Members or Officials shall select single occupancy, standard, non-deluxe accommodations and should stay at hotels offering economical lodging rates. When possible, travelers attending a conference or seminar should stay at conference hotels, which offer a negotiated rate.

The City will not reimburse any cost related to the extension of a hotel stay beyond the time necessary to complete the event. An out-of-state trip involving cross-county travel may require hotel accommodations both before and after the conference or training. Within California and adjoining states, an extra night's hotel stay should not be necessary if flight arrangements can be made the same day.

The use of hotels is restricted to cities located beyond 50 miles (one-way) from the City of Palo Alto or the traveler's residence (whichever is shortest). For example, if the destination is Sacramento and you live in Palo Alto (118 miles) or Oakland (81 miles), you would qualify for a hotel (and per diem for meals). However, if you live in Vacaville (35 miles) or Lodi (36 miles) you would not qualify for a hotel.

~~Reimbursements or payment of hotel bills will be limited to the highest group or governmental rate available and will cover room charges, applicable taxes and any other item listed in this policy for the Council Member or Official. Telephone calls to Palo Alto City Hall may be made collect. Other charges on the bill such as Expenses incurred for extra guests of the traveler and the like are not reimbursable.~~

D. Transportation

- ***Air Transportation***

~~Reimbursement or payment will be limited to economy class commercial air carrier, or an available group travel rate if lower.~~

Council Members or Officials shall fly economy class on the lowest flight available for the most direct route to the final destination, which could reasonably include scheduled layovers. Council Members or Officials are encouraged to make air reservations as early as feasible to obtain the greatest discount and to consider the use of alternate but nearby airports to take advantage of the lowest fares. Extension of the trip to cover a weekend stay to obtain a lower airfare does not entitle the Council Member or Official to be reimbursed for the extra day's hotel



THIS SECTION UNDER REVIEW

costs or meal expenses. Council Members or Officials may use City travel to qualify for frequent flyer credits, but the selection of an airline for a given trip shall not be made for the purpose of accumulating such credits. Council Members or Officials that choose to use their personal frequent flyer miles for City business shall not be reimbursed for the value of the tickets. If the airline charges for all checked baggage, the City will cover the cost for one checked bag only. Excess baggage charges are not reimbursable.

- **Rental Cars**

Rental cars shall be approved if other ground transportation, such as shuttles or taxis, is more expensive during the stay at the destination. Only economy or compact car models may be rented unless an upgrade is provided by the rental agency at no additional cost. Because the City is self-insured, Council Members or Officials should decline any additional insurance offered by the rental company. Council Members or Officials must also decline the Fuel Purchase Options (which allows for prepayment of a gas tank refill) and shall refuel prior to returning the rental car. Rental car options such as GPS devices and any other extra optional charges are not reimbursable.

The use of a rental car, in lieu of a private auto, to travel to and from an out of town event will be reimbursed either at the current IRS mileage rate or the car rental cost apportioned for the number of days used for City business, whichever is less.

- **Private Automobiles**

Private automobiles may be used for personal or group transportation on extended trips. Reimbursement shall be made at the current IRS mileage rate. The distance to be reimbursed shall be measured from the place of work and from the employee's home, and the calculated mileage reimbursement shall be based upon which of the two distances is shorter. ~~established by the Internal Revenue Service authorized mileage reimbursement rate consistent with the City Policy and Procedures 1-02.~~ Mileage reimbursement for private automobiles shall not exceed the cost of round trip air transportation (economy class) for a reservation made at least seven days in advance of the trip, and rental car, if applicable, or an available group travel rate if lower.

- ~~• **Rental Car**~~

~~Economy level only when Council Member or Official has traveled by airplane out of the Bay Area.~~

- ~~• **Shuttle/Taxi**~~

~~When traveling out of the area.~~

7.3 - Local or Bay Area Activities



THIS SECTION UNDER REVIEW

Council Members or Officials who have been requested or designated to represent the City may receive the actual cost of:

- A. Meals, if they are a scheduled feature of the activity, e.g., SCCCA dinner meetings.
- B. Registration fees where applicable.
- C. Mileage if activity is outside the City (mileage claims should be submitted monthly, with details: date and type of meeting, number of miles traveled to be indicated), consistent with City Policy and Procedures 1-02.
- D. Council Members and Officials may be reimbursed by the City for use of a private bicycle to attend local or Bay Area activities outside the City of Palo Alto consistent with City Policy and Procedures 2-9.

7.4 - Other Expenses

- A. Ethics Training Expenses – AB1234 requires ethics training every two years and such fee and related expenses are eligible for reimbursement.

