



DATE: February 10, 2015

AGENDA ITEM # 3

**TO:** City Council  
**FROM:** Jon Maginot, City Clerk  
**SUBJECT:** City Council Norms and Procedures

**RECOMMENDATION:**

Adopt the amended City Council Norms and Procedures

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**SUMMARY:**

**Estimated Fiscal Impact:**

**Amount:** None

**Budgeted:** Not applicable

**Public Hearing Notice:** Not applicable

**Previous Council Consideration:** January 24, 2015

**CEQA Status:** Not applicable

**Attachment:**

1. City Council Norms and Procedures with revisions

## **BACKGROUND**

The City Council Norms and Procedures (Norms) guide the City Council in promoting communication, understanding, fairness and trust amongst members of the Council, staff and the public. From time to time, the Council amends the Norms to update information and clarify different practices which may have changed. The current version of the Norms was last amended on January 28, 2014. At its annual retreat on January 24, 2015, the City Council discussed proposed revisions to the Norms.

## **DISCUSSION**

At the January 24, 2015 retreat, Council discussed and supported the following changes to the Council Norms and Procedures:

- Defining the appointment process for Commissioners to be conducted by written ballot
- Clarifying when the use of electronic devices during Council meetings is allowed
- Requiring that three Council members must support placing an item on an agenda
- Providing measures to allow a group of public speakers to cede a portion of their time to a single speaker
- Clarifying the process for reconsideration of an item

Following the Council retreat, staff further reviewed the Council Norms and Procedures to provide revisions to sections to reflect past Council actions.

## **FISCAL IMPACT**

None

## **PUBLIC CONTACT**

The City Council reviewed the City Council Norms and Procedures at its annual retreat on January 24, 2015.

Posting of the meeting agenda serves as notice to the general public.

## **CITY COUNCIL NORMS AND PROCEDURES**



### **COUNCIL MEMBERS**

**Jeannie Bruins  
Jean Mordo  
Jan Pepper  
Mary Prochnow  
Megan Satterlee**

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**CITY OF LOS ALTOS  
CITY COUNCIL NORMS AND PROCEDURES**

***SECTION 1. GENERAL***

- 1.1 Purpose. The purpose of these Norms and Procedures is to promote communication, understanding, fairness, and trust among the members of the City Council and staff concerning their roles, responsibilities, and expectations for management of the business of the City of Los Altos.
- 1.2 Values. Respect for each Council member's interpersonal style will be a standard of operation. Courtesy and respect for individual points of view will be practiced at all times. All Council members shall respect each other's right to disagree. All Council members shall practice a high degree of decorum and courtesy. When addressing the public in any way, all Council members shall make certain their opinions are expressed solely as their own, and do not in any way necessarily reflect the opinions of any other Council member.
- 1.3 Review. The City Council shall conduct a review of this document biennially, or whenever a new Council member has been seated or Council deems necessary, to assist Council members in being more productive in management of the business of the City. A new Council will consider the document within three months of its first regular meeting.
- 1.4 Ralph M. Brown Act. All conduct of the City Council, Commissions, Committees and Subcommittees shall be in full compliance with the Ralph M. Brown Act.

***SECTION 2. MAYOR AND MAYOR PRO TEM SELECTION PROCESS***

- 2.1 Reorganization. The reorganization of the Council shall occur at a special meeting held on the first Tuesday of December. The seating of new Council members shall occur at the same meeting that the Council reorganizes, which will be held following the certification of election results.

Seating preferences on the dais shall be made by the Mayor, Mayor Pro Tem and then by seniority of the rest of the members, in that order. If two members have equal seniority based on year elected, then the member with the higher vote count in their most recent election is considered to have higher seniority.

A community reception honoring the incoming and outgoing Mayor and Council members will be held immediately following the reorganization meeting.

- 2.2 Election of Mayor. Only Council members elected by the voters may serve as Mayor. Those persons who are appointed to the City Council under the following circumstances may also serve as Mayor. If the number of persons who have been nominated for City Council does not exceed the number of seats to be filled at a Municipal Election, Council may either: (1) Appoint to the office that person or persons who have been nominated; or (2) Appoint to the office an eligible elector or electors if no one has been nominated.

The term of office shall be one year. The Council member must have served at least 23 months to be eligible for Mayor. A majority vote of the Council is necessary to designate the Mayor. If there is at least one elected Council member with a minimum of 23 months of

service who has not served as Mayor, he or she shall be designated Mayor before those who have already served as Mayor.

If there are two or more such members who have served more than 23 months and have never served as Mayor, the one having served the longest time on the Council shall be designated as Mayor.

In the event there are two or more members, who have never served as Mayor and have served the same length of time, the one who received the greatest number of votes at his/her election or re-election to the Council shall become Mayor.

In the event there are two or more members, both of whom have served as Mayor, have served the same continuous length of time, and have been re-elected to the Council, the one who received the greatest number of votes at his/her re-election to the Council shall become Mayor.

