



Santa Clara Valley Water District Board Policy and Planning Committee Meeting

Board Conference Room A-124

AMENDED SPECIAL MEETING AGENDA

**Tuesday, April 5, 2022
1:00 PM**

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

BOARD POLICY AND PLANNING COMMITTEE

Nai Hsueh - District 5, Committee
Chair

Barbara Keegan - District 2,
Committee Vice Chair

Linda J. LeZotte, District 4

During the COVID-19 restrictions, all public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

COMMITTEE CLERK

Michele L. King, CMC
Clerk, Board of Directors

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.

Santa Clara Valley Water District
Board Policy and Planning Committee
SPECIAL MEETING
AGENDA

Tuesday, April 5, 2022

1:00 PM

Board Conference Room A-124

BY VIRTUAL TELECONFERENCE ONLY

Pursuant to California Government Code section 54953(e), this meeting will be held by teleconference only. No physical location will be available for this meeting; however, members of the public will be able to participate in the meeting as noted below.

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee at a video conferenced meeting, during public comment or on any item listed on the agenda, should use the "Raise Hand" tool located in the Zoom meeting link listed on the agenda, at the time the item is called. Speakers will be acknowledged by the Board Chair in the order requests are received and granted speaking access to address the Board.

Santa Clara Valley Water District (Valley Water) in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Committee meetings to please contact the Clerk of the Board's office at (408) 630-2711, at least 3 business days before the scheduled meeting to ensure that Valley Water may assist you.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <https://emma.msrb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

Join Zoom Meeting:
Meeting ID: 970 6472 5908

Dial by your location
1 669 900 9128 US (San Jose)
Meeting ID: 970 6472 5908

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.

Notice to the Public: Members of the public who wish to address the Committee on any item not listed on the agenda should access the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.

3. APPROVAL OF MINUTES:

3.1. Approval of Minutes.

[22-0520](#)

Recommendation: Approve the February 7, 2022 Minutes.

Manager: Michele King, 408-630-2711.

Attachments: [Attachment 1: February 7, 2022 Minutes.](#)

4. INFORMATION AND ACTION ITEMS:

4.1. Next Steps Evaluating Potential Revisions to the Untreated Surface Water Program. [22-0518](#)

- Recommendation:
- A. Receive a financial update on the Untreated Surface Water Program;
 - B. Recommend to staff a process for presenting the two-phase proposal for revising the Program to the Agricultural Water Advisory Committee and Landscape Committee;
 - C. Recommend the two-phase proposal for revising the Program for Board approval; and
 - D. Receive information on the development of an appeal process for impacted surface water permittees.

Manager: Greg Williams, 408-630-2867

4.2. Rules of Decorum Ordinance. [22-0519](#)

Recommendation: Discuss and Provide Feedback Regarding Rules of Decorum Ordinance.

Manager: Alexander Gordon, 408-630-2637

Attachments: [Attachment 1: Ordinance](#)

4.3. 2022 Work Plan and Meeting Schedule. [22-0522](#)

- Recommendation:
- A. Review the 2022 Board Policy and Planning Committee's Work Plan and incorporate any new tasks; and
 - B. Schedule Committee meetings as appropriate.

Manager: Michele King, 408-630-211

Attachments: [Attachment 1: 2022 BPPC Work Plan](#)

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.

6. ADJOURN:

6.1. Adjourn to Regular Meeting at 2:00 p.m., on May 2, 2022.



Santa Clara Valley Water District

File No.: 22-0520

Agenda Date: 4/5/2022
Item No.: 3.1.

COMMITTEE AGENDA MEMORANDUM

Board Policy and Planning Committee

SUBJECT:

Approval of Minutes.

RECOMMENDATION:

Approve the February 7, 2022 Minutes.

SUMMARY:

A summary of Committee discussions, and details of all actions taken by the Committee, during all open and public Committee meetings, is transcribed and submitted for review and approval.

Upon Committee approval, minutes transcripts are finalized and entered into the District's historical records archives and serve as historical records of the Committee's meetings.

ATTACHMENTS:

Attachment 1: February 7, 2022 Minutes.

UNCLASSIFIED MANAGER:

Michele King, 408-630-2711.



BOARD POLICY AND PLANNING COMMITTEE MEETING

DRAFT MINUTES

**Monday, February 7, 2022
2:00 PM**

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER
1.1 ROLL CALL**

A regular meeting of the Santa Clara Valley Water District (Valley Water) Board Policy and Planning Committee (BPPC) was called to order at 2:00 p.m. on February 7, 2022, via teleconference Zoom meeting.

Board Members in attendance: Director Nai Hsueh-District 5 (in Conference Room A-124); Director Linda J. LeZotte-District 4; and Director Barbara Keegan-District 2 via teleconference constituting a quorum of the BPPC.

Staff members in attendance: Jason Araujo, Aaron Baker, Lisa Bankosh, Rechelle Blank, Luan Buckley, Theresa Chinte, Jessica Collins, Anthony Fulcher, Jeff Ham, Bassam Kassab, Michele King (in Conference Room A-124), Carmen Narayanan, Samina Shaikh, Kirsten Struve, Sue Tippetts, Jose Villarreal, Greg Williams, Sunny Williams, and Tina Yoke.

Guests in attendance: Arthur Keller, Environmental and Water Resources Committee Vice Chair.

2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT AN AGENDA

BPPC Chair Hsueh declared time open for public comment on any item not on the agenda. There was no one present who requested to speak.

3. 3.1 APPROVAL OF MINUTES – January 4, 2022.

The BPPC considered the draft minutes from the January 4, 2022, meeting. It was moved by Director LeZotte, seconded by Director Keegan, and unanimously carried by roll call vote to approve the minutes as presented.

4. Action and Information Items

4.1 DISCUSS OUTREACH FINDINGS ON THE UNTREATED SURFACE WATER PROGRAM AND PROPOSED TWO-PHASE PLAN FOR IMPLEMENTING CHANGES TO THE PROGRAM.

Ms. Samina Shaikh, Associate Engineer, presented information on this item as outlined in the attached committee memorandum.

Mr. Roger Costa, undisclosed location, stated that since 1988 his property has had a pipeline from Valley Water's surface water turnout which irrigates more than 140 mature trees, including 65 large redwood trees. The domestic well on the property only has capacity for the home and the immediate landscaping and is drilled down to bedrock, so it has no additional capacity. He stated that he feels that the existing Valley Water surface water use permit is vested and, as long as the account is maintained in good standing, Valley Water should treat it as a vested use and allow for continued use.

Director Keegan requested that staff provide additional information on whether native landscaping, i.e., mature trees and items of that nature, are included in Phase One of the program changes.

Chair Hsueh supports staff's plan to meet with every owner to verify information and review water source and use. She requested that staff return to the Committee or full Board with any unresolved issues or requests for exceptions, after the in-person visits.

It was moved by Director LeZotte, seconded by Director Keegan, and unanimously approved by roll call vote, to request staff present the two-phase plan to the full Board in March.

4.2 2022 WORK PLAN AND MEETING SCHEDULE

Ms. Michele King, Clerk of the Board, Mr. Jeff Ham, Program Administrator, and Ms. Sue Tippetts, Interim Chief Operating Officer, reviewed the three proposed areas where the committee could provide review and input on in 2022: Governance Policies of the Board; Executive Limitations; Fuel Management Policy and Wildfire Resilience Plan; and Expansion of the Water Resources Protection Manual, respectively.

Regarding the Wildfire Resilience Plan, Director Keegan suggested that staff check in with the full board as part of the initial planning efforts to ensure there is input from directors who represent rural areas where fire risk is high, and from other directors that are interested in emergency response and firefighting in general.

Regarding the Water Resources Protection Manual, Directors Keegan and LeZotte suggested that there be a review of what has and has not been working as part of our existing agreements with the cities in use of the manual, and if there are areas that need to be updated to provide greater resource protection, or if cities think there are areas that can be improved.

Director LeZotte stated that in addition to Director Keegan's suggestion to check in with the full board, she feels there is a need to define Valley Water's role in a wildfire resilience plan before the BPPC begins any work on the subject.

Chair Hsueh suggested that when staff reviews the Executive Limitation Governance Policies, that priority be given to those policies that may be impacting business operations, such as causing process obstacles or adding unnecessary workflow steps, etc.

The BPPC requested that the three subjects proposed to be added to the 2022 Work Plan be presented to the full Board for approval, along with the 2021 BPPC Accomplishments report.

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.

Ms. King reviewed the actions taken on items 4.1 and 4.2.

6. ADJOURNMENT

Chair Director Hsueh adjourned the meeting at approximately 3:10 p.m.

Michele L. King
Clerk of the Board

Approved:



Santa Clara Valley Water District

File No.: 22-0518

Agenda Date: 4/5/2022

Item No.: 4.1.

COMMITTEE AGENDA MEMORANDUM Board Policy and Planning Committee

SUBJECT:

Next Steps Evaluating Potential Revisions to the Untreated Surface Water Program.

RECOMMENDATION:

- A. Receive a financial update on the Untreated Surface Water Program;
- B. Recommend to staff a process for presenting the two-phase proposal for revising the Program to the Agricultural Water Advisory Committee and Landscape Committee;
- C. Recommend the two-phase proposal for revising the Program for Board approval; and
- D. Receive information on the development of an appeal process for impacted surface water permittees.

SUMMARY:

At the March 22, 2022, Board meeting, staff provided an update on the Untreated Surface Water Program (Program) information, stakeholder outreach findings, and two-phase proposal for revising the Program. The Board directed staff to seek input from the Agricultural Water Advisory Committee and Landscape Committee, work with the Board Policy and Planning Committee (BPPC) to develop an appeal process for surface water permittees (Permittees) impacted by the two-phase proposal, and return to the Board with the BPPC's recommendation for the future of the Program.

A. Receive a financial update on the Program

At the March 22, 2022, Board meeting, the annual Program water usage in acre-feet (AF) and revenue for fiscal year (FY) 2020-21 by charge zone were shared. As a reminder, in FY 2020-21, the total Program water use was around 2,518 AF (or about 1 percent of Santa Clara Valley Water District's (Valley Water) total water use) and total Program revenue was around \$1.78 million (or about 0.6 percent of the Water Utility Enterprise's total revenue). During that meeting, the Board asked for additional information with regard to recovery of costs as it relates to the Program.

The Surface Water charge is comprised of two components: the Basic User Charge (also called the Groundwater Production Charge) and the Surface Water Master Charge. Valley Water manages water conjunctively, with activities benefiting groundwater, surface water, and treated water. The

Basic User Charge is a volumetric rate (\$/AF) and varies within each of the four (4) zones of benefit. Agricultural water customers benefit from a low agricultural rate, set at 10% of the lowest Municipal & Industrial (M&I) rate.

For the purpose of this discussion, the information that follows will focus on the revenue generated from the Surface Water Master Charge, which pays for the costs that are specific to surface water users only, including the work to operate surface water turnouts and maintain information on surface water accounts. Prior to FY 2021-22, revenues and costs related to the Surface Water Master Charge and associated activities were well aligned with some years seeing a slight overcollection and some years seeing a slight under collection (i.e., less than \$100,000 collection variance each year). However, beginning in FY 2020-21, Water Utility management made a concerted effort to enhance and refine the program. As such, the water master activity costs have increased significantly such that for FY 2021-22 and beyond, staff is projecting an annual under collection of over \$300,000. In order to avoid an under collection, the staff analysis shows that the Surface Water Master Charge would need to be increased in FY 2022-23 from the maximum proposed charge of \$47.10 per acre-foot to over \$150 per acre-foot. It should be noted that a \$300,000 under collection is an insignificant amount relative to the entire Water Utility, which generates over \$300 million in revenue each year. Staff is currently considering alternatives to achieve full cost recovery that would likely include a graduated plan to increase the Surface Water Master Charge steadily over several years until full cost recovery is achieved.

B. Recommend to staff a process for presenting the two-phase proposal for revising the Program to the Agricultural Water Advisory Committee and Landscape Committee

At the March 22, 2022, meeting, the Board directed staff to seek input from the Agricultural Water Advisory Committee and Landscape Committee on the two-phase proposal. Staff seeks the BPPC's guidance on the following items before presenting the two-phase proposal to these two advisory committees:

- a) The content of the presentation: Two-phase proposal; impact to various Permittees depending on type of use (Ag, M&I, and/or domestic);
- b) Format of the presentation: A formal presentation or a verbal report; and
- c) Desired outcome of presentation to the two advisory committees: To provide information to the two advisory committees or seek input on the two-phase proposal?

C. Recommend the two-phase proposal for revising the Program for Board approval

Staff presented the BPPC's recommendations to update the Program at the November 12, 2019, Board meeting. In subsequent meetings with the BPPC, staff received feedback that the Program should be fair and equitable and should also provide an overall public benefit that includes public spaces and commercial businesses that serve the community. Based on that guidance, staff returned to the BPPC with a two-phase proposal for their consideration. With the BPPC's support, staff presented the two-phase proposal to update the Program to stakeholders on November 16 and 18, 2021. Following stakeholder input, staff further refined two-phase proposal, then presented it to the Board on March 22, 2022, as follows:

Phase 1: All Domestic Landscape Use off by end of Calendar Year 2023

- Impacts approximately one third of current customers that use the supply solely for outdoor private landscaping where retailer service and/or groundwater wells are available.
- Preserves interruptible service to current agricultural and M&I customers that provide goods and services to the community and restricts use to agricultural and/or M&I purposes only.
- Solves inequity of neighbors with an alternate source of water receiving program benefit solely for private landscaping use.
- Supports water conservation.
- Surface water use for fire safety will be guided by a separate Valley Water effort.
- Staff will perform property inspections for impacted customers to verify information prior to phasing out of domestic landscaping use.

Phase 2: Revise Surface Water Rules

- Update the Program Rules to include a metering requirement and associated fees.
- Service will be specified to exclude domestic landscaping use.
- Customers may be required to install backflow preventers to prevent cross-contamination.
- Creek diverters will be reminded to comply with all local, state, and federal regulatory requirements for operating diversions.
- Incorporate annual acknowledgement that water supply is interruptible.

The two-phase proposal is clear in that service will continue for those Permittees who currently rely on untreated surface water for their livelihood (agricultural or commercial water users). However, Permittees using surface water for landscaping will be required to switch to an alternate water supply, if available, by end of 2023.

Staff recommends presenting the two-phase proposal for Board approval after having presented the Program's two-phase proposal at the Landscape Committee in June 2022 and the Agricultural Water Advisory Committee in early July 2022, as well as after returning to the BPPC if directed to do so. Staff will invite all surface water Permittees and other stakeholders to the Board meeting. At the Board meeting, staff will also offer updates on input from the BPPC and the two advisory committees and share the proposed appeals process for impacted Permittees.

D. Receive information on the development of an appeal process for impacted Permittees

Phase 1 proposes to remove domestic water use from the Program by end of 2023 for those with an alternate water source available. On March 22, 2022, the Board directed staff to develop an appeal process for impacted Permittees.

Staff seeks the BPPC's guidance and comments on the proposed appeal process, as shown below:

- Following property inspection by the Water Resources Supervisor, as defined in Phase 1, the Water Resources Supervisor and Untreated Surface Water Program Manager may

recommend to the Raw Water Division's Deputy Operating Officer (DOO) that the Permittee be taken off the Program by end of 2023.

- If the DOO concurs, the DOO will send a letter to the Permittee informing them of the decision.
- The Permittee can request a hearing with the Chief Operating Officer (COO) of the Water Utility Enterprise or their designee.
- A hearing officer will preside, hear the evidence, and then make their determination.
- If the hearing is not settled by the COO (or their designee) to the satisfaction of the Permittee, the Permittee may appeal to the Board according to the following Right to Appeal process that will be provided to them by the COO (or their designee) in a hearing determination letter.

Right to Appeal: "You may appeal a decision, related to findings or conditions of approval, made by the Permit Authority. The appeal must be in writing, must be accompanied with the filing fee of \$100, and must be filed with the Clerk of the Board no later than ten (10) calendar days following the date of this notice. Within 10 calendar days from receipt of the request of appeal, a time and place for a hearing will be set. The hearing will be conducted by the Board of Directors and will be scheduled within 45 calendar days of receipt of the hearing request. Upon conclusion of the hearing, the Board will issue a tentative decision on the appeal. A resolution setting forth the Board's decision and the basis therefore will be placed on the Board agenda within 30 days. The Board's decision as set forth in the resolution is final."

NEXT STEPS:

After presenting the two-phase proposal at the two advisory committees and with the BPPC's support, staff proposes to take the two-phase proposal and appeal process to the Board for its consideration.

ATTACHMENTS:

None.

UNCLASSIFIED MANAGER:

Greg Williams, 408-630-2867



Santa Clara Valley Water District

File No.: 22-0519

Agenda Date: 4/5/2022
Item No.: 4.2.

COMMITTEE AGENDA MEMORANDUM **Board Policy and Planning Committee**

SUBJECT:

Rules of Decorum Ordinance.

RECOMMENDATION:

Discuss and Provide Feedback Regarding Rules of Decorum Ordinance.

SUMMARY:

The Board Policy and Planning Committee is interested in discussing issues and concerns the board identified in the Rules of Decorum Ordinance at the March 22, 2022, Board of Directors Meeting, including:

- Comparison to other agency and jurisdiction Rules of Decorum
- Items excluded from public meetings for safety
- Managing excluded items for members of the public attending without a vehicle

In response to concerns expressed by some Board members at the March 22, 2022 Board meeting, language clarifying the purpose and intent of the ordinance has been added.