7.5 - Activities Not Considered Reimbursable

- A. Voluntary attendance at any conference or meeting, not representing the City.
- B. Meetings of social or service organizations.
- C. Meetings of voter groups or with individual citizens concerned with agenda items.
- D. Election campaign activities.
- E. Alcohol and entertainment expenses.
- F. Personal portion of the trip and other non-mileage automobile expenses.

7.6 - Reports to Council

Council Members and Officials shall provide brief verbal reports on meetings attended at the City's expense at the next regular Council/Board/Commission meeting. If multiple Officials attended, a joint report may be made. All related documents are subject to the Public Records Act and can be periodically reviewed by auditors.

7.7 - Violation of This Policy

Use of public resources or falsifying expense reports is in violation of this policy and may result in any or all of the following:



THIS SECTION UNDER REVIEW

- A. Loss of reimbursement privileges
- B. A demand for restitution to the City
- C. The City reporting the expenses as income to the elected or appointed Official to state and federal tax authorities
- D. Civil penalties of up to \$1000 per day and three times the value of the resources used
- E. Prosecution for misuse of public resources

7.8 - Mayor and Vice Mayor Additional Compensation

The Mayor shall receive \$150 monthly and the Vice Mayor \$100 monthly to defray additional expenses of these offices.

7.10 - Support Services

The City Clerk's Office makes travel arrangements for Council Members. This service includes conference registration, hotel reservations, per diem advances and reimbursement of unforeseen expenses. The department liaison for each board and commission will be responsible for arrangements for Officials.



CITY OF PALO ALTO COUNCIL PROTOCOLS ETHICS ADDENDUM

The citizens, businesses and organizations of the city are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity.

To this end, the City Council has adopted Council Protocols and this Code of Ethics for members of the City Council to assure public confidence in the integrity of local government and its effective and fair operation.

A. Comply with Law

Members shall comply with the laws of the nation, the State of California and the City in the performance of their public duties. These laws include but are not limited to: the United States and California constitutions, the city Charter, laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities and open processes of governments and City ordinances and policies.

B. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, boards and commissions, the staff or the public.

C. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the City Council by City staff.

D. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

E. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

F. Gifts and Favors

It is contrary to the city of Palo Alto's ethical standards for any council member to accept gifts or gratuities from an individual, business, or organization doing business, or seeking to do business, with the City or who is seeking permits or other entitlements from the City.

The acceptance of gifts can convey an appearance of favoritism and conflict of interest. Gifts can be perceived as attempts to influence City operations or as compensation for



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services rendered and can erode the public confidence in the impartiality of decisions made by Council Members.

Council Members exercise good faith in carrying out this Protocol. It is impossible to list every situation and fact pattern, so it anticipates that Council Members will exercise their good judgment in determining whether the item is a gift or not.

This policy is supplemental to the gift limitations of the Fair Political Practices Commission's Limitations and Restrictions on Gifts, Honoraria, Travel and Loans.

The following are not considered gifts under this Protocol:

- Gifts which the Council member returns (unused) to the donor, or for which the Council Member reimburses the donor, within 30 days of receipt.
- Gifts from a Council Member's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin or the spouse of any such person, unless he or she is acting as an agent or intermediary for another person who is the true source of the gift.
- Minor gifts of hospitality involving food or drink, that the Council Member receives in an individual's home or at another location of business.
- Gifts approximately equal in value exchanged between the Council Member and another individual on holidays, birthdays, or similar occasions.
- Informational material provided to assist the Council member in the performance of their official duties, including books, reports, pamphlets, calendars, periodicals, videotapes, or free or discounted admission to informational conferences or seminars.
- A bequest or inheritance.
- Campaign contributions.
- Personalized plaques and trophies with an individual value of less than \$250.
- Tickets to attend fundraisers for campaign committees or other candidates, and tickets to fundraisers for organizations exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.
- Free admission, refreshments, and similar non-cash nominal benefits provided to the Council Member at an event at which the Council Member gives a speech, participates in a panel or seminar, or provides a similar service. Transportation within California, and any necessary lodging and subsistence provided directly in



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connection with the speech, panel, seminar, or similar service, are also not considered gifts.

- Passes or Tickets which provide admission or access to facilities, goods, services, or other benefits (either on onetime or repeat basis) that the Council Member does not use and does not give to another person.
- Wedding gifts
- A prize or award received in a bona fide competition not related to official status.

(These exceptions are paraphrased from FPPC publications.)

- Gifts from Sister Cities or other entities, other municipalities, if forwarded to the City.

G. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

H. Use of Public Resources

Members shall not use public resources, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

I. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any other board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

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.

K. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.