

Procedures Manual Menlo Park City Council

CITY OF MENLO PARK

Mission Statement

It is the mission of the City government to ensure that Menlo Park is a desirable and vibrant community in which to live and do business, and to respond to the values and priorities of the residents so as to provide for the community's current and future needs.

Explicitly, the City fulfills its function by:

- Addressing the needs of the residents through the City Council, the appointed commissions and the City staff.
- Providing easy and open access to information and encouraging dialogue, enabling residents to actively engage in civic life.
- Providing for the safety of its residents, businesses and visitors.
- Providing timely and responsive service.
- Providing special assistance to those in need.
- Functioning effectively, efficiently and with accountability.
- Creating a positive and desirable workplace environment for City employees.
- Managing change for the betterment of the City.
- Creating and maintaining a viable revenue stream and providing for the unpredictable nature of our economy.
- Implementing and maintaining City infrastructure, facilities and programs.
- Formulating sound environmental policies.

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Introduction

The Menlo Park City Council establishes policies and priorities for the community and is responsible for the fiscal health of the public corporation.

Purpose of the Procedures Manual

City of Menlo Park staff prepared a procedures manual to assist the City Council by documenting currently accepted practices. Through agreement of the City Council and staff to be bound by these practices, the effective administration of City Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures and policies are established so that expectations and practices can be clearly articulated to guide City Councilmembers in their actions. It is anticipated that this Procedures Manual will be reviewed and revised from time to time.

Overview of city documents

This procedures manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, policies, plans and documents exist which bind the City Council to certain courses of action and practices. A summary of some of the most notable documents that establish City Council direction are provided below.

Municipal Code: The Municipal Code contains local laws and regulations adopted by ordinances. The administrative chapter of the Municipal Code addresses the role of the City Council, Mayor and Vice Mayor. It also describes the organization of City Council meetings and responsibilities as well as the appointment of certain city staff positions and advisory bodies. In addition to these administrative matters, the Municipal Code contains a variety of laws. The Municipal Code is available on the City's website, menlopark.gov/municipalcode.

California Government Code: The California Government Code contains many requirements for the operation of city government. Many of these requirements are also replicated within the Municipal Code to ensure there is broad awareness of such requirements. Menlo Park is a "General Law" city, which means it is organized in accordance with provisions of the California Government Code. Also described within the California Government Code is the Council-City Manager form of government. This form of government prescribes that the City Council's role is to establish policies and priorities, while the role of the city manager is to oversee the operations of the city government.

Budget: The City's annual budget provides a description of city services and the resources used to provide services. The document contains both a broad overview of the budget as well as descriptions of programs and services organized for convenience by lead department. The City operates on a July 1 through June 30 fiscal year.

General Plan:

The General Plan is a legal document, required by the California Government Code, which serves as the City of Menlo Park's "constitution" for the development and the use of its land. It is a comprehensive, long-term document that implements the community's vision for the future physical development of the city through its goals, policies and programs.

Orientation of new City Councilmembers

It is important that City Councilmembers have an understanding of the full range of services and programs provided by the organization. As new members join the City Council, the city clerk coordinates with department heads to provide tours of City facilities and meetings with key staff.

City Council: Roles and responsibilities

City Council roles

The powers of the City Council to establish policy are quite broad. Essentially, the City Council may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, 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 for the general welfare of its inhabitants which are not specifically forbidden by the Constitution and laws of the State of California (Government Code §65064.2).

The City Council acts as a body with no City Councilmember having extraordinary or individual powers beyond those of other City Councilmembers. While the Mayor and Vice Mayor have additional ceremonial and administrative responsibilities as described below, the City Councilmembers are equal in policymaking, voting and other significant areas. Policy is established by a majority vote of the City Council.

Pursuant to California Government Code §1099, a City Councilmember may not simultaneously hold two incompatible public offices.

Appointment of Mayor and Vice Mayor

The Mayor and Vice Mayor are selected annually by the City Council in December and serve a one-year term. Municipal Code §2.04.120 governs the appointment of a Mayor and Vice Mayor.