In the event three new members are elected to the Council, then an exception to Sections 2.2 and 2.3 will apply, allowing the immediate appointment of a Mayor Pro Tem without the normal 11 months of prior service, and the following year such person may be appointed as the Mayor without the normal 23 months of prior service. Any member re-elected to the Council after a break in service will be treated in the normal sequence for appointment as Mayor Pro Tem and Mayor, without regard to such person's service prior to the break in service.

The Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. The person is to be advised of the proposed cause for removal at least 72 hours before the action is taken.

2.3 Election of Mayor Pro Tem. Only Council members elected by the voters may serve as Mayor Pro Tem. Those persons who are appointed to the City Council under the following circumstances may also serve as Mayor Pro Tem. If the number of persons who have been nominated for City Council does not exceed the number of seats to be filled at a Municipal Election, Council may either: (1) Appoint to the office that person or persons who have been nominated; or (2) Appoint to the office an eligible elector or electors if no one has been nominated.

The term of office shall be one year. The Council member must have served at least 11 months to be eligible for Mayor Pro Tem. A majority vote of the Council is necessary to designate the Mayor Pro Tem. If there is at least one elected Council member with a minimum of 11 months of service who has not served as Mayor Pro Tem, he or she shall be designated Mayor Pro Tem before those who have already served as Mayor Pro Tem.

If there are two or more such members who have served more than 11 months and have never served as Mayor Pro Tem, the one having served the longest time on the Council shall be designated as Mayor Pro Tem.

In the event there are two or more members, who have never served as Mayor Pro Tem and have served the same length of time, the one who received the greatest number of votes at his/her election or re-election to the Council shall become Mayor Pro Tem.

In the event there are two or more members, both of whom have served as Mayor Pro Tem, have served the same continuous length of time, and have been re-elected to the Council, the

one who received the greatest number of votes at his/her re-election to the Council shall become Mayor Pro Tem.

The Mayor Pro Tem may be removed from office, for cause, by a 4/5ths affirmative vote of the members. The person is to be advised of the proposed cause for removal at least 72 hours before the action is taken.

- 2.4 Council Members Serving After a Break in Service. The time of continuous service for any elected member of the Council who previously served on the Council prior to a break in service shall be considered to have started at his/her election after their break in service.
- 2.5 Appointment of Vacancy. In the event of a vacancy of office or the death or resignation of any Council member, the Council shall appoint a new Council member within sixty (60) days after a vacancy or death or resignation becomes effective in compliance with the California Elections Code, unless the Council, by resolution, decides to instead call a special election. In the event of appointment, the Council shall determine the process for appointment prior to the application process and in accordance with State law.

### ***SECTION 3. COUNCIL SUBCOMMITTEES***

- 3.1 Responsibility. The Mayor shall appoint Council members to standing and ad hoc subcommittees as required to accomplish the work of the Council, subject to affirmation by the Council at its next regular meeting. It will be the responsibility of these subcommittees to inform and make recommendations to the Council and submit them to the Council for a vote. Staff shall work with, and support, Council subcommittees as required.
- 3.2 Instructions and Expectations. The Council shall make certain that all Council subcommittees are properly instructed in their assigned scope of work and responsibilities. The expected outcome of the committee's efforts shall be defined in writing and approved by a majority of the City Council.
- 3.3 Reporting. Council subcommittee members are to keep the Council informed of the work and progress of their subcommittee. These reports or minutes shall be made in writing whenever a recommendation is made to the Council.
- 3.4 Standing Subcommittees. Two standing subcommittees of the Council exist: the Council ~~Personnel-Youth Commission Interview~~ Committee and the City/Los Altos School District Schools Issues Committee.

The Council ~~Personnel-Youth Commission Interview~~ Committee consists of two members of the City Council and is responsible for conducting interviews of applicants for the Youth Commission and making recommendations to the City Council regarding the appointments ~~and for managing the annual performance evaluation process for the City Manager and City Attorney.~~ The Committee meets as needed.

The City/Los Altos School District Schools Issues Committee consists of two members of the City Council and two members of the Board of Trustees of the Los Altos School District (School Board). The purpose of the subcommittee is to facilitate communication between the Council and the School Board on issues of mutual concern by both legislative bodies, as directed by the City Council and/or School Board. Meetings are open to the public and are generally held ~~quarterly~~ at least bi-annually.