ATTACHMENTS:

Attachment 1: Ordinance

UNCLASSIFIED MANAGER:

Alexander Gordon, 408-630-2637

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

ORDINANCE NO. 22-

**AN ORDINANCE OF SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF
DECORUM IN THE PARTICIPATION OF BOARD AND COMMITTEE MEETINGS**

The Board of Directors of the Santa Clara Valley Water District (“Valley Water”) do ordain as follows:

SECTION 1. PURPOSE OF ORDINANCE

The Valley Water Board of Directors (Board) finds and declares that this Ordinance imposes a limitation on the public’s right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. The Board further finds and declares that this Ordinance furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies.

Pursuant to those constitutional provisions, the Board makes the following findings to demonstrate the interests protected by Ordinance and the need for protecting those interests:

The purpose of this Ordinance is to promote the safe and orderly conduct of Valley Water Board and Committee meetings (“Meetings”) by enhancing civility and decorum, and by ensuring the safety of those participating in those Meetings. Valley Water seeks to avoid an atmosphere in Meetings that: is uncivil, threatening, and disrespectful; stifles public participation and debate; threatens the quality of decision making; or otherwise undermines the democratic process. To those ends, this Ordinance preserves the rights of other members of the public at the meeting and allows the Board and its committees to continue their work on behalf of the public.

SECTION 2. DECORUM AT MEETINGS

Meetings must, at all times, be conducted in an orderly and non-threatening manner to ensure the public has a full opportunity to be heard and that the Board may engage in the deliberative process.

SECTION 3. RULES OF MEETING DECORUM

While a Meeting is in session, the following rules of order and decorum must be observed:

- a. Persons in the audience will refrain from behavior which will disrupt the Meeting so as to render the orderly conduct of such Meeting unfeasible. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the Meeting. Audience members must also refrain from creating, provoking, or participating in any type of disturbance involving unwelcomed physical contact or other actions that could reasonably be construed as promoting or participating in violence.
- b. To ensure orderly conduct, Meeting participants must wear clothing covering the upper body, lower body, and feet.
- c. All persons attending the Meeting must remain seated in their seats unless addressing the Board at the podium or waiting in line to do so or when entering or leaving the Meeting.

- d. Persons in the audience must not place their feet on the seats in front of them.
- e. No person may bring any food, drink (other than drinks in reusable bottles with a cap) or chewing gum into the Board Room, Committee Room(s) and designated meeting room(s), except as otherwise pre-approved by Valley Water's Clerk of the Board.
- f. All persons entering the Board Room, Committee Room(s) and designated Meeting room(s) and their effects, including but not limited to their bags, purses, briefcases, and similar belongings are subject to search.
- g. All persons attending the meeting must obey any lawful order of the Board/Committee Chair to enforce any provision of this Ordinance.
- h. Objects or other materials must not obstruct the view of others or be used to disturb the orderly conduct of the Meeting.

SECTION 4. RULES REGARDING SIGNS, BANNERS AND OTHER MATERIALS

To ensure the safety of participants of the Meeting, audience members may not bring signs, banners or other materials ("Materials") into the Board Room, Committee Room or designated Meeting room, unless all of the following are met:

- a. Materials are no larger than 2 feet by 3 feet;
- b. No sticks, posts, poles, or other like items are attached to the Materials;
- c. Materials will not likely pose a building maintenance problem, a fire safety hazard, or a physical threat to others; and
- d. Materials do not impede the movement of other Meeting participants.

SECTION 5. PROHIBITED OBJECTS

No audience member may bring objects that are reasonably deemed a physical threat to the Meetings. Audience members must not bring to Meetings: firearms (including replicas and antiques) and their carriers (whether empty or not); toy guns; explosive material and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers; scissors; razors, scalpels, box cutting knives, and other cutting tools; letter openers; corkscrews; can openers with points; knitting needles and hooks; hairspray, pepper spray, and aerosol containers; tools that could reasonably be wielded as weapons; glass containers; large backpacks, suitcases, and bags; or other objects that Valley Water security staff or law enforcement personnel construe in their professional judgement as a weapon or security risk.

SECTION 6. ENFORCEMENT

This Ordinance will be enforced in the following manner:

- a. Audience members found to be in possession of a prohibited object (as defined in Section 5 hereof) will be asked to secure the prohibited object offsite. Security personnel will manage

prohibited items during the Meeting as appropriate. If the audience member refuses to comply, the audience member will be denied entry to the Meeting.

- b. When the Board/Committee Chair becomes aware that a person is in violation of this ordinance, the Board/Committee Chair will order that person to abide by it. If, after receiving a warning from the Board/Committee Chair, the person persists in disturbing the Meeting, continuing to pose a safety threat or otherwise refusing to abide by this Ordinance, the Board/Committee Chair will order the person to leave the Meeting. If such person does not leave the Meeting, the Board/Committee Chair may direct the law enforcement officer assigned to the Meeting to remove that person from the Meeting.
- c. Pursuant to the California Water Code Appendix, Chapter 60, Section 9, it is a misdemeanor for any person to violate this Ordinance. Such violation is punishable by a fine not exceeding five hundred dollars (\$500), or imprisonment in the county jail not exceeding 30 days, or both that fine and that imprisonment.
- d. If a Meeting is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the Meeting may be adjourned or continued by the Board/Committee Chair or by a majority of the Board/Committee, and any remaining Board/Committee business may be continued to the next Meeting as may be allowed by the Ralph M. Brown Act (Government Code section 54950 *et seq.*).

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on April 12, 2022:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

By: _____
JOHN L. VARELA
Chair Pro Tem, Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk, Board of Directors

Michele King

Subject: FW: comment BPPC 4/5/2022 #4.2: Rules of Decorum

From: D. Muirhead <doug.muirhead@stanfordalumni.org>
Sent: Sunday, April 3, 2022 8:51 AM
To: Clerk of the Board <clerkoftheboard@valleywater.org>
Subject: comment BPPC 4/5/2022 #4.2: Rules of Decorum

Hello Board Policy and Planning Committee,

For your Meeting: 4/5/2022 Item #4.2: Rules of Decorum Ordinance

I sincerely hope that this meeting of BPPC indicates the Board is restoring regular order for developing policy and associated ordinances.

I am quite troubled that in spite of Board Member direction, staff again fails to provide existing policies of other agencies used to justify the contents of this ordinance and comparison with other policies that are less onerous and not so vague that they can be applied in an arbitrary manner. This same agenda item for the April 12 Board meeting suffers from the same deficiencies.

The CEO and Security Manager are dividing your world into a group of people like themselves who are considered "worthy" and all other residents of Santa Clara County who are your constituents and customers but who they deem "unworthy".

I am quite fond of the protections enshrined in the Bill of Rights. Since staff is proposing to treat violations of this ordinance with fines and jail time, I would point out that this ordinance reverses presumption of innocence and ignores probable cause.

Ambiguity remains as to what conditions must exist in order for law-abiding persons to be subject to search of their persons and possessions. As a person on the receiving end of these "rules", I find that rather than seeking to "avoid an atmosphere", it in fact creates such an atmosphere. But lets see if we can know in advance who gets searched and when.

Before entering designated meeting rooms all persons and their belongings are subject to search.

So Board members will be searched? The CEO and Security Manager? Other District employees? Members of partner agencies? Elected officials? USACE officers? Given the people I expect you to exempt, why should I not see the remainder of us as having these rules applied in an arbitrary manner.

What constitutes a search? Metal detector? Wandering? TSA-style pat-down? And unless these searches are applied unconditionally for all meetings,

what conditions apply that will trigger search requirements?

Not only do I reject that the list of prohibited items are "reasonably deemed a physical threat" by reasonable people, but staff then leaves completely open-ended the rejection of any objects that they construe "in their professional judgment as a weapon or security risk". Ambiguous and arbitrary.

Here is what VTA has to say on "What are the rules to ride bus and light rail":

It is unlawful for any person to possess any of the following items on a bus, train or transit facility:

- Any firearm
- Any imitation firearm as defined in California Penal Code Section 417.4
- Any instrument that expels a metallic projectile, such as a BB or pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot marker gun or paint gun
- Any metal military practice, metal or plastic replica hand grenade
- Any unauthorized tear gas weapon
- Any undetectable knife, as described in CPC Section 17290.

Staff "improved" the banned items list by replacing "bottled water" with "no drink (other than drinks in reusable bottles with a cap)". A coffee travel cup is not a reusable bottle. Still no "large backpacks". How large is large? I carry my laptop in one. Other people have those document carriers on wheels.

Given the number of vehicle break-ins making news these days, I would expect people who came in cars would prefer to keep their important property with them and not out of sight in the lot. And I take no comfort in "Security personnel will manage prohibited items during the Meeting as appropriate." If you are going to not trust me without cause, why would I trust you?

You are allowing at least one firearm into the room without any rules of engagement. Thoughtful police agencies are looking at ways to de-escalate situations rather than employing force.

If you must destroy the current culture of the Board meetings, you could choose to not force this on Committee meetings which are currently collegial and collaborative.

If Board members and staff feel they are under significant threat, you could physically partition the room.

You say you have the power to "impose a limitation on the public's right of access to the meetings of public bodies". But you could instead start with the intent of the Ralph M. Brown Open Meeting Act and seek a solution that does not treat your constituents as enemies.

Thank you for your consideration, Doug Muirhead, Morgan Hill



MEMORANDUM

FC 14 (08-21-19)

TO: Board Policy and Planning Committee

FROM: Alexander Gordon,
Assistant Officer

SUBJECT: Valley Water Rules of Decorum

DATE: April 4, 2022

Valley Water has developed a draft ordinance for rules of decorum during Board and Committee Meetings, within the Valley Water Board Room. The draft ordinance is modeled from the City of San Jose and the County of Santa Clara's rules of decorum. Valley Water's public meetings are conducted within jurisdictional boundaries of San Jose within Santa Clara County, serving the same constituents.

Attached are two documents that capture the rules of decorum from the following jurisdictions as reference:

- City of Los Altos
- City of San Jose
- City of Santa Clara
- City of Cupertino
- Town of Los Gatos
- City of Milpitas
- City of Morgan Hill
- City of Palo Alto
- County of Santa Clara
- City of Saratoga
- City of Morgan Hill

During the 3/22/2022 Valley Water Board Meeting, concerns were brought up regarding the specific items categorized as prohibited, comparison to Travel Security Administrations prohibited items, applicability of prohibited items to Board Members and staff, and the reference to "boisterous language". These concerns have been addressed in the updated board memo and draft ordinance for the 4/12/2022 Board Meeting (Agenda Item 10.1).

Thank you.

DocuSigned by:

Alexander Gordon

Assistant Officer

Emergency, Safety and Security Division

(Rick Callendar, Tina Yoke, James Randol)
(040522 BPPC Conduct Files.pdf, City of Mountain View PG 38.pdf)

ORDINANCE NO. 05-288

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING THE LOS ALTOS MUNICIPAL CODE BY ADDING A NEW CHAPTER 2.05 TO ADDRESS WILLFUL INTERRUPTIONS OF PUBLIC MEETINGS AND RULES FOR CONDUCT

WHEREAS, the City Council of the City of Los Altos finds and determines that the adoption of reasonable standards, restrictions, and requirements concerning the conduct of public meetings will serve the public interest and are necessary to provide orderly and efficient public meetings; and

WHEREAS, the ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended ("CEQA"), and the guidelines promulgated thereunder and, further, said Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. The Los Altos Municipal Code is hereby amended by adding a new Chapter 2.05 to read as follows:

Sec. 2.05.010 Interruptions and rules for conduct.

Understanding that the purpose of the City Council meetings is to conduct the people's business for the benefit of all the people, in the event that any meeting of the City Council is willfully interrupted by a person or group of persons so as to render the orderly conduct of the meeting impossible, the Mayor, Mayor Pro Tem or any other member of the City Council acting as the chair, may order the removal of the person or persons responsible for the disruption and bar them from further attendance at the Council meeting, or otherwise proceed pursuant to Government Code §54957.9 or any applicable penal statute or City ordinance.

Sec. 2.05.020 Definition.

For purposes of this chapter, unless otherwise apparent from the context, certain words or phrases used in this chapter are defined as follows:

"Willfully interrupt" includes, but is not limited to, doing any of the following after being directed by the chair to cease and being warned that continuing to do so will be a violation of law:

- (A) Addressing the City Council without first being recognized.
- (B) Persisting in addressing a subject or subjects other than that before the City Council.

- (C) Repetitiously addressing the same subject.
- (D) Continuing to speak after the allotted time has expired.
- (E) Failing to relinquish the podium when directed to do so.
- (F) Failing to sit down when directed to do so.
- (G) As a speaker, interrupting or attempting to interrupt members of the City Council or members of the City staff.
- (H) From the audience, interrupting or attempting to interrupt, a speaker, members of the City Council or members of the City staff, or shouting or attempting to shout over a speaker, members of the City Council or members of the City staff, or displays such as clapping, stamping, loud talking, hissing and booing.

Sec. 2.05.030 City Council Rules for Conduct.

A. The City Council may establish rules for the conduct of its proceedings by resolution or an action of the City Council in accordance with state law.

B. Nothing in this Chapter or any rules of conduct that may be adopted by the City Council shall be construed to prohibit public criticism of the policies, procedures, programs or services of the City or of the acts or omissions of the City Council or City staff.

Sec. 2.05.040 Violation.

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first (31st) day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on September 27, 2005 and was thereafter, at a regular meeting held on October 11, 2005 passed and adopted by the following vote:

AYES: COLE, PACKARD, CASAS
 NOES: MOSS, LEAR
 ABSENT: NONE


 David Casas, MAYOR

Attest: 
 Susan Kitchens, CITY CLERK



City Council Meeting Amended Agenda

Tuesday, March 22, 2022

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/99346843938>

**SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10**

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.

BUILDING A COMMUNITY OF TRUST IN THE CITY OF SANTA CLARA BEHAVIORAL STANDARDS FOR PUBLIC MEETINGS

APPROVED BY CITY COUNCIL JANUARY 12, 2010

Six *Good Government Guiding Principles* are critical to public trust in the City of Santa Clara and are integral to the work of the City Council and all who seek to be *at their best* as they do the people's business and make sustainable decisions in the City's best long-term interests.

Fundamental to good government are public meetings where every person feels safe, welcome, respected, and free to address their government directly on matters under the government's jurisdiction. Only by engaging in robust public discussion in an organized and orderly way will the City make its best decisions and create a *community of trust*.

GOOD GOVERNMENT GUIDING PRINCIPLES

We foster public trust when we:

1. Honor the spirit and the letter of the law.
2. Treat everyone equitably and respectfully.
3. Do the greatest good and the least harm.
4. Impose the lightest burden possible.
5. Fulfill our duties and protect personal rights.
6. Act only in the community's best interests, guided by the City's Code of Ethics & Values.



City of Santa Clara

At Our Best Every Day For Public Trust

ETHICAL • PROFESSIONAL • SERVICE-ORIENTED • FINANCIALLY RESPONSIBLE • ORGANIZED • COMMUNICATIVE • COLLABORATIVE • PROGRESSIVE

The behavioral standards, listed below, reflect best practices for City meetings and are consistent with the *Good Government Guiding Principles*. The behavioral standards treat everyone with respect, protect diverse viewpoints, welcome divergent methods of expression, encourage robust discussion, and allow the people's business to be done in an efficient and consistent manner, free of disruptions, disorderly conduct, or anything else that impedes the work of the Council/Commission/Committee (i.e., the Body).

1. Every person has the right to address the Body on the agenda item under consideration or under public comment. Speakers are free to criticize policies, procedures, programs, and services, as well as acts and omissions, of the City, the legislative Body, and City staff. Speakers will seek to present information truthfully, and will not knowingly misrepresent, mischaracterize, or misquote others. Comments should be directed to the presiding Body, not to staff, the audience, or others.
2. Every person's right to comment is always respected, even if that opinion differs from the opinion of other speakers or the Body. Speakers who address matters not under the Body's jurisdiction will be so informed and referred to the appropriate agency.
3. If anyone engages in conduct which disturbs, disrupts, or otherwise impedes the orderly conduct of any meeting, the Mayor or meeting Chair (the "presiding officer"), or a majority of the Body, shall have the discretion to ask to stop the disruptive behavior. The presiding officer will only interrupt if the behavior is disturbing or disrupting the meeting or otherwise impeding the work of the Body. Behavior with the potential to disturb, disrupt or otherwise impede the meeting includes the following:

- a. Impertinent, slanderous, or profane remarks to any member of the Body, staff, the public, or others
 - b. Disparaging an individual, group, or their associates on the basis of their ethnicity, race, gender, sexuality, age, disability, immigration status or religion
 - c. Loud, threatening, or abusive language, especially directed at individuals, causing fear, havoc, or similar reactions
 - d. Argumentative interruption of a speaker, the presiding officer, a member of the Body, staff, or meeting facilitator
 - e. Engaging in disorderly or boisterous conduct, including using loud, threatening or abusive language, whistling, clapping, stamping of feet, waving signs, or similar acts
 - f. Continuing to speak after exceeding a time limit and being asked to step down
4. Everyone, even persons disrupting a meeting, will be treated with equitability and respect. The presiding officer will issue a warning to stop the disruptive behavior. If the disruptive behavior continues, the presiding officer or a majority of the Body will take action to regain order and to continue the work of the Body.