Role of Mayor and Vice Mayor

Mayor: As more fully set forth in the Municipal Code, the Mayor presides over all City Council meetings and fulfills duties consistent with the office as directed by the City Council or the people's vote. The Mayor does not possess any power of veto. The Mayor is to faithfully communicate the will of the City Council majority in matters of policy. The Mayor is also recognized as the official head of the city for all ceremonial purposes. When the City issues a press release, the Mayor is consulted in terms of any City Councilmember quotes or references.

The Mayor shall preserve strict order and decorum during meetings; shall prevent threatening or disruptive verbal attacks on the City Councilmembers, staff, and/or residents and confine debate to the item under discussion.

The Mayor shall also consult and coordinate with the city manager in the development of agendas for meetings of the City Council.

The Mayor, unless unavailable, shall sign all ordinances, and other documents that have been adopted by the City Council and require an official signature; except when the city manager has been authorized by City Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor's signature may be used.

Vice Mayor: The City Council has specified that the Vice Mayor shall perform the duties of the Mayor during the Mayor's absence. The Vice Mayor shall serve in this capacity at the pleasure of the City Council.

Appointment of city manager and city attorney

The City Council appoints two positions within the city organization: city manager and city attorney. Both positions serve at the will of the City Council.

Role in a disaster

The City Council has certain, extraordinary powers in the case of emergencies and/or a disaster. In critical situations, the City Council may be directed by the city manager/ emergency services director to assemble in the City's Emergency Operations Center (EOC), located within the police department or virtually, to provide policy guidance and to receive information in an emergency. Should the City Council not be available during an emergency, State law specifies a hierarchy of others who may serve in place of the City Council (Government Code §§8630-8634).

The City Council also has the responsibility to declare a local emergency.

City Council advisory bodies

The city has a number of standing advisory bodies. City Council Policy, Commissions/Committees Policies and Procedures and Role and Responsibilities, contains guidelines on the appointment, roles and responsibilities of the various advisory bodies. The Commissions/Committees Policies and Procedures and Role and Responsibilities Policy apply to all appointments and reappointments to standing advisory bodies. Where the Commissions/Committees Policies and Procedures and Role and Responsibilities is silent on any procedural matters with respect to advisory bodies, these City Council procedures may be utilized.

In addition, resident committees and task forces are occasionally appointed by the City Council to address issues of interest. A task force or other ad hoc body is a body created by the City Council for a specific task and may be limited in term and often have a specific timeline.

City Council subcommittees

City Council subcommittees, when used, are to help the City Council do its job. Subcommittees ordinarily will assist the City Council by preparing policy alternatives and implications for City Council deliberation.

Ad hoc subcommittees

- A. Ad hoc subcommittees are those composed solely of less than a quorum of the City Council, serve a limited or single purpose, are not perpetual in duration, and will be dissolved once its specific task is completed. Ad hoc subcommittees are not subject to the Ralph M. Brown Act (Brown Act) (California Government Code §54952(b)).
- B. Ad hoc subcommittees must be created, and may be dissolved, at a public City Council meeting.
- C. Unless otherwise stated, an ad hoc subcommittee ceases to exist as soon as its task is complete.
- D. Ad hoc subcommittees are tasked with a limited term assignment and do not have a fixed meeting schedule. They will be created with the intent of scheduling meetings during the business day whenever possible.
- E. Ad hoc subcommittees are not required to create and post agendas for their meetings or provide for public comment. While not required, the ad hoc subcommittees are not precluded from providing members of the public the opportunity to attend their meetings and/or offer input if the subcommittee believes that public input is needed.

Standing subcommittees

- A. Standing subcommittees are those composed solely of less than a quorum of the City Council.
- B. A standing subcommittee is created, irrespective of its composition, when it has either: (1) a continuing subject matter jurisdiction; or (2) a meeting schedule fixed by formal action of the City Council.
- C. Standing subcommittees must be created and dissolved at a public City Council meeting. It will be reflected on the City Council webpage, menlopark.gov/city-council accordingly with the appointed City Councilmembers for full transparency.
- D. Standing subcommittees for purposes of the Brown Act (California Government Code §54950 et seq.) will ensure meetings comply with all requirements for standing committees under the Brown Act, as amended from time to time.
- E. Standing subcommittee membership, staff liaison(s), meeting times and places and subject matter jurisdiction will be specified via City Council action.
- F. Every meeting of the standing subcommittee must be preceded by a posted agenda that advises the public of the meeting and the matters to be transacted or discussed.