**SECTION 4. COMMISSIONS AND COMMITTEES**

- 4.1 Responsibility. The Council will appoint residents of the community to the City’s standing commissions and committees. These commissions and committees will respect the public and staff and shall take seriously their responsibility for reporting to the Council. Each commission is to keep a rotation schedule for representation at City Council meetings by one of its members. Attendance is required when a commission has an item of interest on the Council agenda, so as to be available to answer Council questions.
- 4.2 Problem Solving. All commissions and committees will accept responsibility to initiate resolution of problems as quickly as possible. Leadership for the resolution of problems shall rest on the chairperson.
- 4.3 Instructions and Expectations. The Council shall make certain that all commissions and committees are properly instructed on their responsibilities and performance expectations. This will include the issuance of the Council-approved Commission and Committee Handbook and a mandatory annual training session for all members, which will be presented by staff ~~and the Council Personnel Committee.~~
- 4.4 Appointment/Reappointment. Commission and Committee applicants (except for the Youth Commission) will be interviewed by the Council in a special meeting and appointments will be made by vote in a Regular Council meeting. The preferred method for interviewing applicants is individually, but may be by small panels, whichever is more reasonable based on the number of applications. ~~Applicants are individually considered by separate motion and second and appointed by a majority vote of Council. The voting process is repeated until all seats are filled. The method of appointment will be by written ballots.~~

Youth Commission applicants will be interviewed by the Council ~~Personnel–Youth Commission Interview~~ Committee, which will make recommendations to the Council based on the interviews. Appointment will be by Council vote.

At their request, commission and/or committee members will be considered for reappointment after serving a partial term and/or one full term of service. They will be interviewed by the Council. Members should have performed acceptably; specifically, the member should have attended at least 75% of the regularly scheduled commission/committee meetings over the life of their term, complied with Conflict of Interest Code and Ethics Training requirements as well as demonstrated being prepared for meetings and participated in discussion. No person shall be reappointed to a commission or committee for more than two full consecutive terms.
- 4.5 Eligibility. Two members of an immediate family, or persons residing in the same household, shall not be allowed to serve simultaneously on the same commission or committee. Immediate family members residing in the same household as Council members are not eligible for appointment to any commission or committee. Former Council members are not eligible for appointment to any Commission, standing Committee, ad hoc Committee or Task Force within two years of having served on the City Council.
- 4.6 Removal. The Council shall review Commission and Committee members’ performance and shall take disciplinary action, as needed, including removal from a Commission or Committee.

## ***SECTION 5. AD HOC COMMITTEES AND TASK FORCES***

- 5.1 Instructions and Expectations. The Council shall make certain that all Council-appointed Ad Hoc Committees and Task Forces are properly instructed in their assigned scope of work and responsibilities. The expected outcome of the Committee's or Task Force's efforts shall be defined in writing and formally approved by a majority of the City Council.
- 5.2 Reports. Ad Hoc Committees and Task Forces are responsible for keeping the Council informed about issues being considered, and their progress. This is to be accomplished by meeting minutes distributed in the Council meeting packets or through oral reports to Council. Ad Hoc Committees and Task Forces are responsible for advising the Council of any need for information or more specific instructions.
- 5.3 Redirection. Ad Hoc Committees and Task Forces shall obtain Council concurrence before they proceed in any direction different from the original instructions of the Council.
- 5.4 Noticing. Ad Hoc Committees and Task Forces are not subject to the Ralph M. Brown Act but all efforts shall be made to provide as much notice to the public as possible.

## ***SECTION 6. ADMINISTRATIVE MATTERS***

- 6.1 Attendance. City Council members acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Council members shall make a good faith effort to attend all such meetings unless unable. Council members will notify the Mayor or the City Clerk if they will be absent from a meeting.
- 6.2 Correspondence. With some exceptions, proposed correspondence (including electronic) from individual Council members/Mayor on City stationery shall be reviewed by the Council in draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. Assuming there is agreement between the Mayor and City Manager that the League's position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council review.

City letterhead will be made available for routine, discretionary correspondence (i.e., thank you notes, etc.), or such correspondence will be prepared by staff for signature, without prior consent of the Council. E-mails from Council members should be respectful, professional and consistent with the City's Electronic Use Policy.

- 6.3 Regional Boards. The role of the Council on regional boards will vary depending on the nature of the appointment. Representing the interests of Los Altos is appropriate on some boards; this is generally the case when other local governments have their own representation. Examples might be serving on the Santa Clara Valley Water Commission or County Housing and Community Development Advisory Committee. Other appointments, such as Library District J.P.A. and the Valley Transportation Authority Board of Directors are broader in nature; these boards depend on their members taking a more regional approach.

The positions taken by the appointed representatives are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Los Altos. If an issue should arise that is specific to Los Altos, and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board meeting, to assure that it is in alignment with the Council's position.

Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council.

Council members shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. Attendance should not be less than 75% of all scheduled meetings. If a Council member is unable to attend, he/she should notify his/her alternate as far in advance of the meeting as possible so as to allow the alternate to attend.