Procedural Tips:

- Speakers may speak with or without notes, but many people find they make the best use of their time, communicate most clearly, and address items under the legislative Body's jurisdiction, if they have prepared their remarks ahead of time.
- Because of the number of items that may be on an agenda, individuals are invited to submit written comments to be included in the agenda packet. Written comments should be submitted to the City Clerk (for City Council meetings) by noon on the Wednesday prior to the meeting. If written material is presented to the Council for the first time at the Council meeting, speakers are asked to bring 14 copies for the Council and staff, and additional copies for the audience, if that is possible. (Commissions/Committees may have different deadlines, or may not have an agenda packet distributed in advance of a meeting; check with the Staff Liaison to the specific Commission/Committee you wish to address.)
- Each speaker will generally have three minutes to speak (certain meeting Bodies may have different time limits set by practice or procedure), unless the presiding officer announces at the start of the item that many people wish to address the item and each speaker will therefore have a shorter amount of time (for example, two minutes) to give as many people as possible the opportunity to speak.
- To facilitate the speaking process, the presiding officer may request that each speaker fill out a speaker card prior to the start of public comment on that agenda item and hand it to the City Clerk or another member of the City staff. The presiding officer will determine the order of the speakers, usually the order in which the cards are handed to the presiding officer. The presiding officer will announce the name of the speaker, who then comes to the podium. Time is indicated by the light system for meetings held in Council Chambers. The green light will turn to yellow when 30 seconds remains and to red at the end of the allotted time. When the buzzer sounds, the speaker promptly leaves the podium to allow equal time for the next speaker. If someone wishes to speak but does not choose to fill out a speaker card, they will still be provided with an opportunity to speak after those who filled out cards have spoken, and will also be subject to the time limit. Other Commissions/Committees may follow slightly different processes; for guidance, check with the Staff Liaison to the specific Commission/Committee you wish to address. For meetings held in locations other than Council Chambers, the presiding officer may appoint a timekeeper.

COMMISSIONER'S HANDBOOK



CUPERTINO

2021


WELCOME AND ORIENTATION

Welcome and thank you for your willingness to serve as a member of a City of Cupertino Commission. Advisory bodies play an important role in City governance by assisting the City Council in addressing specific issues in detail and facilitating community decision-making.

The City of Cupertino has a number of advisory bodies, each with distinct responsibilities. As a new advisory body member, you should familiarize yourself with the documents governing your particular body including City ordinances, City Council resolutions, relevant element(s) of the General Plan, and other documents, all available from your staff liaison. Reviewing these documents will help you get a sense of your responsibilities.

This Handbook is designed to serve as a reference for the basic protocols that apply generally to all City advisory bodies. Orientation is necessarily an active process. As a new member you may want to meet with the Chair of your advisory body to get a better sense of your role and the business of the body, as well as with the staff liaison assigned to the body. Along with familiarizing yourself with your advisory body's foundational documents, you may want to review agendas and minutes from recent meetings to see what current issues have been under consideration, as well as the City Work Program to familiarize yourself with current goals.

Learning your role and developing an effective voice takes time and familiarity. We hope this Handbook will assist you towards a satisfying and productive experience. Your participation is deeply appreciated by the City Council, by city staff, and by your community. The vitality and strength of our community results from the willingness of people like you to serve.



Darcy Paul, Mayor
City of Cupertino

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THE STRUCTURE OF GOVERNMENT

A. FORM OF GOVERNMENT

The City of Cupertino operates as a general law city with a City Council-City Manager form of government where the City Council sets policy and the City Manager manages the implementation and administration of those policies.

B. CITY COUNCIL

The City Council is the governing legislative body of the City, consisting of five members elected in odd numbered years to staggered four-year terms. These councilmembers then elect the mayor and vice mayor to one-year terms. It sets goals and priorities and establishes policies. The Mayor is the presiding officer of the Council, and the official spokesperson and representative of the City.

C. CITY MANAGER AND STAFF

City Manager

The City Manager has complete responsibility and authority for the administration of the City's government. This individual is appointed by and serves at the pleasure of the Council and is the appointing authority for the City, selecting the department heads and other employees. The City Manager coordinates and directs the services of the City staff, and commissioners should not attempt to direct or prioritize work for departments or individual staff.

City Clerk

The City Clerk plays an important role for advisory bodies. The City Clerk accepts and maintains applications, processes appointments, updates membership rosters, bylaws, informational booklets, and yearly attendance records. The City Clerk is the filing officer for Statements of Economic Interests, and any other required filing as identified by the City Council and the State.

Staff

When assigned by the City Manager, staff assist and act in a technical advisory capacity to the commissions. It is not expected that every staff recommendation will be followed; however, because of the staff's technical knowledge, full consideration should be given to their recommendation. Staff are at liberty to make their recommendation to the City Council through the City Manager, even though the commission may have taken a different position. However, in these cases, the commission recommendation will be made clear to the City Council.

Staff Liaison

A staff liaison is assigned to each commission. Their main duties include facilitating meetings, preparing agendas, advising commissioners, and writing

meeting minutes. Commissioners should reach out to their liaison if they have any questions regarding matters of the commission or if they would like to contact other staff regarding official business.

D. COMMISSIONS

The primary purpose of the City's commissions is to serve as advisory bodies to Council by weighing public input and rendering recommendations to the City Council. There are times when the advisory body's recommendation will not be sustained or will be modified by the City Council. It is important to recognize this not as a rejection of the integrity of the recommendation, but as an inevitable part of the process of community decision-making. The Council has appointed commissioners as advisors to them. This underlying philosophy makes it improper for an individual commissioner, acting in their official capacity, to try to persuade the Council into the acceptance of a recommendation other than that voted by the majority of the commission. The role of a commission is to assist the City Council in the formation of policy, having been created for the purpose of advising. The scope of work, purpose, and other primary functions for each commission can be found in the City [Municipal Code Chapter 2.](#)

Chair and Vice Chair

Each year, every commission will elect from its membership a Chairperson (Chair) and a vice Chairperson (Vice Chair) who serve at the pleasure of the commission for a one-year term. The Vice Chair acts in this capacity when the Chair is not available.

The Chair should:

- Maintain order of the meeting, ensure respect for all opinions, protect commissioners, staff, and the public from personal attacks.
- Keep discussion focused on the issue at hand.
- Solicit opinions from commissioners. Encourage evaluation of new, tentative, or incomplete ideas. Discourage overly dominant commissioners from having disproportionate control over the discussion.
- Attempt to reach decisions expeditiously on action items. At those times when action would be premature, guide discussion toward a timeline or framework for responsible action.
- Set meeting rules early and make sure everyone abides by them without exception.
- Set an acceptable time limit for public testimony (generally three minutes per individual and 10 minutes per group) and stick to it. At the Chair's discretion, the public can interact with the members of the commission beyond the public-comment time limit in order to facilitate better communication of the agenda topic.
- Provide periodic written updates, approved by the full body, to Council regarding the status of their activities at least every six months.

COMMISSION MEMBERSHIP

A. QUORUM AND ATTENDANCE

A quorum consists of a majority of the members of the commission. A quorum is required to conduct business at any meeting whether it is a regular, adjourned, or special meeting. While it is expected that members be present at all meetings, the Chair should be notified if a member knows in advance that he/she will be absent. A member shall be considered removed from an advisory body under the following conditions:

- A member misses more than three consecutive meetings
- A member misses more than 25% of the advisory body's meetings in a calendar year ([Resolution 10-048](#))

B. VACANCIES

Vacancies are filled by appointment by the Council. Appointments made in the middle of a term are for the unexpired portion of that term. Council-appointed Alternates will automatically fill a vacancy.

C. RESIGNATIONS AND REMOVALS

If a member is unable to continue serving because of health, business requirements or personal reasons, a letter of resignation should be submitted to the City Council.

The position of any member is automatically vacated when the member ceases to meet the qualifications for office, when Council accepts the member's resignation, or when the Council so declares.

MEETINGS

A. REGULAR MEETINGS

Commissions are required to hold regular meetings open to the public as provided by the enabling ordinance. The agenda for this meeting must be posted at least 72 hours prior to the meeting.

B. ADJOURNED MEETINGS

If the business to be considered at a regular meeting cannot be completed, the commission then may designate a time and date for an adjourned meeting.

C. SPECIAL MEETINGS

A special meeting may be called by the Chair or a majority of the members with coordination with the staff liaison.

D. SUBCOMMITTEES

The Chair may appoint special subcommittees of less than a quorum of the commission who then may meet at their convenience to carry out the purpose of the subcommittee. If the subcommittee has a continuing subject matter or a regularly scheduled meeting time, it may qualify as a [Brown Act](#) committee and public notice provisions will apply.

E. AGENDAS

Each commission has a staff liaison responsible for preparing agendas in consultation with the Chair. If a commissioner or staff member intends to bring up an item for discussion or action, the item must be included on the agenda in accordance with the Brown Act. For each meeting, a date should be scheduled for the Chair and staff liaison to set the agenda. Commissioners can propose agenda items within the purpose of the commission to the staff liaison prior to the agenda setting date.

Future Agenda Setting

The staff liaison will maintain a list of future agenda items that the commission plans to discuss. The Chair, the staff liaison, or any two commissioners can add an agenda item within their purpose to the future agenda item list and it will be scheduled at the discretion of the Chair and staff liaison. To provide commissioners an opportunity to discuss whether to add an item to the future agenda item list, each regularly-scheduled agenda will include a "Future Agenda Setting" item. Once an item is added to the future agenda item list, it cannot be removed until it is discussed for removal at a regularly scheduled meeting during the item for "Future Agenda Setting." In addition, the item will not be removed if the Chair or at least two commissioners wish for the item to remain on the future agenda item list.

Staff Updates and Commissioner Activity Report

Each regularly scheduled agenda will also include a "Staff Updates and Commissioner Activity Report" item for staff to report on updates and the members to report any activities they have taken part in related to the commission since the prior regularly scheduled meeting.

F. PREPARATION FOR MEETINGS

- Thoroughly review the agenda packet, including agenda reports, and any other materials *before* the meeting. Check if you may have a conflict of interest with any of the items due to property or monetary interests. If it is unclear, the commissioner

can explain the situation to the staff liaison who can seek legal counsel from the City Attorney. For more information on conflicts of interest, please review [the Fair Political Practices Commission \(FPPC\) Conflicts of Interest Rules](#).

- Understand what action you are being called upon to take for each particular agenda item.
- Contact the Chair or your staff liaison before the meeting to clarify questions about the agenda or request further information.
- Understand the responsibilities of your commission. As a member of an advisory body you will be asked to provide recommendations to the City Council about specific issues. Keep in mind that your appointment does not empower you to supervise or direct City staff.

G. MINUTES

The approved minutes are placed on file by the City Clerk for public access. Commissions should strive to keep summary minutes as opposed to action minutes. If automatic transcription is made available to supplement official minutes, action minutes may be sufficient.

H. PROCEDURE

Commissions follow the guidelines on parliamentary procedure contained in [Rosenberg's Rules of Order](#) (Rules). These Rules outline how motions are made and the basic format for an agenda item discussion.

I. DECORUM AT MEETINGS

- Discourage outward signs of agreement or disagreement from the audience such as cheering or clapping. Such demonstrations can intimidate those wishing to express alternate views and delay the meeting. Also see Conduct of Members in the [Cupertino Ethics Policy](#).
- Limit your own comments to the issues before the commission. Avoid the appearance of straying from the subject or "grandstanding".

J. BASIS FOR YOUR DECISION

Commission decisions should be based principally on the information presented to you in the open public meeting process. If you collect pertinent information outside of the public process through a meeting with stake holders or site visits, you should share that information with your fellow commissioners in the public meeting. This sharing of information will ensure that other commissioners and members of the public have a better understanding of the rationale for your decision.

Commissioners are free to meet or refuse to meet with residents, resident groups,

see the City's [Social Media Policy](#). For questions about City outreach, speak with your staff liaison.

B. USE OF CITY EMAIL

All newly appointed City commissioners will be assigned a mandatory City email address after reviewing and signing the [Technology Use Policy](#).

As noted under the Brown Act, care should be taken with regard to emails. Never select "Reply All" to an email to all commissioners or forward an email sent to you by one commissioner to another commissioner since that would constitute a quorum. All questions and concerns should be directed to the Chair and staff liaison.

All City emails are subject to the Public Records Act and you should use your City email only to conduct City business as a commissioner. Please do not forward or reply to a City email from your personal email address. Once your term on the commission is over, your City email will be terminated.

RESOURCES

Commissioners should familiarize themselves with the following resources:

City policies relating to ethics, social media, commissions, diversity, and technology, as well as the City organizational chart, a Rosenberg's Rules of Order cheat sheet, and guidance on imposed restraints, can be found online in the [Commission Resources folder](#).

League of California Cities

[Rosenberg's Rules of Order, Brown Act, Public Records Act, and other resources](#)

Institute for Local Government

[Parliamentary Procedure Simplified](#)

[Ethics and Transparency](#)

developers or prospective contractors or any persons outside of the public meeting process concerning issues before the commission. If you meet with any individuals outside of the public meeting you should disclose the content of that meeting in the public meeting to again ensure that everybody is aware of the facts and have similar information upon which to base their decision; this disclosure is required for quasi-judicial matters¹.

All governmental procedures and process must follow due process and allow an affected party a right to be heard, and to present controverting fact or testimony on the question of right in the matter involved. Unfair determinations, such as bias, predetermination, refusal to hear, etc., may invalidate actions.

Keep an open mind. An objective, balanced, and receptive approach will help you assess the facets of a given issue and evaluate new ideas. When receiving written and oral public testimony it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those which are secondary to the issue at hand. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgment or take a position.

CITY WORK PROGRAM

The City Council approves an annual City Work Program to guide the work of the City. Prior to the first draft of the City Work Program each year, staff will reach out to the commissions to ask for recommendations of items to add. These recommendations will be provided to the City Council for consideration, but ultimately the City Council will determine the final items on the City Work Program. Commissions support City Work Program items within their scope by reviewing the items and making recommendations to City Council. Since the City Council sets the City Work Program to guide the priority efforts in the City, commission agendas should be aligned accordingly. By August 15, each commission should provide an annual report of all of the topics the commission has addressed in the prior year.

COMMUNICATIONS

A. STAYING INFORMED

Commissioners should sign up for City email notifications to stay informed of various community events and public meetings. Council encourages commissioners to attend at least two community meetings or meetings of other commissions each year.

The City uses social media outlets, surveys, email notifications, the Scene, and the City website to perform outreach for City business. For appropriate conduct on social media,

¹ More information on quasi-judicial proceedings can be found in the Imposed Restraints document in the [Commission Resources folder](#).



**TOWN OF LOS GATOS
COUNCIL MEETING AGENDA* **AMENDED**
DECEMBER 21, 2021
TELECONFERENCE
LOS GATOS, CA**

*Rob Rennie, Mayor
Maria Ristow, Vice Mayor
Mary Badame, Council Member
Matthew Hudes, Council Member
Marico Sayoc, Council Member*

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the "Verbal Communications" period, by following the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Town Council meeting.

Effective Proceedings: The purpose of the Town Council meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town's meeting guidelines while attending Town Council meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Town Council without first being recognized; interrupting speakers, Town Council or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject. Disruption of the meeting may result in a violation of Penal Code 403.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Clerk's Office no later than 3:00 p.m. on the day of the Council meeting.
- Persons wishing to submit written comments to be included in the materials provided to Town Council must provide the comments as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Thursday before the Council meeting
 - For inclusion in any Addendum: by 11:00 a.m. the Monday before the Council meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the Council Meeting

***Town Council Meetings Broadcast Live on KCAT, Channel 15 (on Comcast) on the 1st and 3rd Tuesdays at 7:00 p.m.
Rebroadcast of Town Council Meetings on the 2nd and 4th Mondays at 7:00 p.m.
Live & Archived Council Meetings can be viewed by going to:
www.LosGatosCA.gov/TownYouTube***

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

TOWN OF LOS GATOS
COUNCIL MEETING AGENDA* AMENDED
DECEMBER 21, 2021
TELECONFERENCE
7:00 PM

***IMPORTANT NOTICE**

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, this meeting will not be physically open to the public and the Council will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below).

***PARTICIPATION**

To provide oral comments in real-time during the meeting:

- **Zoom webinar:** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join.
<https://us02web.zoom.us/j/89468766147?pwd=a2NNL0NmWEJVMdZUcmhYUEJQWWpZdz09>. Passcode: 163437. You can also type in 894 6876 6147 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636-651-0008 US Toll. Conference code: 969184

When the Mayor announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.

When called to speak, you will be asked to provide your full name and your town/city of residence. This identifying information is optional and not a requirement for participation. Please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for speakers at a Council meeting. If you wish to speak to an item or items on the Consent Calendar, please state which item number(s) you are commenting on at the beginning of your time.

If you are unable to participate in real-time, you may email to PublicComment@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment) or “Verbal Communications – Non-Agenda Item.” Comments received by 11:00 a.m. the day of the meeting will be reviewed and distributed before the meeting. All comments received will become part of the record.

RULES OF DECORUM AND CIVILITY

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is not limited to:

- addressing the town Council without first being recognized;
- interrupting speakers, Town Council, or Town staff;
- continuing to speak after the allotted time has expired;
- failing to relinquish the microphone when directed to do so;
- repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker.

Disruption of the meeting may result in a violation of Penal Code 403.