Minutes shall be kept of each standing subcommittee meeting by the staff liaison. Subcommittee minutes will be maintained in accordance with all applicable requirements of the Brown Act, California Public Records Act (California Government Code §6250 et seq.) and City's record retention schedule.

Role of advisory body liaisons

City Councilmembers are designated as liaisons to City advisory bodies to enhance communication between the City Council and advisory bodies. This assignment aims to familiarize the City Council with advisory body membership, programs and issues. While fulfilling their liaison role, City Councilmembers may choose to periodically attend advisory body meetings or maintain regular communication with the advisory body chair.

It is important for City Councilmembers to recognize their non-participatory role within the advisory body and understand that they are there to establish a link between the City Council and the advisory body. When interacting with advisory bodies, City Councilmembers should convey the views of the City Council as a whole. Serving as an advisory body liaison does not confer any special duties regarding advisory body business.

Advisory body liaison positions are typically assigned during a December meeting, where City Councilmembers vote to confirm the appointments of City Councilmembers liaisons to the various City advisory bodies.

City Council Meetings

General procedures

Except in cases of conflict with these procedures, the Municipal Code, any State laws or Robert's Rules of Order shall govern the proceedings of this City Council.

Presiding officer: The Mayor is the presiding officer and acts as chair at City Council meetings. In the absence or incapacity of the Mayor, the Vice Mayor serves as presiding officer. In absence of the Mayor and Vice Mayor, the Mayor shall select a City Councilmember to serve as presiding officer.

Seating arrangement of the City Council: The Mayor, with the consideration of individual City Councilmembers, shall establish the seating arrangement for City Council meetings. The Vice Mayor is typically seated immediately next to the Mayor.

Quorum: Three-fifths of the City Councilmembers constitute a quorum for the transaction of business.

Remote and telephonic appearance: City Councilmembers may appear remotely via telephonic or video appearance in accordance with State laws. Disclosures regarding remote appearances will be made by the Mayor if disclosures are required by State law. City Councilmembers are encouraged to inform the city manager and city clerk of intentions to appear remotely as early as possible.

Regular meetings

City Council meetings are held on the second and fourth Tuesday of the month, commencing at 6 p.m. at the City Council Chambers, 701 Laurel St., unless the City Council adopts a different schedule by resolution. Study sessions and closed sessions generally convene earlier, as needed, or at the end of the meeting at the conclusion of public business. Occasionally, the City Council meeting will be held in alternative locations. A Capital Improvement Plan is reviewed in the spring for the following fiscal year, in order to reflect the commitment of resources required. Other City Council priorities are overlaid on the calendar as time permits.

Typically, if a regular business meeting of the City Council falls on a legal holiday or the day after a legal holiday, no City Council meeting will be held. Other meetings throughout the year may be canceled as well.

Special meetings

Special meetings may be called by the Mayor or a majority of the City Council and held from time to time consistent with and pursuant to the procedures set forth in the Brown Act.

Adjourned meetings

Adjourned meetings refer to any regular or special City Council meeting that is adjourned to a later date, place and time. However, such adjournments should not extend beyond the next regularly scheduled meeting.

Closed session

The City Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider any matter that is authorized by State law. The City Council may include or exclude from such closed session any person or persons, which it is authorized by State law to include or exclude from such closed session. The general subject matter for consideration shall be shown in the agenda posted for such session pursuant to the procedures set forth in the Brown Act.

Study session

From time to time, the City Council will hold study sessions. The purpose of study sessions is to give the City Council a less formal and more interactive forum to discuss issues in advance of any official action to be taken. Staff often presents policy alternatives and is more directly engaged in the dialogue. Typically, following staff's presentation and clarifying questions from City Councilmembers, the Mayor will begin public comment. Following public comment, the Mayor will open the floor for City Council discussion and, if applicable, provide direction to staff. While general direction may be given to staff or the proponent behind the topic of discussion, no formal action by the City Council is taken in a study session.