- 6.4 Response to Public. It will be the responsibility of the City Manager to ensure a response is provided to all public correspondence for informational requests addressed to the Council. Staff shall respond to all requests for services and provide a copy of such correspondence to the City Council, as appropriate.
- 6.5 Proclamations. Proclamations are discretionary public announcements directing attention to a local resident, organization or event. The Mayor, without formal action of the Council, may issue proclamations. Requests for proclamations should be submitted at least one week in advance. This allows the Mayor to decide if a proclamation should be issued. Alternatively, the Mayor, at his/her discretion, may refer a request to Council.
- 6.6 Reimbursement. Every effort shall be made to limit the need to reimburse Council members for expenses. City Council members may be reimbursed for personal expenses for travel to and lodging at conferences or meetings related to their role as a Council member.

The reimbursement of expenses is limited in the following manner: Members shall be reimbursed at rates established by the Internal Revenue Service unless discounted or group rates are offered by the conference or activity sponsor. Any additional expenses that fall outside the scope of this policy may be reimbursed only if approved by the City Council, at a public meeting, before the expenses are incurred. Any request for reimbursement of expenses shall be accompanied by an expense form and receipts to document the expenditure. These documents are public records subject to disclosure under the California Public Records Act.

Brief reports must be given on any outside meeting attended at the expense of the City at the next regular Council meeting. Reimbursement is conditioned on the submission of this report to the legislative body.

- 6.7 Ethics Training. Any member of the City Council and commissions, or advisory committees formed by the City Council, shall receive at least two hours of ethics training in general ethics principles and ethics laws relevant to his/her public service every two years. New members must receive this training within their first year of service. Members shall attend training sessions that are offered locally in the immediate vicinity of Santa Clara County or by completing online a state-approved public service ethics education program.

An individual who serves on multiple legislative bodies need only receive two hours of ethics training every two years to satisfy this requirement for all applicable public service positions.

The City will use an ethics training course that has been reviewed and approved by the Fair Political Practices Commission and the California Secretary of State.

The City Clerk is required to keep ethics training records for five years to document and prove that these continuing education requirements have been satisfied. These documents are public records subject to disclosure under the California Public Records Act.

- 6.8. Use of Electronic Devices during Council Meetings. City Council members shall not use electronic devices, ~~including accessing to access~~ the internet and/or ~~send~~ing and ~~receiv~~ing messages at any time during a meeting of the City Council at which he or she is in attendance. This does not apply to receipt of telephone calls or text messages from family members in the event of an urgent family matter. Council members responding to such a message during the meeting shall do so in a manner that does not disrupt the meeting.
- 6.9. City Mission and City Seal. The Mission of the City of Los Altos is a strategic document that reflects the values of our residents. The City Seal is an important symbol of the City of Los Altos. No change to the City Mission and/or City Seal shall be made without Council approval.

### ***SECTION 7. COUNCIL RELATIONSHIP WITH STAFF***

- 7.1. City Manager. City Council members are always free to go to the City Manager to discuss any subject. Issues concerning the performance of a Department or any employee must be directed to the City Manager. City Council members shall not meet with groups of management employees for the purpose of discussing terms of employment or establishing employee policy. Direction to City employees, other than the City Manager or City Attorney, is the prerogative of the City Manager. In passing along critical information, the City Manager will be responsible for contacting all Council members. The City Manager may delegate this responsibility to Department Heads.
- 7.2. Agenda Item Questions. The Council shall not abuse staff, nor embarrass staff in public. If a Council member has a question on a subject, the Council member should contact the City Manager prior to any meeting at which the subject may be discussed. This does not restrict Council members from asking questions during a Council meeting.
- 7.3. Complaints. Council members shall encourage people to file all complaints directly with the appropriate staff member. Staff shall ensure that all people receive a response.
- 7.4. Staff. Council members may ask Department Heads for information. This informal system of direct communication is not to be abused.

### ***SECTION 8. MEETINGS***

- 8.1. Open to Public. All meetings of the City Council whether regular, special, or study sessions, shall be open to the public, unless a closed session is held as authorized by law. All meetings shall be noticed as required to allow action to be taken by the Council.
- 8.2. Broadcasting of City Council Meetings. All regular Council meetings shall be scheduled in the Community Meeting Chambers to allow for web streaming and simulcast on the City's Government Access Channel, unless the number of participants exceeds room capacity. The final decision shall be the responsibility of the Mayor.
- 8.3. Regular Meetings. The City Council shall conduct its regular meetings at the time and place established by ordinance. At the first regular meeting in January, the City Council will approve the schedule of meetings for the calendar year, which in addition to the regular meeting schedule, may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to Section 8.5, if necessary.

It will be the custom to have a recess at 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.

- 8.4 Cancelled Meetings. Any meeting of the City Council may be cancelled in advance by majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed in writing their unavailability to attend a meeting.
- 8.5 Special Meetings. A special meeting may be called at any time by the Mayor or by a majority of the City Council in accordance with the Brown Act. Written notice of any such meeting must specify the purpose of the meeting and members making the call. Notice of the meeting must be given in accordance with law. Public comments at special meetings shall be limited to only those items described on the special meeting notice/agenda.