REMOTE LOCATION PARTICIPANTS

The following Council Members are listed to permit them to appear electronically or telephonically at the Town Council meeting: *MAYOR ROB RENNIE, VICE MAYOR MARIA RISTOW, COUNCIL MEMBER MARY BADAME, COUNCIL MEMBER MATTHEW HUDES, and COUNCIL MEMBER MARICO SAYOC.* All votes during the teleconferencing session will be conducted by roll call vote.

MEETING CALL TO ORDER

ROLL CALL

BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS *(Appoint applicants to the vacant positions on Town Boards, Commissions, and Committees.)*

- | | |
|---|-----------------------------|
| - Arts and Culture Commission (ACC) | (4 vacancies, 5 applicants) |
| - Building Board of Appeals (BOA) | (2 vacancies, 0 applicants) |
| - Community Health and Senior Services Commission (CHSSC) | (4 vacancies, 2 applicants) |
| - Complete Streets and Transportation Commission (CSTC) | (3 vacancies, 5 applicants) |
| - Finance Commission (FC) | (1 vacancy, 3 applicants) |
| - General Plan Committee (GPC) | (1 vacancy, 1 applicant) |
| - Library Board (LIB) | (2 vacancies, 5 applicants) |
| - Parks Commission (Parks) | (3 vacancies, 3 applicants) |
| - Personnel Board (Personnel) | (2 vacancies, 1 applicant) |
| - Planning Commission (PC) | (2 vacancies, 3 applicants) |

COUNCIL / MANAGER MATTERS

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Council may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Mayor asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 2 of this agenda. If an item is removed, the Mayor has the sole discretion to determine when the item will be heard.)*

1. Approve Draft Minutes of the December 2, 2021 Closed Session Town Council Meeting.
2. Approve Draft Minutes of the December 7, 2021 Town Council Study Session.
3. Approve Draft Minutes of the December 7, 2021 Town Council Meeting.
4. Adopt a Resolution Reaffirming Resolution 2021-044 Regarding Brown Act Compliance and Teleconferencing and Making Findings Pursuant to Government Code Section 54953, as Amended by Assembly Bill 361, During the COVID -19 Pandemic.
5. Authorize the Town Manager to Take All Necessary Steps and Execute Appropriate Documents to Participate in the Opioid Settlement Agreements with the Distributors and Janssen and Agree to the State Subdivision Agreements.
6. Adopt A Resolution Delegating Authority to the Town Manager to Settle Claims, Pending Actions and Workers' Compensation Claims Against the Town That Do Not Exceed Fifty Thousand Dollars (\$50,000).
7. Consider a Request for an Exception to the Height Pole and Netting Policy to Allow an Alternative to Standard Story Pole Installation to Illustrate and Provide Notice of the Proposed Project on Property Zoned R-1:8 Located at 445 Los Gatos Boulevard. APN 510-47-038. Property Owners/Applicants: Nam and Nikki Nguyen.
8. Adopt Council Committee Appointments Effective January 1, 2022.
9. Adopt a Resolution Making Determination and Approving the Reorganization of an Uninhabited Area Designated as El Gato Lane No. 5, Approximately 0.789 Acres on Property Pre-Zoned R-1:8. APN 523-22-010. Annexation Application AN21-003. Project Location: **15605 El Gato Lane**. Property Owner/Applicant: Natasha Malisic.
10. Receive the Town Finance Commission Recommendation and Authorize the Town Manager to Execute a Three-Year Agreement with Chavan & Associates, LLP to Provide Auditing Services for the Town of Los Gatos in Amount Not to Exceed \$117,000.
11. Fiscal Year 2021/22 Street Repair and Resurfacing Project (CIP Number 811-9901):
 - a. Approve the Proposed Street List; and
 - b. Authorize the Town Manager to Execute a Cost Share Agreement with the City of Campbell in an Amount Not to Exceed \$335,000.
12. Review the Local Roadway Safety Plan Progress Report.
13. Reaffirm Town Council Code of Conduct Policy.
14. Authorize the Town Manager to Execute an Agreement with The Advantage Group to Continue to Administer Retiree Health Contribution Reimbursements in an Amount Not to Exceed \$57,500.
15. Corporation Yard Building Replacement Project (CIP No. 821-2302):
 - a. Authorize the Town Manager to Approve the Project Plans and Specifications; and
 - b. Authorize Advertising the Project for Bid; and
 - c. Authorize the Town Manager to Award and Execute a Construction Agreement in an Amount not to Exceed \$763,776, Including Contingencies and change orders; and Authorize Staff to Execute Future Change Orders in an Amount Not to Exceed Fifteen Percent of the Contract Award Amount; and
 - d. Authorize the Town Manager to purchase a Prefabricated Steel Storage building from Empire Steel Buildings in an amount not to exceed \$103,939 for the Corp Yard; and
 - e. Authorize the Town Manager to Execute Third Amendment to Agreement for Consulting Services with Cuschieri Horton Architects to Extend the Agreement Expiration Date to 12/31/22; and

- f. Authorize an Expenditure Budget Adjustment to the Corporation Yard Building Replacement Project in the Amount of \$135,981 from Available General Fund Appropriated Fund Reserve.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda, consistent with the Participation Instructions contained on Page 2 of this agenda. To ensure all agenda items are heard and unless additional time is authorized by the Mayor, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per speaker. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items consistent with the Participation Instructions contained on Page 2 of this agenda.)*

16. Battery Power Supply – Library (Project 821-2505)
 - a. Authorize the Town Manager to Execute an Agreement for Consultant Services with AMS Electric LLC, dba Prime Electric LLC for a Design-Build Project to Install a Battery Storage System to Provide Backup Power at the Library in an Amount Not to Exceed \$513,000; and
 - b. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$300,000 to Recognize Receipt and Expenditure of the State Office of Emergency Services Community Power Resiliency Grant Funds (421-821-2505-43415 421-821-2505-824050; and
 - c. Authorize Revenue and Expenditure Budget Adjustments in the Amount of \$213,000 to Recognize Receipt and Expenditure of the Silicon Valley Clean Energy Grant Funds (421-821-2505-43529 421-821-2505-82405).
17. Annual Comprehensive Financial Report (ACFR):
 - a. Receive the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2021, and
 - b. Adopt a Resolution Confirming June 30, 2021 Fund Balances in Accordance Fiscal Year 2020/21 Final Audit and Town Council General Fund Reserve Policy.
18. Adopt a Resolution for the California Public Employees' Retirement System Retirement Plan to Waive the 180-Day Retiree Rehire Wait Period and to Appoint a Retiree as an Interim Town Attorney and Approve the Employment Agreement Between the Town of Los Gatos and the Interim Town Attorney.
19. Adopt a Resolution for the California Public Employees' Retirement System Retirement Plan to Waive the 180-Day Retiree Rehire Wait Period and to Appoint a Retiree as an Interim Finance Director.

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.)*

20. Consider Adoption of a 45-Day Urgency Ordinance to Implement Senate Bill 9 to Allow for Two-Unit Housing Developments and Urban Lot Splits in All Single-Family Residential Zoning Districts.

ADJOURNMENT *(Council policy is to adjourn no later than midnight unless a majority of Council votes for an extension of time).*

Writings related to an item on the Town Council meeting agenda distributed to members of the Council within 72 hours of the meeting are available for public inspection at the front desk of the Los Gatos Town Library, located at 100 Villa Avenue, and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Council at the meeting are available for review in the Town Council Chambers.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.



**City of Milpitas
City Council Procedures and Protocols
Handbook**

Council Approved on January 11, 2022

behavior which will disrupt the public meeting. This includes making loud noises, clapping, shouting, booing, hissing, or engaging in any other activity in a manner that disturbs, disrupts, or impedes the orderly conduct of the meeting. Disruptive or threatening behavior may result in removal from the Council meeting.

2. Only the presiding officer can interrupt a speaker during a presentation. However, a Councilmember can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Councilmember finds disruptive.
3. Time Limits for public comment:
 - a. Individual Speakers - 3 minutes or less as determined by the Mayor/presiding officer.
 - b. Organized group (in lieu of individual speakers) – up to 15 minutes, depending on the number of speakers represented and at the discretion of the Mayor.
 - c. The presiding officer may take a poll to determine number of speakers for each item and at his/her discretion, limit the amount of time allotted to the speaker(s) when needed.
4. Individuals who wish to speak should submit a speaker card to the City Clerk to be called up at the appropriate time. Each speaker may only speak once on an item and shall speak at the podium into the microphone and address the City Council. A speaker may also provide comments virtually if the meeting format allows virtual participation.
5. Written or photographic materials relevant to consideration of a matter may be submitted to the Council. Copies of such materials should be provided for the Mayor, Councilmembers, City Clerk, City Manager and City Attorney. The materials must be submitted to the City Clerk's Office by email to CityClerk@ci.milpitas.ca.gov by 12:00 p.m. on the day of the meeting, for distribution to the city officials in advance of the meeting/hearing. The City Council retains discretion to accept or to reject new documentation furnished on the night of the City Council meeting/hearing. Accepted materials are retained by the City and become part of the official public record.
6. Wireless/Cellular telephones or any other telecommunications device should be in the silent mode or turned off during the City Council meeting. The Mayor and Councilmembers will not use cellphones or other telecommunications devices in Closed Session Council meetings.
7. Literature distribution or petition circulation is not permitted when the City Council is in session. Such activity may occur outside the meeting room, provided access is not blocked.

- c. The presiding officer then restates the motion "It has been moved and seconded that ..." and opens the floor to discussion and debate.
 - d. The presiding officer will recognize members who wish to comment on the motion. Only one "main motion" may be discussed at a time.
 - e. Once discussion has concluded, the presiding officer will "call for the question" and conduct a roll call vote.
 - f. The presiding officer will announce the result of the vote.
- 3. Unless state law requires otherwise, a majority vote is needed for the motion to pass. In the event of a tie vote, the motion does not pass.
 - 4. Subject to state law limitations and to the extent this Handbook does not address an issue of parliamentary procedure, Roberts Rules of Order shall apply. For example, even though Roberts Rules of Order permit a legislative body to reconsider or rescind prior actions, under due process the City Council cannot reconsider or rescind a quasi-judicial decision after the decision is final, in the absence of statutory authority to the contrary.
 - 5. The City Attorney serves as parliamentarian during City Council meetings. The role of the parliamentarian is advisory; the Chair has the power to rule on questions of order.

H. Continued Matters

- 1. Any matter may be continued to a subsequent meeting.
- 2. If the Mayor or Councilmember who was not present at a prior meeting has reviewed the relevant documents and minutes from the missed meeting and, if possible, reviewed the recording or webcast from the meeting, then he or she shall disclose those actions on the record at the beginning of the discussion of the item and may vote on the continued matter.
 - a. Exception: Continued Public Hearing. If a hearing is required for an agenda item, then the Mayor or a Councilmember shall not participate in the decision if that member was not present during the entire hearing from the time of its opening to the time of its close. (MMC § I-20-3.14.)

I. Public Participation

- 1. Members of the public are encouraged and invited to participate in the legislative process by submitting written comments before the meeting or speaking at a meeting.

It is the intent of these rules to allow everyone to be heard without fear of jeers or cheers that may discourage public participation. For this reason, these rules are taken seriously. Persons attending the meeting will refrain from

CITY OF MORGAN HILL

CITY COUNCIL POLICIES AND PROCEDURES

CP-97-01

SUBJECT: **RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS, PLACEMENT OF ITEMS ON THE AGENDA, AND MATTERS TO BE RECONSIDERED**

EFFECTIVE DATE: **May 7, 1997**

REVISED DATE(S): **July 25, 2018, February 5, 2020, February 17, 2021**

ORIGINATING DEPARTMENT: **CITY MANAGER**

SECTION 1 - SCOPE

- 1.1** These rules shall establish the procedures for the conduct of all meetings of the City Council of the City of Morgan Hill. The purpose of these rules is to provide procedures consistent with the Ralph M. Brown Act, establish procedures which will be convenient for the public, be fair to all members of the City Council, and contribute to the orderly conduct of City business.

SECTION 2 - MEETINGS

- 2.1** Open to Public: All meetings of the City Council, whether regular or special, shall be open to the public, unless a closed session is scheduled as authorized by law.
- 2.2** Regular Meetings: The City Council shall conduct its regular meetings at the time and place established by ordinance, if specified in the ordinance or resolution.
- 2.3** Review Status of Agenda at 10:00 p.m.: The City Council may review the agenda at 10:00 p.m. to determine if it will be able to conclude its business by 11:00 p.m. If, at 11:00 p.m., the City Council has not concluded its business, before continuing the meeting it shall review and discuss the status of the remaining agenda items and determine by majority vote whether to continue any remaining items to a future regular or special meeting, adjourn the meeting to another date and time, or extend the meeting beyond 11:00 p.m. as needed.
- 2.4** Special Meetings/Workshops: A special meeting and/or workshop may be called at any time by the Mayor or Presiding Officer of the City Council or by three members of the City Council. Written notice of any such meeting must specify the purpose of the meeting. Notice of the meeting must be made in accordance with the law.
- 2.5** Closed Sessions: The City Council may hold closed sessions during a regular or special meeting, or at any time authorized by law, to consider or hear any matter which is authorized by law. At times, Closed Sessions may have to be held in an order different than presented due to the timeliness of the matter, to save the City money when an outside attorney has been retained or due to the need for extra time to discuss and deliberate an important closed session item. Closed session items may be continued to the conclusion of the agenda.

speaker to limit discussion to the question before the City Council.

A motion-its nature or consequences-may be attacked vigorously. But 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 or Presiding Officer instantly to stop any member who engages in personal attacks. It is the motion, not its proposer, that is the subject of debate. Meetings must discuss measures and ideas, not people.

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

Debate must be fundamentally impersonal. All discussion is addressed to the Mayor or Presiding Officer and must never be directed to any individual.

e. Mayor's Duties During Debate:

The Mayor or Presiding Officer has the responsibility of controlling and expediting debate. 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 or Presiding Officer to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

SECTION 8. DECORUM

8.1 Council Members: Members of the City Council value and recognize the importance of the trust invested to them by the public to accomplish the business of the City. Council Members shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council.

8.2 City Employees: Members of 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.

8.3 Public: Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.

8.4 Noise in the Chambers: Noise emanating from the audience within the Council Chambers or lobby area, which disrupts City Council meetings, shall not be permitted.

8.5 Sergeant-at-Arms: The Chief of Police, or his/her designated representative shall be ex-officio Sergeant-at-Arms of the City Council.

SECTION 9. VIOLATIONS OF PROCEDURES

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

City Council Policy 97-01
Rules for the Conduct of City Council Meetings
Page 9 of 9

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

APPROVED:

DocuSigned by:

02FAF5B057884E7...

RICH CONSTANTINE, MAYOR



CITY OF PALO ALTO

CITY COUNCIL PROCEDURES AND PROTOCOLS HANDBOOK

Procedures and Protocols Approved 9/19/11

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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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 punishable as a misdemeanor and may lead to a person being removed from the Council meeting.ⁱⁱ

SECTION 2 – COUNCIL MEETING & AGENDA GUIDELINES

2.1 - Policy

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

2.2 – Purpose

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

2.3 - Summary of Guidelines

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

- A. ***Regular Meetings*** are conducted at City Hall on the first three Monday nights of each month, except during the Council's annual vacation. The meetings will begin at 7:00 p.m. Regular meeting agendas must be posted in the City Plaza by the elevators no later than 7:00 p.m. on the preceding Friday as required by the Brown Act. It is City policy to make every effort to complete and distribute the agenda and related reports by the preceding Wednesday. For major complex projects and policies, the City will make every effort to distribute these reports two weeks prior to the meeting when the item will be considered.

Once the agenda is posted, it shall also be uploaded to the City Council web page for use by the public. It is City policy to make every effort to complete and distribute the agenda and related reports by the preceding Wednesday. For major, complex projects and policies, the City will make every effort to distribute these reports two weeks prior to the meeting when the item will be considered.

- B. ***Special Meetings*** are "special" because the mayor or Council can call them on a minimum of 24 hours notice. 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

James Randol

From: Loyd Kinsworthy
Sent: Wednesday, March 23, 2022 9:14 AM
To: James Randol
Subject: Palo Alto Rules
Attachments: final-council-protocols-and-procedures-manual.pdf

Page 5 has a short blurb about it being illegal to disrupt a meeting with threats, etc. It is enforced via a muni code section (see Below). I saw nothing further in the document.

2.04.120 Decorum of council members and visitors.

(a) All council members must preserve order and decorum at all times during meetings. No council member shall, by conversation or otherwise, delay or interrupt council proceedings or any council member while speaking. All council members shall obey the orders of the presiding officer, except as otherwise herein provided.

(b) Any member of the public desiring to address the council shall first secure the permission of the presiding officer. No person, other than a council member and the person having the floor, shall be permitted to enter into any discussion or debate without the permission of the presiding officer.

(c) Any person who disrupts the conduct of a meeting or who makes threats against any person or against public order and security while in the council chamber shall be barred by the presiding officer from further attendance at the meeting before the council and shall be deemed guilty of a misdemeanor. The presiding officer's decision may be appealed to the full council by any council member.

(Ord. 4692 § 1 (part), 2001)

2.04.130 Enforcement of decorum.

The chief of police or the representative of the chief of police shall be ex officio sergeant-at-arms of the council. The ex officio sergeant-at-arms shall carry out all orders and instructions given him or her by the presiding officer for the purpose of maintaining order and decorum in the council chamber. Upon instructions of the presiding officer, it shall be the duty of the ex officio sergeant-at-arms or any police officer present to eject any such person from the council chambers or place him or her under arrest, or both.