Public hearing

Public hearings may be required on certain items as prescribed by the City of Menlo Park Municipal Code or by State law. The general procedure for public hearings is as follows: staff will first present its recommendation with a presentation not to exceed 10 minutes. If applicable, the applicant or appellant will make a presentation not to exceed 10 minutes. Finally, the applicant or appellant will be given five minutes to rebut. The Mayor must open the public hearing for public comment and then close the public hearing. Once the City Council has closed the hearing, no member of the public shall be permitted to address the City Council or the staff from the audience, except at the discretion of the presiding officer (i.e., Mayor).

Conflict of Interest

A conflict of interest shall be declared whenever appropriate and in compliance with State law. The affected City Councilmember shall state why there is a conflict of interest when the agenda item is introduced and will step down from the dais and leave the Chambers. The city attorney is available to advise City Councilmembers individually about a potential conflict of interest.

Agenda development

The City Council adopts a yearly meeting calendar affirming meeting dates and cancellations. A medium-range "tentative" City Council calendar that reflects an estimate of when various items will be scheduled is available on City Council regular meeting agendas. A copy of the draft agenda is transmitted to the Mayor and Vice Mayor for review on the Mondays preceding a regular City Council meeting.

Placing items on the agenda

City Council:

To request consideration of an item at future City Council meetings, City Councilmembers must submit a "City Councilmember Agenda Item Request Form," which can be obtained from the city clerk's office. The request form must be received no later than three business days before the publication of the meeting agenda, which is typically the Monday the week before a regular City Council meeting. The request will automatically appear under "City Council Initiated Items" at the end of the City Council regular agenda. City Councilmembers will use the form to indicate context of the request and connection to a current City Council goal or priority, as well as expectations for urgency of the item, overall level of staff effort required and timing of future consideration of the item by the full City Council.

As an agendized item under “City Council initiated items,” the City Council may discuss the item including the elements listed in the above form, and ask staff questions regarding preliminary scope, analysis, resource requirements and overall prioritization of future City Council agenda items based on the citywide work plan. After discussion, with a motion and second, the City Council may provide direction to the city manager for next steps, including actions such as:

- Preparation of a formal staff report with a determined level of staff resources and timing for City Council consideration, or
- Advisory body preparation of a formal staff report with a determined level of staff support, or
- Consideration at the City Council’s annual priority and goal setting process.

If the request does not receive majority City Council support, the item is not considered further.

When the staff report is available, the report will be placed under “City Council initiated items” for City Council discussion and action at the next City Council meeting, per agenda management exercised by the Mayor and city manager.

Emergency items: Emergency items may be added to an agenda only in accordance with State law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare.

Non-agendized items: Non-agendized items may be added to the agenda pursuant to State law, which generally provides that the City Council make findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a four-fifths vote; if less than five City Councilmembers are present, the findings require a unanimous vote of those present.

Notification and advertising

The City attempts to well publicize matters of significant neighborhood or community public interest that appear on a City Council agenda, as well as all matters where advertising is required by law. Advertisements and notifications are intended to inform all interested individuals.

Agenda items

Matters will be heard in the order printed on the City Council agenda. However, with majority City Council approval, the City Council may hear agenda items out of their prescribed order on the printed agenda, if a large number of the public are present to speak on that specific agenda item or if the City Council otherwise determines that it is in the public interest to change the order of the agenda

Public Comment: The City Council receives general public comment about issues not on the agenda. Comments on agendized items should not be heard until the appropriate item is called. Individuals desiring to speak are to address the City Council from the speaker podium or virtually. Speaker cards may be required for in-person speakers and should be filled out and given to the city clerk before Public Comment.