The City Council may hold study sessions or joint meetings with other boards, commissions, committees, or agencies as deemed necessary to resolve City business. These meetings will be coordinated by the City Clerk. Study sessions are scheduled to provide Council members the opportunity to better understand a particular item. While Council may legally take action at any noticed meeting, generally no formal action is taken at study sessions. If action is to be taken at a study session, then the agenda will state that action may be taken.

- 8.6 Closed Sessions. The City Council may hold closed sessions at any time authorized by law (and in consultation with the City Attorney), to consider or hear any matter, which is authorized by law. The Mayor or any three Council members may call closed session meetings at any time.
- 8.7 Annual Retreat. The City Council shall hold an annual retreat following the reorganization of the Council (typically in December or January). The purpose of the retreat shall be to review accomplishments for the past year and to discuss and set priorities for the City Council for the following year.
- 8.8 Quorum. Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three Council members appear at a regular meeting, the Mayor, Mayor Pro Tem in the absence of the Mayor, any Council member in the absence of the Mayor and Mayor Pro Tem, or in the absence of all Council members, the City Clerk or Deputy City Clerk, shall adjourn the meeting to a stated day and hour.

Business of the City Council may be conducted with a minimum of three members being present; however, pursuant to the California Government Code, matters requiring the expenditure of City funds and all resolutions and non-urgency ordinances must receive three affirmative votes for approval.

- 8.9 Minutes. Staff shall prepare minutes of all public meetings of the City Council. Copies shall be distributed to each Council member. Closed session minutes, if any, shall be approved by all Council members and kept in strict confidence.
- 8.10 Adjourned Meetings. The City Council may adjourn any regular, adjourned regular, special or closed session meeting to a time and place specified in the order of adjournment and permitted by law.

**SECTION 9. POSTING NOTICE AND AGENDA**

- 9.1 Posting of Notice and Agenda. For every regular, special, or study session meeting, the City Clerk or other authorized person shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document. Posting is to be according to law.
- 9.2 Location of Posting. The notice and agenda shall be posted at City Hall in a place to which the public has unrestricted access and where the notice and agenda are not likely to be removed or obscured by other posted material, and to the City website.

**SECTION 10. AGENDA CONTENTS**

- 10.1 Mayor’s Responsibility. The Mayor is responsible for running a timely and orderly meeting. If the Mayor is unavailable to run a Council meeting, the Mayor Pro Tem shall run the meeting. The Mayor, in consultation with the City Manager and his/her designee, and the City Clerk shall organize the agenda.
- 10.2 Description of Matters. All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description should set forth the proposed action to be considered so that members of the public will know the nature of the action under review and consideration.
- 10.3 Availability to the Public. The agenda for any regular, special, or study session meeting, shall be made available to the general public as required by law.
- 10.4 Limitation to Act Only on Items on the Agenda. No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:
  - A. Upon a majority determination that an “emergency situation” (as defined by State Law) exists; or
  - B. Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.
- 10.5 "Timing" of Agenda. Staff and/or the Mayor will "time" the agenda as a way for the Council to maintain a sense of how much time can be committed to any one item without going past an established ending time for the meeting.
- 10.6 Order of Agenda. The prescribed order of the agenda for Regular Meetings of the Council will be as follows: Establish Quorum, Pledge of Allegiance, Closed Session Announcement (if needed), Changes to the Order of the Agenda, Special Items, Public Comments on Items not on the Agenda, Consent Calendar, Public Hearings, Discussion Items, Informational Items, City Council Reports (limited to one minute per Council member), Future Agenda Items (limited to one minute per Council member), and Adjournment.
- 10.7 Change in Order of Business. The Mayor, or the majority of the Council, may decide to take matters listed on the agenda out of the prescribed order. All items removed from the Consent Calendar should be considered prior to the last item of the meeting. Council members shall be given the opportunity to ask questions about Consent Items for clarification without having them removed.

~~10.8 Items Not Requiring a Staff Report. Any two members of the City Council may have any matter that can be legally agendaized placed on the agenda of the City Council by requesting the same of the City Manager or his/her designee by 5:00 p.m. the day before distribution of the packet. Any background materials or information relating to this matter should be provided to the City Clerk by 10:00 a.m. the day of distribution of the packet. Also, any two members of the Council may place an item on the agenda by indicating their desire to do so under that portion of the City Council agenda designated, "Future City Council Agenda Items."~~

~~10.9 Items Requiring a Staff Report. Any item placed on a future City Council agenda requiring a staff report must have three members of the City Council supporting its placement on a future agenda:~~

~~10.8 Placing items on a future agenda. Any three members of the City Council may have any matter that can be legally agendaized placed on the agenda of the City Council by indicating their desire to do so under that portion of the City Council agenda designated, "Future City Council Agenda Items."~~