(Ord. 4692 § 1 (part), 2001)

LOYD KINSWORTHY

SENIOR MANAGEMENT ANALYST

Security Office

Tel. (408) 630-2499 | Cell. (408) 489-2701

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RULES OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA CLARA, CALIFORNIA

Revised January 10, 2017

CHAPTER I

General Provisions

Section 1. These rules shall apply to the Board of Supervisors of the County of Santa Clara whether sitting as the Board of Supervisors of the County or as the governing board of any other government agency.

CHAPTER II

Board Meetings

Section 2. Pursuant to Government Code Section 25081, regular meetings of the Board, sitting as the Board of Supervisors of the County of Santa Clara and other special districts, shall be established by ordinance. Meeting commencement times for all meetings will be set from time to time by Ordinance of the Board of Supervisors. All meetings shall be held in the Chambers of the Board of Supervisors, County Administration Building, 70 West Hedding Street, in the City of San Jose, or in another location when notice has been duly posted in a conspicuous place and as otherwise may be required by law. If any regular meeting day falls on a holiday, the regular meeting of the Board of Supervisors will

CHAPTER IV

Order and Decorum of Board Meetings

Section 9. The Chairperson shall possess the powers and perform the duties prescribed as follows:

- (a) Have general direction over the Board Room and assign seats for the use of the members;
- (b) Preserve order and decorum; prevent demonstrations; order removed from the Board Room any person whose conduct actually disrupts, disturbs or otherwise interrupts the orderly conduct of a meeting; and order the Board Room cleared whenever s/he shall deem it necessary;
- (c) Assure that attendance of the public at meetings in the Board Room shall be limited to that number which can be accommodated by the seating facilities regularly maintained therein. Standees may be asked to leave when room capacity exceeds that maximum number set by the Fire Marshal;
- (d) Recess the meeting if deemed necessary due to disturbance.

Section 10. The Chairperson shall order removed from the Board Room any person who commits the following acts that actually disrupt, disturb or otherwise interrupt the orderly conduct of a meeting of the Board of Supervisors:

- (a) Disorderly, contemptuous or insolent behavior toward the Board or any member of the public or staff;

- (b) A breach of the peace, boisterous conduct or violent disturbance;
- (c) Disobedience of any lawful order of the Chairperson which shall include an order to be seated or to refrain from addressing the Board;
- (d) Any other unlawful interference with the due and orderly course of said meeting.

Section 11. In accordance with Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members may order the Chambers cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.

Any person so removed shall be excluded from further attendance at the meeting from which s/he has been removed, unless permission to attend be granted upon motion adopted by a majority vote of the Board, and such exclusion shall be effected by the Sergeant at Arms upon being so directed by the Chairperson.

Section 12. The Sergeant at Arms, who shall be a Deputy Sheriff, in attendance at the meeting when his/her services are commanded by the Chairperson, shall carry out all orders and instructions given by the Chairperson for the purpose of maintaining order and decorum at the meeting.

Section 13. Except with prior authorization of the Chairperson, no placards, signs or posters or packages, bundles, suitcases, balloons or objects larger than 2 feet by 3 feet shall be brought into the Board Room or other locations where the Board of Supervisors or its Committees and associated legislative bodies may meet. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, ice picks, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; and glass objects. Objects that are deemed a threat by the Chairperson to persons at the meeting or the facility infrastructure shall not be allowed. The Chairperson or County staff, including the Sergeant at Arms, are authorized to request removal of items and/or individuals from the Board Room or alternate meeting location if a threat exists or is perceived to exist. All persons entering the Board Room or alternate location, including their bags, purses, briefcases, backpacks, and similar belongings, are subject to search for weapons and other dangerous materials. No personal belongings or other items may be left unattended.

Notwithstanding the forgoing, signs and symbolic materials less than 2 feet by 3 feet are permitted provided that: (1) no sticks, posts, poles or similar objects are attached; (2) the items do not create a facility, fire, or safety hazard; and (3) persons with such items remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.

Section 14. Unless addressing the Board or entering or leaving the Board Room, all persons in the audience shall remain sitting in the seats provided. No person shall block the aisles or doorways.

Section 15. All demonstrations, including cheering, yelling, whistling, hand clapping and foot stamping are prohibited.

Section 16. Except with prior authorization of the Chairperson, the distribution of literature, of whatever nature or kind, is prohibited. If persons wish to distribute information on matters not on the agenda, they must present themselves at the appropriate time and receive permission from the Chairperson to distribute informational items covered under their one-minute presentation.

Section 17. Persons desiring to address the Board on any matter not listed on the agenda may do so pursuant to instructions on the printed agenda. The Chairperson may limit the number or duration of speakers on the matter.

Section 18. With respect to protocol and time limits on public presentations at meetings:

- (a) No person shall address the Board until s/he has first been recognized by the Chairperson. The decision of the Chair to recognize or not recognize a person may be changed by order of the Board. All persons addressing the Board may be asked to give their names and addresses for the purpose of the record but identification shall not be required (Government Code Sections 54953.3 and 54954.3). The Chairperson may, in the interest of facilitating the business of the Board, limit the amount of time which a citizen or group may use in addressing the

Board. Persons may be requested to return to their seats if they do not speak to the subject at hand, speak too long, or if their speech becomes irrelevant or repetitious because such disruptive conduct prevents the Board from accomplishing its business in a reasonably efficient manner and interferes with the rights of other speakers;

- (b) Pursuant to general law, the Board of Supervisors sets aside time during its regularly scheduled sessions when members of the public may address the Board on any matter that is not on the agenda for that day's meeting. The public is cautioned to note that the Board is legally prohibited from taking action on or engaging in a lengthy discussion of any matter that is not on the agenda except under rare circumstances. If Board action is requested, the matter can be placed on the next Board agenda. All matters that require a written response will be referred to Administration for a scheduled reply.
- (c) Persons who wish to address the Board on a matter that is not on the agenda shall limit their presentations as follows: three minutes if the Chairperson or designee determines that five or fewer persons wish to address the Board; two minutes if the Chairperson or designee determines that between six and fourteen persons wish to address the Board; and one minute if the Chairperson or designee determines that fifteen or more persons wish to address the Board;
- (d) Persons who wish to address the Board on a regularly scheduled item on the agenda shall complete and submit a form that is located on the speakers' podium. Groups of speakers who wish to make a presentation on a particular

item are asked to limit their presentation to a maximum of twenty minutes for each side of the issue. Individual speakers are requested to limit their comments to two minutes, subject to the discretion of the Chairperson;

- (e) The Board shall provide at least twice the allotted time to members of the public who utilize interpreters or translators, unless simultaneous translation equipment is utilized;
- (f) The above protocol and time limits set forth in subsections (a) through (e) above shall also apply to public comment during meetings of any legislative body established by the Board.

CHAPTER V

Rights and Duties of Members

Section 19. In order for a member to be recognized, s/he must first electronically request to be recognized for verbal comment through the Request to Speak Monitor. Once recognized by the Chairperson, the speaker shall confine his/her remarks to the question under debate and shall avoid personalities.

Section 20. Each motion made by any member of the Board shall require a second. Discussion on a motion shall not take place until the motion receives a second. Motions and seconds may be made by any member of the Board, including the Chairperson.

Section 21. A verbal roll call or electronic vote need not be called in voting upon a motion except where specifically required by law or requested by a member. The roll shall be called for the adoption

Commission Handbook

Revised August 2021



SARATOGA
California

Britt Avrit, Saratoga City Clerk

13777 Fruitvale Avenue, Saratoga CA 95070

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4. If the matter is an appeal, the appellant and/or representative gives opening remarks for up to 10 minutes; if the appellant is not the applicant then the applicant and/or representative gives opening remarks for up to 10 minutes

5. Members of the public are each allowed up to 3 minutes to express their opinions

If the matter is an appeal, the appellant and/or representative gives closing remarks for up to 5 minutes (if the appellant is not the applicant, the applicant and/or representative gives closing remarks before the appellant's closing remarks).

6. The Chair closes the Public Hearing, if the Commission has additional questions for the appellant or applicant after closing the public hearing then the other party must be given the opportunity to respond

7. Commissioners discuss and deliberate on item

8. Commission takes action

Public Comment

Any member of the public may comment on any item on the agenda. At every regular meeting, members of the public may address the Commission regarding items within the Commission's jurisdiction that are not on the agenda under the "Oral Communications" portion of the meeting agenda. A time limitation for each speaker, typically three minutes, may be imposed.

While Commissioners or staff are permitted to respond to any questions or to seek clarification concerning a point raised, it is imperative to note that the Brown Act specifically prohibits any public body from discussing or taking action on an item that is not listed on the agenda. If the Commission wishes to discuss an item raised during public comment, the topic should be agendaized for a future meeting.

Length of Meetings

In 2013, the City Council adopted a resolution (included in the appendix) establishing guidelines for the length of City Council and Commission meetings. The goal of the guidelines is to prevent meetings from extending beyond midnight. If a meeting runs till 10:00 p.m., the presiding officer should determine if the meeting will continue past midnight if all items on the agenda are heard. If the presiding officer believes that the meeting will not adjourn by midnight then the presiding officer should request a motion to continue a sufficient number of agenda items to the next regular meeting to allow the meeting to conclude by midnight.

Meeting Decorum

The City Council Norms of Operation (included in the appendix) provide some standards for meeting decorum that minimize disruptions and maintain a respectful environment. A summary of some of the meeting decorum standards is below:

- Persons in the audience shall be respectful of others and will refrain from behavior which will disrupt the public meeting. This includes refraining from:
 - Using electronic devices except in connection with the meeting;
 - Making loud noises, clapping, shouting, booing, hissing during public testimony and Council consideration of policy matters;
 - Engaging in any activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting; and
 - Creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- Interactions between the public and the Commission shall be courteous and respectful.
 - The public may not make any belligerent, personal, impertinent, irrelevant, redundant, slanderous, loud, threatening, abusive or disparaging remark, statement or commentary toward the Commission, staff or other individuals in a manner which disrupts, disturbs or otherwise impedes the orderly conduct of the meeting.
 - Any violation of this rule shall be grounds for terminating the person's comment period. If a member of the public fails to follow these rules after being warned once, the Commission may bar that individual from further testimony for the evening or remove the person from the meeting.
 - The Commission shall not be belligerent or make disparaging commentary toward any speaker.
 - Nothing in this section shall prohibit or discourage orderly criticism of any City decision or policy within the limits of these rules.
- During meetings, Commissioners should limit their use of computers or electronic devices to matters pertaining to the meeting and comply with the City's Electronic Communications Policy (for example, no e-mailing or other communication during the meeting except in cases of family emergencies). Commissioners should not base decisions on information acquired through the internet during a meeting unless the information and its source is shared with the entire Commission and the public as part of the meeting before the decision is made.
- All materials presented to the Commission, including written materials are public records subject to inspection in accordance with applicable laws.

WARNING
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**CITY OF MOUNTAIN VIEW
CITY COUNCIL
CODE OF CONDUCT**

**ADOPTED
NOVEMBER 19, 2002**

**REVISED
JANUARY 3, 2019**

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CHAPTER 1 – FORM OF GOVERNMENT

1.1 Form of Government

- 1.1.1 The City of Mountain View municipal government operates under a council-manager form of government as established by the City Charter.
- 1.1.2 Under this form of government, the Council provides legislative direction, sets City policy and monitors its execution by City staff. The City Manager serves as the City's chief administrative officer and is responsible for directing the day-to-day operations of the City.
- 1.1.3 The key provisions that outline Mountain View's council-manager form of government are found in Section 607 of the City Charter.

"Neither the Council nor any of its members shall interfere with the execution by the City Manager of the City Manager's powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the department heads in the administrative service of the City, of any person to any office or employment, or that person's removal therefrom. 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 subordinate of the City Manager, either publicly or privately."

Specifically, Section 607 of the City Charter includes the following provisions:

- 1.1.3.1 Prohibits interference by either the City Council or any of its members with the City Manager's execution of his or her powers or duties.
- 1.1.3.2 Neither the Council nor a member shall interfere with the appointment by the City Manager of any of the department heads or any person to any office or employment.
- 1.1.3.3 Neither the Council nor any of its members shall interfere with the City Manager's power to remove any of those persons.

- 1.1.3.4 Except for purposes of inquiry (asking questions), the Council and its members shall deal only with the City Manager with respect to the administrative service of the City.

NOTE: See Chapter 4, Communications, for additional information regarding communications with staff.

- 1.1.3.5 Neither the Council nor any of its members shall give orders to any subordinate of the City Manager, either publicly or privately.
- 1.1.4 Neither the City Council nor any of its members shall interfere with the administration of the City Attorney's or City Clerk's duties or give orders to the subordinates of the City Attorney or City Clerk.

CHAPTER 2—COUNCIL POWERS AND RESPONSIBILITIES

2.1 City Council Generally

- 2.1.1 The City Council has the power, in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants, which are not specifically prohibited by the constitution, the City Charter, or State or Federal laws.
- 2.1.2 The Council acts as a body. Policy is established by majority vote. A decision of the majority binds the Council to a course of action. The Council majority may be a majority of the quorum of the Council.
- 2.1.3 No Councilmember has extraordinary powers beyond those of other members (except as may otherwise be provided in State law). All members, including the Mayor, have equal powers.
- 2.1.4 No member of the Council is permitted to hold any other City office or City employment (except as may otherwise be provided in the City Charter).
- 2.1.5 Councilmembers also serve as members of the Mountain View Capital Improvements Financing Authority, Successor Agency of the Mountain View Revitalization Authority, City of Mountain View Downtown Parking, Maintenance and Operations Assessment District, and Mountain View Shoreline Regional Park Community.

2.2 Mayor and Vice Mayor—Appointment, Power, and Duties

- 2.2.1 The selection of the Mayor and Vice Mayor occurs annually at the first Council meeting in January by majority vote of the City Council. City Council Policy A-6, Election of Mayor and Vice Mayor, sets forth nonbinding guidelines for the selection of the Mayor and Vice Mayor.
- 2.2.2 The Mayor is the presiding officer of the City Council. In the Mayor's absence, the Vice Mayor shall perform the duties of the Mayor.
- 2.2.3 The Mayor is the official head of the City for all ceremonial purposes.

- 2.2.4 The Mayor may perform such other duties consistent with the mayoral office as may be prescribed by the City Charter or as may be imposed by the Council.
- 2.2.5 The Mayor does not possess any power of veto.
- 2.2.6 The Mayor, or Council designee, coordinates with the City Manager in the development of agendas for meetings of the City Council. Once the agenda is published, the City Manager may withdraw an item; however, only the City Council may otherwise alter the agenda.
- 2.2.7 The Mayor and Vice Mayor serve at the pleasure of the Council and can be replaced at any time by a majority vote of the Council.

2.3 Council Actions

- 2.3.1 Legislative actions by the City Council can be taken by means of ordinance, resolution, or minute action duly made and passed by the majority (unless otherwise provided).
- 2.3.2 Public actions of the Council are recorded in the minutes of the City Council meeting. The City Clerk is required to make a record only of business actually passed upon by a vote of the Council and is not required to record any remarks of Councilmembers or of any other person, except at the special request of a Councilmember, with the consent of the Council.
- 2.3.3 Actions of the Council concerning confidential property, personnel, and/or legal matters of the City are to be reported consistent with State law.

2.4 Councilmember Committees (Refer to City Council Policy A-13, City Council Meetings, Section 16, and City Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees)

- 2.4.1 The City Council may organize itself into standing and/or special/ad hoc committees of the Council to facilitate Council review and action regarding certain matters referred to them by the City Council or in accordance with City Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees.
- 2.4.2 All work undertaken by a Councilmember committee must originate with the Council or as permitted under City Council Policy A-23, Work Item

Referral Process for Council Advisory Bodies and Councilmember Committees, and all actions of committees shall be reported to the Council.

- 2.4.3 The Council may create or dissolve standing committees at any time by the affirmative vote of a majority of the Council.
- 2.4.4 The Mayor annually appoints members to standing committees.
- 2.4.5 The Council or the Mayor may create special or ad hoc committees. The Mayor appoints members to special or ad hoc committees.
- 2.4.6 The Council may dissolve special or ad hoc committees.
- 2.4.7 If permitted by the Ralph M. Brown Act, other members of the Council not assigned to a committee may attend meetings of a committee, as an observer, however, they shall be seated with the audience and may not participate in any manner or address the committee.
- 2.4.8 If an absence is anticipated on a committee and that absence may impede the work of the committee, the committee chair or other member may request that the Mayor designate another member of the Council to attend for the absent member and serve as an alternate member of the committee, provided that the member's attendance, in the opinion of the City Attorney, will comply with the Brown Act. The term for service by the alternate member will be the term designated in the appointment, or for one meeting, if no term is specified.

2.5 Establishment and Appointment of Council Advisory Bodies

- 2.5.1 The Mountain View City Charter requires a Planning Commission, Recreation and Parks Commission, and Library Board (refer to Mountain View City Charter, Article IX).
- 2.5.2 The City Council may also establish by ordinance or resolution, boards, commissions, and committees to assist the Council in making its policy decisions.
- 2.5.3 The rules of procedure and code of conduct that govern the City Council apply with equal force to all Council advisory bodies.

2.6 Appointment by Council to Regional Boards

- 2.6.1 Appointments to regional boards shall terminate upon the expiration of the Councilmember's term unless: (1) the Councilmember is reelected and can serve the full term on the regional board; or (2) action is taken by the Council to reappoint the individual to the regional board.