Comments are limited to three minutes per speaker, unless there are more than 10 speakers then time is limited to two minutes per speaker, so that all have an opportunity to address the City Council. While the City Council encourages and embraces the need for and right of public participation, it acknowledges that public comments must, at times be limited in order for the City Council to conduct the business of the City. Therefore, the City Council authorizes the

Mayor, as presiding officer, to poll the audience for an indication of the number of people wishing to speak, and to impose time limits per speaker.

Videos, PowerPoint presentations or similar display requests may accompany in-person testimony but are subject to the same speaking time limits. Prior notice and coordination with the city clerk is required in order to provide any PowerPoint presentation or similar display requests and the Mayor reserves the privilege to limit such requests as necessary for the effective conduct of the meeting. Speakers are to address their comments to the City Council from the podium or virtually.

Public comment on regular business items normally follows staff's presentation of the staff report, clarifying questions from City Councilmembers and applicant comments as necessary and appropriate. Typically, applicants or appellants are limited to a maximum of five minutes. The City Council will then hear public comment.

Advisory Body Reports: Advisory body reports provide an opportunity for designated members of appointed advisory bodies to address the City Council on work plan updates and approvals.

Consent Calendar: Those items on the City Council agenda that are considered to be of a routine and noncontroversial nature by the city manager are placed on the "Consent Calendar." These items shall be approved, adopted, accepted, etc., by one motion of the City Council. Typical consent calendar items include the final reading and adoption of ordinances, various resolutions approving agreements, awards of contracts, minor budgetary adjustments, meeting minutes, status reports, and reports of routine city operations.

City Councilmembers may request that any item listed under "Consent Calendar" be removed from the Consent Calendar and the City Council will then take action separately on this item. A member of the public may request that an item listed under "Consent Calendar" be removed and City Council action taken separately on the item; the City Council must approve of such a request.

City Councilmembers are encouraged to contact the city manager's office before noon on the day of a City Council meeting day to provide notification of items to be removed from the Consent Calendar. This practice allows the city manager to notify staff that may need to be present to respond to removed items. Equally important, it also allows the city manager to inform staff who do not need to be present at the meeting. Unless contacted in advance of the meeting with sufficient time, the presumption is that staff will not be present.

Informational Items: Informational items may contain a status update, background report or a preview of a larger item coming before the City Council at a future meeting. Similar to Consent Calendar items, City Councilmembers are encouraged to contact the city manager's office before noon on the day of a City Council meeting day to provide notification of items to be removed from the Informational Items.

City Manager and City Councilmember Reports: Provides the city manager and City Councilmembers an opportunity to introduce matters not currently before the City Council, including brief announcements. Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from the public or announcements of interest to the public.

City Councilmembers shall submit, to the city clerk, a "City Councilmember Report Form," which can be obtained from the city clerk's office. If the form is received no later than two business days before the publication of the meeting agenda (e.g., Tuesday before the City Council meeting), it will be included in the packet, under City Councilmember Reports and no verbal report will be required. If the form is not received, the City Councilmember can provide the verbal report at the City Council meeting.

Discussion rules

To assist the City Council in the orderly discussion of items, rules are followed which represent accepted practices for the management of City Council meetings.

Obtaining the floor: A City Councilmember or staff shall first address the Mayor and gain recognition. Comments and questions should be directed through the Mayor and limited to the issue before the City Council. Cross-exchange between councilmembers and public should be avoided.

Questions to staff: A City Councilmember shall, after recognition by the Mayor, address questions to the city manager, city attorney, department head or designated staff member. City Councilmembers with questions on an agenda item should preferably contact the city manager before the meeting in order to allow staff time to research a response for the meeting.

Interruptions:

- A. Once recognized, a City Councilmember is considered to have the floor, and another councilmember may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the City Councilmember holding the floor shall cease speaking until the point of order or privilege is resolved.
- B. Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.

Discussion: A City Councilmember should not speak more than once on a particular subject until every other councilmember has had the opportunity to speak. City Councilmembers are encouraged to discuss items during the decision-making process and may ask staff to respond when appropriate. The Mayor normally allows other City Councilmembers to speak first, then will give their views and summarize.

Tabling procedure: Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain. A motion to “continue” an agenda item has the same effect, but is generally used when a scheduling problem arises or when insufficient time is available to address the matter thoroughly.