## **SECTION 11. PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS**

### **11.1 Role of Mayor.**

- A. The Mayor shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Mayor to ensure that the rules of operation and decorum contained herein are observed. The Mayor shall maintain control of communication between Council members and among Council, staff and public.
- B. Communication with Council members
  - 1. Council members shall request the floor from the Mayor before speaking.
  - 2. When one member of the Council has the floor and is speaking, other Council members shall not interrupt or otherwise disturb the speaker.
- C. Communication with Members of the Public Addressing the Council
  - 1. The Mayor shall open the floor for public comment as appropriate.
  - 2. Council members may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak.
  - 3. Any staff member with an item on the agenda will be available to the City Council to answer questions arising during discussions between Council members and among Council members and members of the public.
  - 4. Members of the public shall direct their questions and comments to the Council.

11.2 Rules of Order. The City Council adopts no specific rules of order except those listed herein. The City Council shall refer to *Rosenberg's Rules of Order*, as a guide for the conduct of meetings, with the following modifications:

- A. A motion is not required prior to a general discussion on an agenda item. A pre-motion discussion allows the members to share their thoughts on the agenda item so that a motion can more easily be made that takes into account what appears to be the majority position.

- B. All motions, except nominations, require a second.
- C. A motion may be amended at the request of the maker and the consent of the person who seconded the motion. Such a procedure is often used to accommodate concerns expressed by other members.
- D. A motion to amend may still be used.

The Mayor has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the City Council members present.

11.3 Appeal Procedures. Appellants shall be given the opportunity to speak first. Appellants and applicants responding to appeals may be given a total of up to 10 minutes each to present their positions to the City Council prior to hearing public comments. Appellants shall be given up to 5 minutes of rebuttal time after public comments are heard.

11.4 Applicants. Persons bringing to the City Council a request for approval shall be given a total of up to 10 minutes to present their positions/input prior to hearing public comments. An extension can only be granted by consent of a majority of the Council members. Applicants shall be given up to 5 minutes of rebuttal time after public comments are heard.

11.5 Staff and Consultant Reports. Staff and consultant reports will be given a limit of up to 10 minutes. Staff is to assume that the Council has read all materials submitted. Council shall be given an opportunity to ask questions of staff prior to hearing public comments.

11.6 Public Comment.

A. Persons present at meetings of the City Council may comment on individual items on the agenda at the time the items are scheduled to be heard. During Regular City Council meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment.

B. The limit for speakers will be 1 to 3 minutes, depending on the number of speakers. If there are 10 or fewer requests to speak on any agenda item, the limit for each speaker will be 3 minutes. ~~Speakers are not allowed to delegate their time to another speaker.~~ The Mayor may limit the time to be spent on an item and may continue the item, with the approval of the majority of the Council, to a future meeting at his/her discretion.

~~A group of speakers may designate a single speaker to represent the group. The designated speaker would be given the time which would have been allocated to others (to a maximum of 10 minutes) to speak. Individuals wanting to delegate time to another must be present at the meeting and must indicate their desire to cede time to a single individual by noting on a speaker card they are doing so. Persons who have ceded their time will not be permitted to speak on the topic at that meeting. Ceding of time will not be allowed during noticed public hearings.~~

C. In order to facilitate an orderly meeting schedule, each speaker is requested to fill out a Request to Speak card before discussion on the agenda item begins, with the name and address of the speaker, and the subject or subjects upon which the speaker wishes to address the City Council. The request to speak cards shall be turned into the City Clerk before the item is heard by the City Council.



- D. Upon addressing the Council, each speaker is requested, but not required, to first state his/her name, whom they represent and/or city of residence.
- E. After the speaker has completed their remarks, Council members may ask questions of the speaker after being acknowledged by the Mayor. Council members shall be respectful of the speakers and shall not enter into a debate with any member of the public.
- F. Upon conclusion of the Public Comment section for any item, the Mayor may provide Council members and/or staff with an opportunity to respond to statements made by the public.
- G. All Council members shall listen to all public discussion as part of the Council's community responsibility. Individual Council members should remain open-minded to informational comments made by the public.
- H. The Mayor has the right to ask a member of the public to step down if over the allotted time or comments are irrelevant.

11.7 Motions. It will be the practice of the City Council for the Mayor to provide Council members an opportunity to ask questions of staff, comment on, and discuss any agenda item in order to help form a consensus before a motion is offered. After such discussion, the Mayor or any Council member may make a motion. Before the motion can be considered or discussed, it must be seconded. Once a motion has been properly made and seconded, the Mayor shall open the matter to full discussion offering the first opportunity to speak to the moving party, and thereafter, to any Council member recognized by the Mayor. Customarily, the Mayor will take the floor after all other Council members have been given the opportunity to speak.