NOTE: See Chapter 5, Council Advisory Bodies, for additional information regarding boards, commissions, and committees.

CHAPTER 3—LEGAL AND ETHICAL STANDARDS

3.1 Preamble

The residents and businesses of Mountain View are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government;
- Be independent, impartial, and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Mountain View City Council has adopted a code of ethics to encourage public confidence in the integrity of local government and its fair and effective operation.

This City Council code of ethics shall reside in two documents—the City Council Code of Conduct and the City Council Personal Code of Conduct. The City Council Code of Conduct and the Personal Code of Conduct shall not be interpreted to conflict with other rights and responsibilities of public officials set forth in this code or Federal, State, or local law. The City Council Code of Conduct shall be considered to be the definitive document relating to ethical conduct by Mountain View Councilmembers. The Personal Code of Conduct shall be considered to be a summary of the full City Council Code of Conduct.

3.2 Public Interest

3.2.1 Recognizing that stewardship of the public interest must be their primary concern, Councilmembers shall work for the common good of the people of Mountain View and not for any private or personal interest. Councilmembers must endeavor to treat all members of the public and issues before them in a fair and equitable manner.

3.2.2 Councilmembers 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 Mountain View City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer

responsibilities, and open processes of government; and City ordinances and policies.

3.3 Conduct

- 3.3.1 Councilmembers shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff, or the public.
- 3.3.2 Councilmember duties shall be performed in accordance with the processes and rules of order established by the City Council.
- 3.3.3 Councilmembers shall inform themselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand.
- 3.3.4 Council decisions shall be based upon the merits and substance of the matter at hand.
- 3.3.5 It is the responsibility of Councilmembers to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Councilmembers and the public prior to taking action on the matter.
- 3.3.6 Appropriate City staff should be involved when Councilmembers meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff informed.
- 3.3.7 Councilmembers shall not attend internal staff meetings or meetings between City staff and third parties unless invited by City staff or directed by Council to do so.
- 3.3.8 Policy Role
 - 3.3.8.1 Councilmembers shall respect and adhere to the council-manager structure of Mountain View City government as provided in State law and the City Charter.
 - 3.3.8.2 Councilmembers shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.

3.3.9 Implementation

- 3.3.9.1 Ethics standards shall be included in the regular orientations for City Council candidates. Councilmembers entering office and upon reelection to that office shall sign a City Council Personal Code of Conduct statement (Attachment 1) affirming they have read and understand this City of Mountain View City Council Code of Conduct.

3.4 Conflict of Interest

- 3.4.1 In order to assure their independence and impartiality on behalf of the public good, Councilmembers are prohibited from using their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.
- 3.4.2 In accordance with State law, Councilmembers must file annual written disclosures of their economic interests.
- 3.4.3 Councilmembers shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general.
- 3.4.4 Councilmembers shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They must neither disclose confidential information without proper legal authorization nor use such information to advance the personal, financial, or private interests of themselves or others.
- 3.4.5 City Councilmembers should avoid any action that could be construed as, or create the appearance of, using public office for personal gain, including use of City stationery or other City resources to obtain or promote personal business.
- 3.4.6 Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Councilmembers for private gain or personal purposes.
- 3.4.7 In keeping with their role as stewards of the public interest, Councilmembers shall not appear on behalf of the private interests of a

third party before the City Council or any board, commission, or committee or proceeding of the City, except as permitted by law.

- 3.4.8 To the best of their ability, Councilmembers shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions publicly, members shall explicitly state they do not represent the Council or the City.

3.4.9 Mountain View City Charter Provisions

3.4.9.1 Financial Interests in City Contracts Prohibited.

No officer or employee of the City shall become financially interested except by testate or intestate succession, either directly or indirectly, in any contract, sale, purchase, lease, or transfer of real or personal property to which the City is a party or be employed by any public service corporation regulated by or holding franchises in the City. ...[A]ny contract made in contravention of this section shall be void. (Section 706)

3.4.9.2 Nepotism.

The Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such Council and neither shall any department head or other officer having appointive power appoint any relative within such degree to any such position. (Section 707)

3.4.9.3 Political Activities Prohibited; Discrimination.

This provision provides that:

1. No employee shall, while in uniform or during the employee's working hours, take an active part in any municipal or other political campaign.
2. No employee shall, while in uniform or during the employee's work hours, seek or accept contributions for or against a candidate or issue.

3. An employee may not seek or accept signatures to any petition for or against any such candidate or issue during his or her work hours.
4. No person in the classified service shall be employed, promoted, demoted, or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief. (Section 1003) (Also see Section 4.3.7)
5. For purposes of this section, the term “employee” shall include contract employees and consultants who function as City employees.

3.4.10 Mountain View City Code Provisions

3.4.10.1 Use of City Property—Limited to Lawful Business of City. (Section 2.4)

No person or persons other than City officials or employees shall use any City-owned equipment, tools, or paraphernalia other than for the purpose of conducting the lawful business of the City.

3.4.10.2 Use of City Property for Private Purposes by City Official, Employee, etc. (Section 2.5)

No City official, City employee, or other person shall borrow, take, or remove any City-owned equipment, tools, or paraphernalia for private use.

3.4.10.3 Use of City Property—Loan, etc., by City Official, Employee, etc.

No City official, City employee, or any other person shall lend, give, or transfer possession of such City-owned equipment, tools, or paraphernalia to any other City official, employee, or any other person with knowledge that the same shall be used for private purposes. (Section 2.6)

3.4.11 California State Law Regarding Conflicts

Four key areas of California State law regulate the ethics of public officials.

3.4.11.1 Constitutional prohibitions

State law strictly forbids elected and appointed public officials from accepting free or discounted travel from transportation companies. The penalty for a violation includes the forfeiture of office.

3.4.11.2 Contractual conflicts of interest

This prohibition, found in Government Code Section 1090, mirrors the City's Charter Provision Section 706 and applies to elected and appointed officials as well as other City staff members. It prohibits the City from entering into a contract if one of its members (i.e., a Councilmember) is financially interested in the contract. If the bar (or prohibition) applies, the agency is prohibited from entering into the contract whether or not the official with the conflict participates or not. In some limited circumstances, officials are allowed to disqualify themselves from participation and the agency may enter into the contract.

Financial interest has been defined to include employment, stock/ownership interests, and membership on the board of directors of a for-profit or nonprofit corporation, among others. Violations can be charged as a felony. A person convicted of violating Section 1090 is prohibited from ever holding public office in the State.

3.4.11.3 Political Reform Act—Conflicts of Interest

The Political Reform Act (PRA) was adopted by the voters in 1974 and is the primary expression of the law relative to conflicts of interest (and campaign finance) in California. The Act created the Fair Political Practices Commission (FPPC), a five-member State board which administers the Act.

The Act and the regulations are complex and are continuously subjected to official interpretation. The following synopsis of

key parts of the Act will be helpful in spotting issues; however, the FPPC and/or City Attorney should be consulted for further advice and clarification.

With respect to conflicts of interest, the FPPC has promulgated a regulation which establishes an analysis which assists in determining whether a public official is participating in a government decision in which they have a qualifying financial interest and whether it is reasonably foreseeable that the decision will have a material financial effect on the public official's financial interest, which is distinguishable from the effect the decision will have on the public generally.

3.4.11.3.1 If a member has a conflict of interest regarding a particular decision, they must refrain from making or participating in the making of a decision unless otherwise permitted by law.

If a public official has a financial interest that gives rise to a conflict of interest, one of the key determinations in the eight-step analysis is to determine whether or not the public official is "participating in" or "making" a governmental decision.

3.4.11.3.1.1 A public official makes a government decision when they do the following:

- Vote on a matter.
- Appoint a person.
- Obligate or commit his or her agency to any course of action.
- Enter into any contractual agreement on behalf of his or her agency.
- Determine not to act in certain circumstances.

3.4.11.3.1.2 A public official participates in making governmental decisions when acting within the authority of his or her position, they do the following:

- Negotiate without significant substantive review with a governmental entity or private person regarding a governmental decision.
- Advise or make recommendations to the decision-maker either directly or without significant intervening substantive review by:
 - Conducting research or an investigation which requires the exercise of judgment on the part of the official and the purpose of which is to influence governmental decisions; or
 - Preparing or presenting any report, analysis, or opinion orally or in writing which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision.

3.4.11.3.2 When a public official has a qualifying financial interest, that official may not use their office or otherwise attempt to influence governmental decisions or make appearances or contacts on behalf of a business entity, client, or customer.

3.4.11.3.3 If an official has a qualifying financial interest, there are nevertheless exceptions which allow a public official to make an appearance before an agency in

very limited circumstances. The one that is most commonly encountered is an appearance by a public official to represent himself or herself with respect to a proposed project or change in their neighborhood. If the appearance is permitted under State law, the appearance is limited to appearing at a public meeting at the podium and addressing a board, commission, or the City Council. The official may not contact members of staff, the City Manager, or City Attorney, or discuss the matter with other Councilmembers. A public official with a conflict cannot interact with staff on that issue other than to ask questions, pay fees, etc.

3.4.11.3.4 Political Reform Act—Gifts, etc.

Qualifying gifts of \$50 or more must be reported on an official's Statement of Economic Interest (SEI). In addition, the Political Reform Act imposes a limit on gifts a local official can receive. The dollar amount of the gift limit is modified every odd year to reflect changes in the Consumer Price Index.* There are various exceptions that apply to whether or not a gift is a "qualifying gift." In some instances, the gift limit does not apply (e.g., wedding gifts); however, the obligation to report the gift typically does apply.

- A gift is a payment made by any person of anything of value, whether tangible or intangible, real or personal property, a good or service that provides a personal benefit to an official when the public official does not provide goods or services of equal or greater value. It can include forgiveness of a debt, a rebate or discount unless the rebate or discount is made through the regular course of business to members of the public.
- There are exceptions to gifts for informational material, gifts that are returned unused, gifts from relatives—close family, campaign

* The gift limit can be found in Government Code §89503.

contributions, home hospitality, benefits commonly exchanged, reciprocal exchanges, acts of neighborliness, bona fide dating relationship, acts of human compassion, ceremonial role, etc.

- There are specific regulations for how gifts are valued, particularly with the value of tickets and passes and attendance at dinners and events.
- Gifts can be given to the public agency and they are not charged as gifts to an individual who may use the gift (e.g., tickets) provided the express terms of the appropriate regulation are satisfied.

3.4.11.3.4.1 Travel Reimbursements

The Political Reform Act contains extensive regulations on travel reimbursements; however, travel payment by one's own public agency as part of your official duties are typically exempt. Reimbursement from other entities (other than transportation companies) within California and outside of California are subject to very specific rules.

3.4.11.3.4.2 Honoraria

Honoraria are defined as a payment made in return for giving a speech, writing an article, or attending a public or private conference, convention, meeting, social event, meal, or similar gathering. Honoraria should be distinguished from campaign funds that go into that person's campaign or to a political party. Campaign funds cannot be used for personal benefit.

- Local elected officials or candidates may not accept honoraria. A local agency employee who is required to file a Statement of Economic Interest (Form 700) may not accept honoraria from any source requiring disclosure on a public official's SEI. There are approximately 12 exceptions to honoraria, including payments made for comedic, theatrical, and musical performances; income from bona fide personal services in connection with teaching, practicing law, etc.; and travel, lodging, and subsistence in connection with a speech, limited to the day before, day of, and day after within the United States.
- The exceptions for income from personal services in connection with teaching and practicing law do not apply if the sole or predominant activity is giving speeches.

3.4.11.3.4.3 Political Reform Act—Mass Mailings

A mass mailing is defined as 200 or more substantially similar pieces of mail sent at public or private expense by a public official within a calendar month.

- Sent at Private Expense—If sent for a political purpose, sender must place the name and address on the outside of the envelope.
- Sent at Public Expense—These mailings are subject to strict

limitations. For example, the mailing may not contain the name or pictures of elected officials except as part of the standard letterhead, and within the confines of that regulation they cannot be of different size or otherwise emblazoned on the mailing. Because the rules are complex, staff should be consulted for assistance.

3.4.11.3.4.4 Political Reform Act—Enforcement

The FPPC can assess administrative fines and penalties for violation of the Act. The District Attorney and the State Attorney General may prosecute violators as civil or criminal matters. Violators may also be removed from office pursuant to Government Code Section 3060.

3.4.11.5 Common Law Conflicts of Interest

This is the judicial expression of the public policy against public officials using their official position for private benefit. An elected official bears a fiduciary duty to exercise the powers of office for the benefit of the public and is not permitted to use those powers or their office for the benefit of any private interest. This common law doctrine continues to survive the adoption of various statutory expressions of conflict law.

3.4.11.6 Appearance of Impropriety

When participation in action or decision-making as a public official does not implicate the specific statutory criteria for conflicts of interest; however, participation still does not “look” or “feel” right, that public official has probably encountered the appearance of impropriety.

For the public to have faith and confidence that government authority will be implemented in an even-handed and ethical manner, public officials may need to step aside even though no technical conflict exists. An example is where a long-term nonfinancial affiliation exists between the public official and an applicant or the applicant is related by blood or marriage to the official. For the good of the community, members who encounter the appearance of impropriety should step aside.

NOTE: State laws governing conflicts of interest are written to ensure that actions are taken in the public interest. These laws are very complex. Councilmembers should consult with the City Attorney, their own attorney, or the Fair Political Practices Commission for guidance in advance.

3.5 Compliance and Enforcement – All Rules

Councilmembers take an oath when they assume their office in which they promise to uphold the laws of the State of California, the City of Mountain View, and the United States of America. Consistent with this oath is the requirement of this Council policy to comply with the laws as well as report violations of the laws and policy of which they become aware.

3.5.1 Any suspected violation or alleged violation by a Councilmember must be reported to the Mayor. In the case of a City staff member making the report regarding a Councilmember, the report should be made to the City Manager who will then report it to the Mayor. Upon report, the City Manager and City Attorney will assist the Mayor in following one of the two (2) protocols for addressing the violation or alleged violation:

3.5.1.1 If the Mayor, City Manager, and City Attorney all agree that the violation or alleged violation is minor in nature, the Mayor and either the City Manager or City Attorney may contact the individual Councilmember and advise the member of the concern and seek to resolve the matter (Protocol 1).

3.5.1.2 If the Mayor, City Manager, and City Attorney do not agree that the violation or alleged violation is minor (see Section 3.5.1.1) in nature, then the Mayor shall convene a special ad hoc committee of the Mayor (who will serve as Chair), Vice Mayor,

and most recent Mayor (the “Ethics Committee”) who will meet with the City Manager and City Attorney and appropriate staff and/or witnesses to determine how the matter may proceed, be resolved or be reported to the appropriate authorities (Protocol 2).

3.5.1.3 In implementing the provisions of this section, the Ethics Committee will be authorized to conduct all inquiries and investigations as necessary to fulfill their obligation.

3.5.1.4 For purposes of Sections 3.5.1.1 and 3.5.1.2, the incident or violation is not minor if it involves the injury or potential injury to any person (e.g., physical, emotional, defamation, harassment, etc.), significant exposure to the City Treasury or the probability for a repeat occurrence.

3.5.2 Councilmembers wishing to report a suspected violation by a staff member should report it to both the City Manager and City Attorney.

3.5.3 In the event any Councilmember with a role in this policy is the subject of the inquiry, the role of that official shall be assumed by the next ranking official in the chain. For example, if the Mayor is the subject of the inquiry, the Ethics Committee shall be comprised of the Vice Mayor (who will serve as Chair) and the two (2) most recent former Mayors. If the City Manager or City Attorney is the subject, the Committee will exclude that individual.

If there is no recent former Mayor available to fill the appropriate seat(s) on the committee, the Mayor or chair will select a member of the Council to serve—selection to be based on seniority as outlined in Policy and Procedure No. A-6.

3.5.4 The term “committee” or “Ethics Committee” is used for ease of reference only as it is not intended by this policy to create a permanent or standing committee but, rather, to assemble the officials necessary to review complaints should the need arise.

3.5.5 This policy and the protocols set forth are alternatives to any remedy that might otherwise be available or prudent. In order to ensure good government, any individual, including the City Manager and City Attorney, who believes a violation may have occurred is hereby authorized to report the violation to other appropriate authorities.

- 3.5.6 These same protocols may be utilized for any suspected violations or alleged violations by a Council advisory body member. In addition to those protocols, the Mayor may also refer the matter to the City Council if further action is needed.

3.6 AB 1234—Required Ethics Training

AB 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to take two hours of training in ethics principles and laws every two years. It is the City's policy to emphasize the importance of ethics in government and therefore requires all advisory body members, with the exception of the Youth Advisory Committee, to adhere to the same requirements. The training must occur within two months of assuming office and be renewed within two months of the expiration of the current certificate.

The training must cover general ethics principles relating to public service and ethics laws including:

- Laws relating to personal financial gain by public officials (including bribery and conflict of interest laws);
- Laws relating to office-holder perks, including gifts and travel restrictions, personal and political use of public resources, and prohibitions against gifts of public funds;
- Governmental transparency laws, including financial disclosure requirements and open government laws (the Brown Act and Public Records Act);
- Laws relating to fair processes, including fair contracting requirements, common law bias requirements, and due process.