Right of protest: A City Councilmember is not required to state reasons for a dissenting vote.

Calling for the question: The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A City Councilmember may move to “call for the question” on an item which is being considered. The motion requires a second, is not debatable and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable and the City Council must vote on it.

Conducting business at a late hour: All meetings of the City Council are to end by 12 a.m. (midnight) unless there is a vote taken by 11 p.m. to extend the meeting. The motion to extend is to include the title of the items to be considered after 11 p.m. to extend the meeting. The city clerk will alert the City Council at or before 11 p.m. New items of business will not be discussed after 11 p.m. unless the motion to consider such item(s) was passed.

Voting

When present, all City Councilmembers are to vote (affirmative, dissenting, abstention). All votes taken during a meeting in which a City Councilmember or City Councilmembers participate remotely must be by roll call vote. Roll call voting shall be taken in an order determined by the City Council, at a meeting in January, with the presiding officer (i.e., Mayor)

called last. Failure of a seated City Councilmember to express a vote constitutes an affirmative vote.

City Councilmembers may declare general consensus at the discretion of the presiding officer, if there are no negative votes or objections.

Tie vote: A tie vote is equivalent to a motion that has failed. In the context of an appeal, a tie vote is equivalent to the appeal being denied. The presiding officer may publicly explain the effect of the tie vote for the audience or may direct a member of the staff to do so.

Motions: There are a number of types of motions, each of which must meet certain requirements before a vote can be taken. A reference guide to motions is provided in chart form in Appendix A of this manual.

Reconsideration: Reconsideration of an item shall be allowed in accordance with the following City Council guideline:

- A City Councilmember of the prevailing majority when the previous vote was taken must make a motion for reconsideration. The City Council has determined that any motion for reconsideration should be made at the meeting immediately following that at which the action was taken as long as the motion to reconsider is properly agendaized. Where a majority of those present vote in the affirmative on a motion to reconsider, the City Council shall then proceed to vote on the underlying action or motion for which a motion to reconsider was sought. City Councilmembers are required to submit the reconsideration of an agenda item by emailing the city manager and city clerk. This email needs to be received after the initial meeting and before the agenda packet publishing of the next scheduled meeting.
- If a motion to reconsider fails, it may not itself be reconsidered. Reconsideration may not be moved more than once on the same motion.

Other guidelines

Other guidelines have been developed to ensure that meetings of the City Council are conducted in a civil and professional manner. City Councilmembers and staff shall:

1. Work to preserve appropriate order and decorum during all meetings.
2. Discourage side conversations, disruptions, interruptions or delaying efforts.
3. Inform the Mayor before departing from a meeting.
4. Limit disruptive behavior. The Mayor will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the Mayor may call a recess, request the removal of such person(s) from the City Council meeting, adjourn the meeting, or take such other appropriate action. The City Council discourages applause, booing or other similar behaviors from the public during meetings.
5. Recognize that only the City Council, staff, advisory body chairs or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the City Council dais or staff tables.
6. Limit breaks of the City Council to five-15 minutes. The City Council has authorized the Mayor to resume the meeting if a quorum exists and other City Councilmembers have not returned from the break within the announced time period.

Values of respect: The City Council has also recognized the importance of approaching the public's business in an environment of personal respect and courtesy, which places emphasis on the consideration of policy and avoids personalization of comments. Some guidelines utilized by the City Council include:

1. Discussion should focus on policy matters
2. Personal criticism by City Councilmembers is inappropriate
3. Proper decorum should be displayed as other City Councilmembers express their views

4. Treat members of the public equally, applying rules in a fair and consistent manner
5. Members of the public are advised to treat all public speakers with due respect and to refrain from verbal expressions in support of or opposition to (such as clapping or booing) any public speakers' comments.

Enforcement of order: The police chief or their designee acts as the Sergeant-At-Arms. Any City Councilmember may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

From time to time, items placed on the agenda for public meetings may generate potential for a large public interest, and in some cases, vocal and potentially disruptive opposition and demonstrations. In the interest of creating a consistent response procedure for these types of events, a security protocol has been established for City Council, commission and advisory body meetings (Appendix B).