If a motion clearly contains divisible parts, any Council member may request the Mayor or moving party divide the motion into separate motions to provide Council members an opportunity for more specific consideration.

Tie Votes: Tie votes shall be lost motions. When all Council members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes other action to further consider the matter.

If a tie vote results at a time when less than all members of the Council, who may legally participate in the matter, are present, the matter shall be automatically continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council.

11.8 Reconsideration.

A. Request for Reconsideration.

1. Request by a member of the public.

~~Notwithstanding Rosenberg's Rules of Order, a request for reconsideration may be made by a member of the public to the City Council at the next regular meeting of the City Council or at any intervening special meeting of the City Council.~~

Any member of the public may request that a member of the City Council that voted in the majority request reconsideration. In order for that member of Council

to take action, such request must be received no later than 5:00 p.m. on the third day following the decision. The requestor should specify in writing the reason for the request to reconsider.

2. Request by a member of the City Council.

Only a member of the City Council who voted on the prevailing side may request reconsideration. The request may be made at the same meeting or ~~at the next regular meeting of the City Council or at any intervening special meeting of the City Council~~ 24 hours in advance of the posting of the agenda for the next regular meeting. Meeting agenda postings are governed by the Open Government Policy or Brown Act, whichever requires the most notice.

3. The ~~member of the public or~~ City Council member making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments.

B. Motion to Reconsider Any Council Action.

1. Reconsideration at the same meeting.

A motion to reconsider an action taken by the City Council may be made at the same meeting at which the action was taken (including an adjourned or continued meeting).

A motion to reconsider an action taken by the City Council may be made only by a Council member who voted on the prevailing side, but may be seconded by any Council member and is debatable.

The motion must be approved by a majority of the entire City Council.

2. Reconsideration at a subsequent meeting.

~~If an intent to request a motion for reconsideration is communicated to the City Council prior to the deadline for posting the City Council meeting agenda, then the request for reconsideration may be agendaized if support for said action exists in accordance with the Council Norms Section 10.8. Otherwise, no City Council discussion or action on a possible reconsideration may occur unless the item is appropriately added to the agenda pursuant to Government Code section 54954.2(b), which addresses adding items that are not listed on a posted agenda (urgency agenda item).~~ Requests for reconsideration not made at the same meeting must be made by a member of the prevailing party 24 hours prior to the posting of the next regular meeting agenda. If the request is supported by any two (2) other Council members, then it shall be added to the agenda. A request added to an agenda shall be structured in a manner that the reconsideration may take place immediately following approval of the request for reconsideration.

At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.

C. Effect of Approval of Motion.

Upon approval of a motion to reconsider, and at such time as the matter is heard, the City Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Municipal Code and the *Council Norms and Procedures*. The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

#### 11.9 Discussion.

- A. The discussion and deliberations at meetings of the City Council are to secure the mature judgment of Council members on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

To the extent possible, Council members should disclose any ex parte communication prior to discussion on an item.

Discussion and deliberation are regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

- B. Obtaining the Floor for Discussion.

After the Council has commented on an issue, and a motion has been stated to the Council and seconded, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by seeking recognition from the Mayor. A member who has been recognized should limit his/her time to 3 minutes.

- C. Speaking More Than Once.

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Council member has already spoken, other Council members wishing to speak shall then be recognized. No Council member shall be allowed to speak a second time until after all other Council members have had an opportunity to speak.

- D. Relevancy of Discussion.

All discussion must be relevant to the issue before the City Council. A Council member is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. Council members shall avoid repetition and strive to move the discussion along.

A motion, its nature, or consequences, may be attacked vigorously. It is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor to instantly rule out of order any Council member who engages in personal attacks. It is the motion, not its proposer, that is subject to debate.

Arguments, for or against a measure, should be stated as concisely as possible.

It is the responsibility of each Council member to maintain an open mind on all issues during discussion and deliberation.

It is not necessary for all City Council members to speak or give their viewpoints if another Council member has already addressed their concerns.

E. Mayor's Duties During Discussion.

The Mayor has the responsibility of controlling and expediting the discussion. A Council member who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

11.10 Council member Respect. At all times, Council members in the minority on an issue shall respect the decision and authority of the majority.

11.11 Council and Staff Reports and Directions on Future Agenda Items. Council and staff reports at the end of Council meetings shall be limited to announcing Council, Regional Board activities on which Council members serve, City and City-sponsored activities. Community groups may announce their activities during Public Comments at the beginning of Council meetings.

## ***SECTION 12. CLOSED SESSIONS***

12.1 Purpose. It is the policy of the City Council to conduct its business in public to the greatest extent possible. However, state law recognizes that, in certain circumstances, public discussion could potentially jeopardize the public interest, compromise the City's position, and could cost the taxpayers of Los Altos financially. Therefore, closed sessions shall be held from time to time as allowed by law. The procedures for the conduct of these meetings shall be the same as for public meetings, except that the public will be excluded.