3.6.1 Enforcement

- Noncompliant Council or advisory body members may not attend conferences, training (except ethics training), or Shoreline events using tickets provided through the City's ticket distribution program at the City's expense, during the period of noncompliance;
- Should noncompliance by an advisory body member continue for 30 days without substantiated extenuating circumstances such as illness, disability, family tragedy, etc., the City Clerk is directed to bring the matter to the City Council for consideration of removing

the advisory body member from service on their respective body;
and

- Training deadlines may be temporarily postponed for noncompliant advisory body members who are temporarily unable to fulfill their duties, including attending scheduled meetings. Training must be completed within 30 days of returning to service.

CHAPTER 4– COMMUNICATIONS

4.1 Written Communications

4.1.1 Written communications addressed to the City Council are to be referred to the City Clerk for:

- Forwarding to the Council with their agenda packet, or
- Placement on an agenda with or without a staff report, or
- Direct response to the citizen with a copy of the communication and staff letter to the Council.

4.2 Request for Staff Resources

4.2.1 Council requests for research or other staff work must be directed to the City Manager, or the City Attorney regarding legal matters or the City Clerk regarding matters within the Clerk's authority.

If more than one hour of staff time will be required to complete the task/project, the item will be agendaized to ask the City Council if time should be spent on preparing a report on the proposed item.

Staff responses prepared to Council inquiries shall be distributed to all City Councilmembers.

4.3 Relationship/Communications with Staff

Staff serves the City Council as a whole, therefore:

4.3.1 A Councilmember shall not direct staff to initiate any action, change a course of action, or prepare any report. Except as provided in City Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees, a Councilmember shall not initiate any project or study without the approval of the majority of the Council.

4.3.2 Councilmembers shall not attempt to pressure or influence discussions, recommendations, workloads, schedules, or department priorities absent the approval of a majority of the Council.

- 4.3.3 When preparing for Council meetings, Councilmembers should direct questions ahead of time to the City Manager so that staff can provide the desired information at the Council meeting.
- 4.3.4 Any concerns by a member of the City Council regarding the behavior or work of a City employee should be directed to the City Manager privately to ensure the concern is resolved. Councilmembers shall not reprimand employees directly nor should they communicate their concerns to anyone other than the City Manager.
- 4.3.5 Councilmembers may direct routine inquiries to either the City Manager or appropriate department head.
- 4.3.6 Councilmembers serving on Council committees or as the City's representative to an outside agency may interact directly with City staff assigned to that effort as the City Manager's designee. The City staff member so designated and assigned will keep the City Manager appropriately informed.
- 4.3.7 Soliciting political support from staff (e.g., financial contributions, display of posters or lawn signs, name on support list, etc.) is prohibited. City staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace and may not be conducted while in uniform. (Also see Section 3.4.9.3)

4.4 Council Relationship/Communication with Council Advisory Bodies

- 4.4.1 Councilmembers shall not attempt to pressure or influence board, commission, or committee decisions, recommendations, or priorities absent the approval of the majority of the Council. However, the Mayor and Vice Mayor can authorize a work item for a Council advisory body under certain circumstances in accordance with City Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees.

4.5 Handling of Litigation and Other Confidential Information

- 4.5.1 All written materials and verbal information provided to Councilmembers on matters that are confidential and/or privileged under State law shall be kept in complete confidence to ensure that the City's position is not compromised. No disclosure or mention of any information in these materials may be made to anyone other than Councilmembers, the City Attorney, or City Manager.
 - 4.5.1.1 Confidential materials provided in preparation for and during Closed Sessions shall not be retained and electronic copies must be deleted or documents returned to staff at the conclusion of the Closed Session.
 - 4.5.1.2 Confidential materials provided to Councilmembers outside of Closed Sessions must be destroyed, deleted, or returned to staff within thirty (30) days of their receipt.
 - 4.5.1.3 Councilmembers may not request confidential written information from staff that has not been provided to all Councilmembers.

4.6 Representing an Official City Position

- 4.6.1 City Councilmembers may use their title only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority.
- 4.6.2 Once the City Council has taken a position on an issue, all official City correspondence regarding that issue will reflect the Council's adopted position.
- 4.6.3 In most instances, the Council will authorize the Mayor to send letters stating the City's official position to appropriate legislators.
- 4.6.4 If a member of the City Council appears before another governmental agency organization to give a statement on an issue affecting the City, the Councilmember should indicate the majority position and opinion of the Council.

- 4.6.5 Personal opinions and comments may be expressed only if the Councilmember clarifies that these statements do not reflect the official position of the City Council.

4.7 Quasi-Judicial Role/*Ex Parte* Contacts

The City Council has a number of roles. It legislates and makes administrative and executive decisions. The Council also acts in a quasi-judicial capacity or “like a judge” when it rules on various permits, licenses, and land use entitlements.

In this last capacity, quasi-judicial, the Council holds a hearing, takes evidence, determines what the evidence shows, and exercises its discretion in applying the facts to the law shown by the evidence. It is to these proceedings that the rule relative to *ex parte* contacts applies.

- 4.7.1 *Ex Parte* Contacts/Fair Hearings. The Council shall refrain from receiving information and evidence on any quasi-judicial matter while such matter is pending before the City Council or any agency, board, or commission thereof, except at the public hearing.

As an elected official, it is often impossible to avoid such contacts and exposure to information. Therefore, if any member is exposed to information or evidence about a pending matter outside of the public hearing, through contacts by constituents, the applicant or through site visits, the member shall disclose all such information and/or evidence acquired from such contacts, which is not otherwise included in the written or oral staff report, during the public hearing, and before the public comments period is opened.

Matters are “pending” when an application has been filed. Information and evidence gained by members via their attendance at noticed public hearings before subordinate boards and commissions are not subject to this rule.

4.8 No Attorney-Client Relationship

Councilmembers who consult the City Attorney, his or her staff, and/or attorney(s) contracted to work on behalf of the City cannot enjoy or establish an attorney-client relationship with said attorney(s) by consulting with or speaking to same. Any attorney-client relationship established belongs to the City, acting through the City Council, and as may be allowed in State law for purposes of defending the City and/or the City Council in the course of litigation and/or administrative procedures, etc.

CHAPTER 5 – COUNCIL ADVISORY BODIES AND RENTAL HOUSING COMMITTEE

5.1 Boards, Commissions, and Committees Generally

- 5.1.1 The Mountain View City Charter establishes the following boards and commissions to advise the City Council:
- Planning Commission (now known as the Environmental Planning Commission) (Section 906)
 - Recreation and Parks Commission (now known as the Parks and Recreation Commission) (Section 909)
 - Board of Library Trustees (now known as the Library Board) (Section 911)
- 5.1.2 The City Charter authorizes the City Council to establish additional advisory boards and commissions to assist the Council in its policy decisions. The City Council has the inherent power to create committees.
- 5.1.3 City boards, commissions, and committees (collectively “Council advisory bodies”) do not set or establish City policy or administrative direction to City staff, except as provided in City Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees.
- 5.1.4 Appointments to boards, commissions, and committees are made by adoption of a resolution of the majority of the Council after the review and consideration of the recommendation(s) of the Council Appointments Review Committee. Appointees to Council advisory bodies serve at the pleasure of the City Council.
- 5.1.5 The terms “board” and “commission” can be used interchangeably. Boards and commissions typically have broader policy and advisory responsibilities than committees which typically have much more focused advisory roles to the Council.
- 5.1.6 The Mountain View City Charter establishes a Rental Housing Committee to be appointed by the City Council (Section 1709).

5.2 Board, Commission, and Committee Organization and Conduct

- 5.2.1 Annually, each board, commission, and committee elects one of their members to serve as the presiding officer or chair.
- 5.2.2 Boards, commissions, and committees shall hold regular and special meetings as may be required. The conduct of board, commission, and committee meetings are governed by the same rules of policy and procedure as the City Council.
- 5.2.3 Boards, commissions, and committees should comply with all applicable open meeting and conflict-of-interest laws of the State.
- 5.2.4 Upon appointment or reappointment, Council advisory body members shall sign a Council Advisory Body Personal Code of Conduct statement (Attachment 2) affirming they have read and understand this City of Mountain View City Council Code of Conduct.

5.3 Board, Commission, and Committee Appointments

- 5.3.1 The City Charter requires that members of City boards and commissions be qualified electors of the City (resident of Mountain View and United States citizen). Committees can include members that are not qualified electors.

Appointments will provide, as nearly as possible, a representative balance of the broad population of the City. All appointees should bring the skill, integrity, knowledge, interest, and commitment to evaluating issues in the broad context of the public interest.

- 5.3.2 Unless appointed to an unexpired term of less than two years caused by the resignation or other such vacancy, the term of office for each board, commission, or committee member is normally four years.

Appointees are limited to two consecutive terms prior to reappointment on a given board, commission, or committee (except where specifically provided). However, where the City Council expressly determines it to be in the best interest of the community, the City Council may reappoint beyond this limit.

- 5.3.3 The City Clerk provides application forms and maintains a composite listing of all applications on file which have been received.

5.3.4 The City Clerk solicits applications for vacancies in accordance with the procedures outlined in City Council Policy K-2, Board, Commission, and Committee Appointments.

5.3.5 Persons being considered for appointment (or reappointment) must be interviewed at least once to qualify for appointment.

5.4 Boards, Commissions, and Committees – Vacancy of Office

5.4.1 The City Charter provides that if “a member of a board or commission is absent from three regular meetings of such board or commission, consecutively or within a calendar quarter, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector and resident of the City, that office shall become vacant upon the declaration of Council. The Council may, for good cause, determine that a vacancy has not been created.”

5.4.2 Resignations may be submitted at any time to the City Council either directly or through the board, commission, or committee chair. Resignations are effective upon submittal.

5.4.3 Upon notice of a vacancy, the Council Appointments Review Committee shall initiate the appointment procedure detailed in City Council Policy K-2, Board, Commission, and Committee Appointments, leading to a recommendation to the City Council for a successor of such vacancy and the successor will be appointed to serve only to the date of the unexpired term pursuant to Section 905 of the City Charter.

5.5 Advisory Bodies and Rental Housing Committee – Admonition, Sanction, and Removal

5.5.1 A majority of the City Council may admonish, sanction, or remove a member of the advisory body or the Rental Housing Committee (“RHC”) as set forth herein.

5.5.2 Definitions

5.5.2.1 Admonishment: The first level of action is a public reminder or warning typically directed to all members of the advisory body or the RHC that a particular type of behavior is in violation of law, City policy, or Code of Conduct, and that, if the behavior continues, a member of the advisory body or the RHC could be subject to removal. An admonition may be issued by the City

Council prior to any findings of fact regarding allegations of wrongdoing. Since an admonition is a warning or reminder and not punishment or discipline, an investigation or separate hearing is not necessarily required.

5.5.2.2 Removal: The act of removing a member of the advisory body or the RHC from his or her seat so that the seat is vacant. Removal is a punitive action. The suspension of rights of the member is the penalty imposed for wrongdoing. Removal is reserved for cases in which the Council determines the violation of law or policy is a serious offense warranting the removal of a member from the advisory body or the RHC.

5.5.2.3 Sanction: The next level of action after an admonition. A sanction is public reminder or warning directed at a particular member of the advisory body or the RHC based on a particular action or set of actions that is determined to be in violation of law, City policy, or the Code of Conduct but is considered by the Council to not be sufficiently serious to require removal. A sanction is distinguished from a removal in that it is not punishment. A sanction may be issued based upon Council's review and consideration of a written allegation of a policy violation. As a sanction is not punishment or discipline, an investigation or separate hearing is not necessarily required. The member accused of such violation will have the opportunity to provide a written response to the allegation.

5.5.3 Grounds for admonition, sanction, or removal include, but are not limited to, absenteeism, failure to meet eligibility requirements, incapacity, violation of law such as the Political Reform Act, violation of the Code of Conduct, or City policy.

5.5.4 The request for admonition, sanction, or removal may be initiated by two Councilmembers. The request shall be forwarded to the Mayor, who will meet with the City Manager and City Attorney to determine whether the complaint can be resolved informally or if the alleged violation(s) requires further investigation. The request shall also be sent to the subject member of the advisory body or the RHC within five (5) business days of receipt.

5.5.5 If the complaint is minor in nature and is deemed to not require further investigation, the Mayor and either the City Manager or City Attorney may contact the individual members of the advisory body or the RHC and advise the member of the concern and seek to resolve the matter.

- 5.5.6 If the Mayor, City Manager, and City Attorney conclude that the alleged violation warrants further action, the Mayor shall convene a special ad hoc committee consisting of the Mayor (who shall serve as Chair), Vice Mayor, and most recent Mayor, who will meet with the City Manager and City Attorney and appropriate staff and/or witness(es) to determine how the matter may proceed. If necessary, the ad hoc committee may select an independent investigator to assist in conducting the investigation.
- 5.5.7 The ad hoc committee, after meeting and investigating the matter if necessary, shall make a recommendation to the City Council regarding whether an admonishment, sanction, or removal is warranted or if no further action should be taken.
- 5.5.8 Once the ad hoc committee has reached a recommendation, the ad hoc committee's written recommendation shall be placed on a future public meeting agenda. The report of the ad hoc committee shall also be sent to the subject member of the advisory body or the RHC within five (5) business days of completion of the written recommendation. If a sanction is proposed, the subject member of the advisory body or the RHC will have the opportunity to provide a written response for Council's consideration at the scheduled meeting. During such meeting, the City Council will receive the recommendation of the ad hoc committee and decide, by a majority vote, whether or not to proceed with the recommended action or take no further action. If an admonition or sanction is agreed upon, such admonition or sanction shall be based on a review of the written record and any information provided as part of the Council meeting, including any written response to the request of sanction. The Council may issue such admonition or sanction in the form of a letter at the same meeting.
- 5.5.9 If, after receiving the ad hoc committee's report, the Council determines that a removal may be warranted, a removal hearing shall be placed on a public meeting agenda at least fourteen (14) days from the meeting at which the Council received the ad hoc committee's recommendation in order to give the subject member of the advisory body or the RHC adequate time to review the allegations and evidence against him or her and to prepare for the hearing.
- 5.5.10 At the removal hearing, the subject member of the advisory body or the RHC will be provided the opportunity to present evidence, including making opening and closing statements and calling witnesses on his or her behalf. The hearing is informal and the rules of evidence and judicial

procedures do not apply. At a removal hearing, the member of the advisory body or the RHC could question witnesses. Any questioning or cross-questioning of witnesses may be reasonably limited by the Mayor.

- 5.5.11 After the removal hearing, the City Council will determine the action to be taken by an affirmative vote of at least four (4) members. The City Council may remove the member of the advisory body or the RHC if it finds substantial evidence supports the allegations of misconduct giving rise to the removal. The decision to either remove a member of the advisory body or the RHC shall be memorialized by findings adopted in a resolution. The City Council may also determine a lesser action is warranted as provided in this procedure.

CHAPTER 6—MEETINGS

6.1. Ralph M. Brown Act

All meetings of the City Council, standing Councilmember committees, and Council advisory bodies are governed by the Ralph M. Brown Act (Government Code 54950 *et seq.*). The City Council views the Brown Act as a minimum set of standards and in several respects, the City's open meeting requirements exceed the requirements of the Brown Act.

If any member of a City legislative body, or City staff, believe that action has been taken on an item in contravention of the Brown Act, that person is privileged to place the item on a future agenda for reconsideration and/or action.

6.2 Regular Meetings

6.2.1 Regular meetings of the City Council are held on the second and fourth Tuesday of each month at 6:30 p.m. in the Council Chambers of Mountain View City Hall, 500 Castro Street.

All regular Council meetings are open to the public.

6.3 Study Sessions

6.3.1 Study Sessions are conducted as part of a public meeting which the Council may set from time to time to allow for a detailed review of important matters. Study Sessions may be conducted jointly with another City board, commission, or committee or another governmental agency. Formal action is typically not taken at a Study Session unless the agenda indicates that action may be taken. All Study Session meetings are open to the public.

6.4 Closed Sessions

6.4.1 Closed Sessions are also regulated pursuant to the Ralph M. Brown Act. All written materials and verbal information regarding Closed Session items must remain confidential. Written reports and/or exhibits or materials furnished to members of the Council as part of a Closed Session must not be copied or saved and must be deleted or returned to staff at the conclusion of the Closed Session. No member of the Council, employee of the City, or anyone else present should disclose to any other

person the intent or substance of any discussion that takes place in a Closed Session unless authorized by a majority of the Council.

- 6.4.2 Permissible topics/issues for a Closed Session discussion include, but are not limited to: labor negotiations, pending litigation, personnel actions, real estate negotiations, and certain licensing and public security issues.
- 6.4.3 All public statements, information, and press releases relating to Closed Session items should be handled by the City Attorney or as otherwise directed by the Council majority.
- 6.4.4 Closed Session meetings are closed to the public and the press.
- 6.4.5 Any suspected violation of the confidentiality of a Closed Session discussion shall be reported to the City Attorney. "Confidential information" means a communication, verbal or written, made in Closed Session that is specifically related to the legal basis for conducting the Closed Session.

6.5 Special and Emergency Meetings

- 6.5.1 Pursuant to the Ralph M. Brown Act, the Council may also hold special or emergency meetings as deemed necessary.

6.6 Meeting Agendas

- 6.6.1 Preparation of Agendas
 - 6.6.1.1 Council agendas and supporting information are prepared by the City Manager and City Clerk.
 - 6.6.1.2 For Council advisory bodies and Councilmember committees, agendas and supporting information are prepared by the supporting City department to the Council advisory body or Councilmember committee as directed by the City Manager.
- 6.6.2 Placing Items on Agendas
 - 6.6.2.1 Council Agendas
 - 6.6.2.1.1 The City Manager determines, in consultation with the Mayor, which items are placed on the agenda and the timing for scheduling such items.

6.6.2.1.2 A Councilmember's request for an item to be agendized will be done as an action item with support work of up to one hour by staff. If more than one hour of work is required, then the item will be agendized to ask Council if time should be spent on preparing a full report on the proposed agenda item.

6.6.2.1.3 Any person may request placement of a matter on the Council agenda by submitting a written request with the agreement of a sponsoring Councilmember.

6.6.2.2 Council Advisory Body and Councilmember Committee Agendas

Agenda items for Council advisory bodies and Councilmember committees must originate with the Council or as permitted under City Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees.

6.6.3 Order of Agenda Items

The Council shall conduct business in the following order, except as the order may be adjusted pursuant to City Council Policy A-13, City Council Meetings.

1. **Call to Order/Pledge of Allegiance**
2. **Roll Call**
- 2A. **Proclamations/Presentations**
3. **Minutes Approval**
4. **Consent Calendar**

The consent calendar includes all matters of a routine or noncontroversial nature. All items on the consent calendar are approved by a single motion and vote. Any item on the consent calendar can be removed at the request of any member of the Council, City staff, or member of the audience when properly

recognized by the Mayor. Any items removed are considered separately by the City Council after the consent calendar.

5. Oral Communications from the Public

This is the portion of the Council meeting devoted to oral presentations to the Council by members of the public. During this time, a speaker may address the Council on any issue which does not appear on the printed agenda.

In most instances, speakers will be limited to three minutes in addressing the City Council.

Members of the Council shall not engage in debate with a member of the public or respond to issues/questions raised during this portion of the meeting.

No person who addresses the Council shall make any belligerent, personal, slanderous, threatening or abusive remark, statement, or commentary toward the Council, staff or other individuals in a manner which disrupts, disturbs, or otherwise impedes the orderly conduct of the Council meeting, nor shall any person engage in any disorderly conduct which disrupts or impedes the orderly conduct of the meeting. Any violation of this rule shall be grounds for terminating the speaker's comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, shall be grounds for removal from the meeting.

Nothing in this section shall prohibit or discourage orderly criticism of any City decision or policy within the limits of State or Federal law or these rules.

6. Public Hearings

During this portion of the meeting, public hearings are conducted on all matters that have been properly and legally noticed as public hearings. Any issue scheduled for a public hearing will provide the proponents and opponents of the issue with the opportunity to express their points of view to the City Council. After all views have been expressed, the Mayor will close the public hearing, invite Council to discuss the matter and ask Council to render its decision on that matter.

7. Unfinished Business

These are items of business which, for a variety of reasons, are carried over from a previous meeting and require final Council action.

8. New Business

This portion of the meeting is devoted to discussion or consideration of items of business that have not previously been before the City Council.

9. Items Initiated by Council

Under this item, any Councilmember may bring before the Council for consideration any item he or she believes should be considered by the Council.

10. Council, Staff/Committee Reports

Councilmembers may provide a brief report on their activities, including reports on their committee activities, reports on inquiries they have received from any member, or the Council itself may provide a reference to staff or other resources for factual information, request staff to report back to the Council at a subsequent meeting concerning a matter, take action to direct staff to place a matter of business on a future agenda, or refer a work item to a Council advisory body or Councilmember committee.

11. Closed Session Report

The City Attorney will announce any reportable Closed Session actions taken by the City Council.

12. Adjournment

6.6.4 Order of Agenda Items for Council Advisory Bodies and Councilmember Committees

The order of agenda business items for all boards, commissions, and committees and Councilmember committees shall be the same as the order of Council agenda business items.

6.7 Rules of Procedure

- 6.7.1 City Council Policy A-13, *City Council Meetings*, provides general guidance for the conduct of Council meetings. From time to time, the Council may depart from its specific requirements for the convenience of the public, Council consideration and debate, or to expedite the processing of business. The Council by majority vote, however, may at any time reinvoke Policy A-13's specific requirements.
- 6.7.2 In instances not addressed by the rules provided in City Council Policy A-13, *City Council Meetings*, *The Modern Edition of Robert's Rules of Order* may be used for reference and/or guidance.

6.8 Decorum

- 6.8.1 While the City Council is in session, all persons shall conduct themselves with reasonable decorum.
- 6.8.2 Any person who is so disorderly or who so persistently disrupts the business meeting so far as to interfere with the proper conduct of the business may be ordered removed from the meeting place. At such time, the Mayor may call a recess.
- 6.8.3 The Police Chief or authorized representative shall be sergeant at arms of the Council meeting. The sergeant at arms shall carry out all orders and all instructions of the presiding officer for the purpose of maintaining order and decorum at Council meetings.

6.9 Time of Adjournment

It is the policy of the City that all evening meetings of the Council, including Study Sessions, be adjourned no later than 10:00 p.m., which time is referred to as the normal time of adjournment. No new item of business shall be taken up by the City Council after the normal time unless the Council has determined by majority vote to set aside this policy. In the event it appears that the entire agenda cannot be completed by the normal time of adjournment, the Council may take up and act upon the more pressing agenda items. All agenda items not considered at the meeting shall be on the agenda of the next regular, special, or adjourned regular meeting unless the Council directs otherwise.

6.10 Agenda Packets

- 6.10.1 Agenda packets are to be made available at the City Clerk's Office, the Mountain View Public Library, the City's web site (www.mountainview.gov), and at the Council meeting.

Council meeting agendas, minutes, and staff reports are generally available beginning the Thursday evening before each Council meeting.

NOTE: Also refer to City Council Policy A-13, City Council Meetings. This policy sets forth the rules of procedure for the conduct of City business.

CHAPTER 7—COUNCIL FINANCIAL MATTERS

7.1 Compensation

- 7.1.1 Pursuant to Article V, Section 503 of the Mountain View City Charter, each Councilmember will receive a monthly salary.
- 7.1.2 The Mayor receives a monthly salary equal to the salary of a Councilmember plus an additional 25 percent.
- 7.1.3 The City Council has no power to increase its salary by ordinance, resolution, or motion.
- 7.1.4 Section 503 of the Mountain View City Charter stipulates that “if a member of the City Council, or Mayor, does not attend all meetings of the City Council or Study Sessions called on order of the City Council and held during the month, that person’s salary for such month shall be reduced by the sum of Twenty-Five Dollars (\$25) for each meeting or Study Session not attended unless that person is absent on official duty with the consent of or on order of the City Council.”

7.2 Benefits

- 7.2.1 The California Government Code provides that Councilmembers may receive health, retirement, and other benefits.
- 7.2.2 City-funded medical, dental, and life insurance plan benefits are provided.

7.3 City Council Budget and Expenses

- 7.3.1 City Council Policy A-2, City Council Policy Governing Expenses of the Council, provides policy guidance regarding Council expenditures for equipment, supplies and communications; travel; local expenses; and expenses charged against the City Council budget.

NOTE: Also refer to City Council Policy A-2, City Council Policy Governing Expenses of the Council. This policy sets forth the policies governing expenses of the City Council.

CITY OF MOUNTAIN VIEW
CITY COUNCIL
PERSONAL CODE OF CONDUCT

PREAMBLE

The residents and businesses of Mountain View are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government.
- Be independent, impartial and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain.
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Mountain View City Council has adopted this Code of Ethics to encourage public confidence in the integrity of local government and its fair and effective operation.

City Councilmembers shall sign this Personal Code of Conduct upon assuming office and upon reelection to that office as a symbol of each Councilmember's continuing commitment to abide by the principles of this code.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Councilmembers shall work for the common good of the people of Mountain View and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

2. Comply with the Law

Councilmembers 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 Mountain View City Charter; laws pertaining to conflicts of interest, election campaigns, financial

**Attachment 1 to
City Council Code of Conduct**

disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Members

Councilmembers shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff, or the public.

4. Respect for Process

Councilmember duties shall be performed in accordance with the processes and rules of order established by the City Council.

5. Conduct of Public Meetings

Councilmembers shall inform themselves of public issues, listen attentively to public discussions before the body, and focus on the business at hand.

6. Decisions Based on Merit

Council decisions shall be based upon the merits and substance of the matter at hand.

7. Communication

It is the responsibility of Councilmembers to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Councilmembers.

8. Coordination with City Staff

Appropriate City staff should be involved when Councilmembers meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff informed.

9. Disclosure of Corruption

All City officials shall take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State, and the Federal government. As part

of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery, or other violation of the law.

10. Conflict of Interest

In order to assure their independence and impartiality on behalf of the public good, Councilmembers shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

In accordance with the law, members shall file written disclosures of their economic interest and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

11. Gifts and Favors

Councilmembers shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

12. Confidential Information

Councilmembers shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial, or private interests.

13. Use of Public Resources

Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Councilmembers for private gain or personal purposes.

14. Representation of Private Interests

In keeping with their role as stewards of the public trust, Councilmembers shall not appear on behalf of the private interests of a third-party before the City Council or any board, commission, or committee or proceeding of the City.

15. Advocacy

To the best of their ability, Councilmembers shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City.

16. Improper Influence

Councilmembers shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, commissions, or committees.

17. Policy Role of Members

Councilmembers shall respect and adhere to the Council-Manager structure of Mountain View City government as provided in State law and the City Charter.

18. Positive Work Environment

Councilmembers shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.

19. Implementation

Ethics standards shall be included in the regular orientations for City Council candidates. Councilmembers entering office shall sign a statement affirming they read and understood the City of Mountain View's City Council Code of Ethics.

20. Compliance and Enforcement

Councilmembers themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of City government.

**Attachment 1 to
City Council Code of Conduct**

This Personal Code of Conduct shall be considered to be a summary of the longer City Council Code of Conduct document. The City Council Code of Conduct document shall be considered to be the definitive document relating to ethical conduct by Mountain View City Councilmembers.

I affirm that I have read and understand the City of Mountain View City Council Personal Code of Conduct.

Signature

Date

CITY OF MOUNTAIN VIEW
COUNCIL ADVISORY BODY
PERSONAL CODE OF CONDUCT

PREAMBLE

The residents and businesses of Mountain View are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials, including Council advisory body members:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government.
- Be independent, impartial, and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain.
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, Council advisory body members are expected to adhere to the Code of Conduct adopted by the Mountain View City Council to encourage public confidence in the integrity of local government and its fair and effective operation.

Council advisory body members shall sign this Personal Code of Conduct at the first meeting of the board, commission, or committee upon assuming office and, if applicable, upon reappointment to the board, commission, or committee as a symbol of each Council advisory body member's commitment to abide by the principles of this code during his or her term.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Council advisory body members shall work for the common good of the people of Mountain View and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

2. Comply with the Law

Council advisory body 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 Mountain View City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Council Advisory Body Members

Council advisory body members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of Councilmembers; other members of the Council advisory body; other boards, commissions, or committees; staff; or the public.

4. Respect for Process

Council advisory body member duties shall be performed in accordance with the processes and rules of order established by the City Council.

5. Conduct of Public Meetings

Council advisory body members shall inform themselves of public issues, listen attentively to public discussions before the body, and focus on the business at hand.

6. Decisions Based on Merit

Council advisory body members shall base their decisions upon the merits and substance of the matter at hand.

7. Communication

It is the responsibility of Council advisory body members to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council advisory body members.

8. Coordination with City Staff

Appropriate City staff should be involved when Council advisory body members meet with officials from other agencies and jurisdictions to ensure proper staff support, as needed, and to keep staff informed.

9. Disclosure of Corruption

All City officials shall take an oath upon assuming office, pledging to uphold the Constitution and laws of the City, the State, and the Federal government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery, or other violation of the law.

10. Conflict of Interest

In order to assure their independence and impartiality on behalf of the public good, Council advisory body members shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

In accordance with the law, members shall file written disclosures of their economic interest and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

11. Gifts and Favors

Council advisory body members shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

12. Confidential Information

Council advisory body members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal

**Attachment 2 to
City Council Code of Conduct**

authorization nor use such information to advance their personal, financial, or private interests.

13. Use of Public Resources

Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Council advisory body members for private gain or personal purposes.

14. Representation of Private Interests

In keeping with their role as stewards of the public trust, Council advisory body members shall not appear on behalf of the private interests of a third party before the City Council or any board, commission, or committee, or proceeding of the City.

15. Advocacy

To the best of their ability, Council advisory body members shall represent the official policies and positions of the City of Mountain View. When presenting their personal opinions or positions, members shall explicitly state that they represent neither the Council advisory body nor the City.

16. Improper Influence

Council advisory body members shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, commissions, or committees.

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Council advisory body members shall respect and adhere to the Council-Manager structure of Mountain View City government as provided in State law and the City Charter.

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Council advisory body members shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.

19. Implementation

Ethics standards shall be included in the regular orientations for Council advisory body members. Upon entering office and upon reappointment, Council advisory body members shall sign a statement affirming they read and understood the City of Mountain View's City Council Code of Conduct.

20. Compliance and Enforcement

Council advisory body members themselves have the responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of City government.

This Personal Code of Conduct shall be considered to be a summary of the longer City Council Code of Conduct document. The City Council Code of Conduct document shall be considered to be the definitive document relating to ethical conduct by Mountain View City Council advisory body members.

I affirm that I have read and understand the City of Mountain View City Council Code of Conduct.

Signature

Date

Michele King

Subject: FW: BPPC proposed decourm ordinance discussion 4/5/22

From: Trish Mulvey <mulvey@ix.netcom.com>

Sent: Monday, April 04, 2022 8:01 PM

To: Clerk of the Board <clerkoftheboard@valleywater.org>; Michele King <MKing@valleywater.org>

Subject: BPPC proposed decourm ordinance discussion 4/5/22

Please provide a copy of this note to the committee members and appropriate staff re agenda item 4.2, decorum ordinance, on April 5, 2022

Thanks for holding this special BPPC meeting prior to Board consideration of the proposed decorum ordinance.

The purpose of this note is to request that the BPPC also determine and initiate the best approach to implement Director LeZotte's suggestion that the Valley Water Board of Directors also needs decorum guidelines for interactions with each other, with staff, and with the public at Board and Committee meetings. My assumption is that such guidelines are probably best documented in Board Policy rather than in the proposed ordinance.

Thanks for considering this suggestion.

Trish Mulvey

(650) 326-0252 or mulvey@ix.netcom.com

cc: interested parties



Santa Clara Valley Water District

File No.: 22-0522

Agenda Date: 4/5/2022
Item No.: 4.3.

COMMITTEE AGENDA MEMORANDUM

Board Policy and Planning Committee

SUBJECT:

2022 Work Plan and Meeting Schedule.

RECOMMENDATION:

- A. Review the 2022 Board Policy and Planning Committee's Work Plan and incorporate any new tasks; and
- B. Schedule Committee meetings as appropriate.

SUMMARY:

This item allows the Committee to review the 2022 Work Plan, meeting schedule and identify additional tasks and schedule meetings as appropriate.

ATTACHMENTS:

Attachment 1: 2022 BPPC Work Plan

UNCLASSIFIED MANAGER:

Michele King, 408-630-211

2022 Board Policy and Planning Committee Work Plan and Schedule

Subject	Task	1/4/22	2/7/22	4/5/22	5/4/22	6/6/22	7/4/22	8/1/22	9/5/22	10/3/22	11/7/22	12/5/22
Board Planning Process	A. Provide Support for Board Planning Activities											
	1. Discuss FY22-23 Board Budget Message & Board Work Plan	X										
	2. Planning for Board's FY23-24 Strategic Planning Workshop											
	B. Provide Support for Board Policy Review											
	1. Outreach Findings on the Untreated Surface Water Program (if required)		X									
	2. Expansion of the Water Resources Protection Manual				X		X					
	3. Fuel Management Policy and Wildfire Resilience Plan										X	
	4. One Water Watershed Plans						X					
	5. Governance Policies of the Board: Executive Limitations											
	6. Untreated Surface Water Program			X								
	7. Rules of Decorum Ordinance			X								
	8. Ends Policy Revision to address Housing Justice				X							
Board Committees Principles and Structures	C. Align Board Committees' Work Plans with Board Planning Calendar											
	1. Review Effectiveness of Board Advisory Committees (External)											
Other Assignments Requested by Board	D. Other Assignments as Requested by the Board											

2022 Board Policy and Planning Committee Accomplishments Report

Subject	Task		Action Taken
Board Planning Process	A.	Provide ongoing support for Board Planning Activities	
	1.	Discuss FY22-23 Board Budget Message & Board Work Plan	1/4/22 - The Committee unanimously approved submitting the draft FY23 Board Work Plan, with action items and edits identified by the committee, to the full board for consideration. 2/22/22- Board approved the FY23 Board Work Plan.
	2.	Planning for Board's FY23-24 Strategic Planning Workshop	
	B.	Provide Support for Board Policy Review	
	1.	Outreach Findings on the Untreated Surface Water Program (if required)	
	2.	Expansion of the Water Resources Protection Manuel	
	3.	Fuel Management Policy and Wildfire Resilience Plan	
	4.	One Water Watershed Plans	
	5.	Governance Policies of the Board: Executive Limitations	
	6.	Untreated Surface Water Program	
	7.	Rules of Decorum Ordinance	
	8.	Ends Policy Revision to address Housing Justice	
Board Committees Principles and Structures	C.	Align Board Committees' Work Plans with Board Planning Calendar	
	1.	Review Effectiveness of Board Advisory Committees (External)	
Board & Organization Performance Monitoring	D.	Assignments as Requested by the Board	