Prior to convening the closed session meeting, the City Clerk shall publicly announce the closed session items and ask for public input regarding any items on the closed session agenda.

City Council members shall keep all written materials and verbal information provided to them in closed session in complete confidence to insure that the City's position is not compromised. No mention of information in these materials shall be made to anyone other than Council members, the City Attorney or City Manager, except where authorized by a majority of the City Council.

12.2 Rule of Confidentiality. The City Council recognizes that breaches in confidentiality can severely prejudice the City's position in litigation, labor relations and real estate negotiations. Further, breaches of confidentiality can create a climate of distrust among Council members

and can harm the Council's ability to communicate openly in closed sessions, thereby impairing the Council's ability to perform its official duties.

The City Council further recognizes that confidentiality of discussions and documents are at the core of a closed session. Confidentiality is essential if the closed session is to serve its purpose. Therefore, the City Council will adhere to a strict policy of confidentiality for closed sessions.

- 12.3 Breach of Rule of Confidentiality. No person who attends a closed session may disclose any statements, discussions, or documents used in a closed session except where specifically authorized by State law. Any authorized disclosure shall be in strict compliance with these rules and the Ralph M. Brown Act. Violation of this rule shall be considered a breach of this rule of confidentiality.
- 12.4 Agenda. The City Council agenda will contain a brief general description of the items to be discussed at the closed session.
- 12.5 Permissible Topics. All closed sessions will be held in strict compliance with the Ralph M. Brown Act. The City Attorney, or his/her designee, will advise in advance on topics that may be discussed in a closed session.
- 12.6 Rules of Decorum.
  - A. The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect and tolerance for all viewpoints and for the right of Council members to disagree. Council members shall strive to make each other feel comfortable and safe to express their points of view. All Council members have the right to insist upon strict adherence to this rule.
  - B. Prior to a vote, the Mayor shall ensure that the motion is clearly stated and clearly understood by all Council members.
  - C. The Mayor shall keep the discussion moving forward so that debate and a vote can occur in the time allotted for the closed session. The Mayor will determine the order of debate in a fair manner.
- 12.7 Conduct of Meeting.
  - A. The Mayor will call the closed session to order promptly at its scheduled time.
  - B. The Mayor will keep discussion focused on the permissible topics.
  - C. The use of handouts and visual aids such as charts is encouraged to focus debate and promote understanding of the topic. All such materials are strictly confidential.
  - D. If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations, whether it be related to property acquisitions or disposal, a proposed or pending claim or litigation, or employee negotiations, all contact with the other party will be through the designated City person(s) representing the City in the handling of the matter. A Council member, not so designated by the Council, will not under any circumstances have any contact or discussion with the other party or its representative concerning the matter which was discussed in the closed session, and will not communicate any discussions conducted in closed session to such party.
- 12.8 Public Disclosure After Final Action.

- A. The Ralph M. Brown Act requires that, as a body, the City Council make certain public disclosure of closed session decisions when those actions have become final. Accordingly, the City Council shall publicly report any final action taken in closed session, and the vote, including abstentions, at a publicly noticed meeting as follows:
- \* Real Estate negotiations: After the agreement is final and accepted by the other party;
  - \* Litigation: After approval to defend or appeal a lawsuit or to initiate a lawsuit;
  - \* Settlement: After final settlement of litigation or claims;
  - \* Employees: Action taken to appoint or dismiss a Council-appointed employee;
  - \* Labor relations: After the MOU is final and has been accepted by both parties.
- B. The report may be oral or written. The report will state only the action taken and the vote. Unless authorized by the majority of the City Council, the report will not state the debate or discussion that occurred. Except for the action taken and the vote, all closed session discussions will remain confidential.

### ***SECTION 13. DECORUM***

- 13.1 Council members. Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Council members shall accord the utmost courtesy to each other, City employees, and the public appearing before the City Council. Formal business attire is required only when Council meetings, workshops, or study sessions are held in Community Meeting Chambers and televised.
- 13.2 City Employees. Members of the City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business and professional manner towards Council members and members of the public.
- 13.3 Public. Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council. City Code Chapter 2.05, *Public Meeting Rules for Conduct*, shall apply to all City Council Meetings.
- 13.4 Noise in the Chambers. Noise emanating from the audience, whether expressing opposition or support within the Community Meeting Chambers or lobby area, which disrupts City Council meetings, shall not be permitted. All cellular phones and other consumer electronic devices shall be muted while in the chambers. Refusal is grounds for removal.

### ***SECTION 14. VIOLATIONS OF PROCEDURES***

Nothing in these Norms and Procedures shall invalidate a properly noticed and acted upon action of the City Council in accordance with State Law.

This document shall remain in effect until modified by the City Council.

AMENDED AND APPROVED: February 10, 2015.

APPENDIX A

*ROSENBERG'S RULES OF ORDER*