Annual recess

The City Council shall recess for a minimum of two consecutive meetings in or about July and August annually. During the annual recess, the City Council may be convened for special City Council meetings if needed.

City Council Communications

City Councilmember correspondence

Members of the City Council may occasionally be called upon to write letters to residents, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City Council's position on policy matters to outside agencies on behalf of the City Council. Correspondence sent on behalf of the City Council is placed on official City letterhead and is signed by the Mayor or city manager. Individual City Councilmembers may prepare letters to constituents in response to inquiries or to provide requested information. Individualized City Councilmember letterhead can be made available for this purpose, and staff can assist in the preparation of such correspondence.

On occasion, City Councilmembers may wish to transmit correspondence on an issue upon which the City Council has yet to take a position or about an issue for which the City Council has no position. In these circumstances, City Councilmembers should use their personalized letterhead and clearly indicate within letters that they are not speaking for the City Council as a whole but in their individual capacity.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While City Councilmembers who may disagree with a position are free to prepare correspondence on such issues as private resident, City letterhead, official City Council title and staff support should not be utilized. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

Proclamations and certificates of recognition

Ceremonial proclamations and certificates of recognition are often requested of the City to honor, celebrate or create awareness of an event, entity or organization or individual. Proclamations are not statements of policy but a manner in which the city can make special recognition of an event (e.g., Recycling Week) or individual. As part of their ceremonial responsibilities, the Mayor is charged with administration of proclamations and certificates of recognition. Individual City Councilmembers do not issue proclamations and certificates of recognition.

Generally, all proclamations and certificates of recognition that are added to a City Council meeting agenda, per the Mayor's discretion, will be presented in a summary form and typically attached to the agenda and meeting minutes. On some occasions, a person will attend the City Council meeting to officially accept the proclamation or certificate of recognition; this is determined ahead of the City Council meeting. Proclamations and certificates of recognition can also be requested of the Mayor and not presented at a City Council meeting, and delivered directly to the requester.

Proclamations and certificate of recognition will not be issued for:

- For-profit businesses, as an advertisement or commercial promotion.
- Matters not within the subject matter jurisdiction of the City.
- Events or organizations with no direct relationship to the City of Menlo Park.
- Campaigns or events contrary to city policies.

Proclamations and certificate of recognition guidelines:

- The Mayor reserves the right to modify or deny any proclamation request.
- All requests will be reviewed on a case-by-case basis.

- One proclamation or certificate of recognition annually per topic and/or organization.
- More than one cause can be proclaimed or recognized simultaneously.
- An organization does not have exclusive rights to the day, week or month of its proclamation or certificate of recognition.

Interaction with city staff

Council-Manager form of government

Like most California cities, Menlo Park has adopted a Council-City Manager form of government. The City Council appoints a city manager to implement policy, enforce laws, direct the daily operations of city government and prepare and monitor the municipal budget. The Municipal Code specifies roles and responsibilities and requires that City Councilmembers work through the city manager in dealing with City staff unless simply requesting information from department heads or other staff members. The city manager is responsible to the City Council as a body rather than to individual City Councilmembers.

City Council-Manager relationship

The employment relationship between the City Council and the city manager reflects the fact that the city manager is the chief executive officer of the City. The city manager has an employment agreement with the City Council. Regular communication between the City Council and city manager is important in maintaining effective interpersonal relations. All dealings with the city manager, whether in public or private, should be consistent with the authority of the city manager in administrative and personnel matters. City Councilmembers should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more councilmembers. Further, councilmembers should avoid involving themselves in matters regarding individual City employees or related affairs.

The City Council evaluates the city manager's performance on a regular basis to ensure that both the City Council and city manager are in agreement about organizational performance and priority goals that are based on mutual trust and common objectives.

As in any professional relationship, it is important that the city manager keep the City Council informed. The city manager respects that the final responsibility for establishing the policy direction of the City is held by the City Council. The city manager communicates with City Council in various ways. In addition to the formal City Council meetings, there are periodic briefing meetings with individual councilmembers and written memoranda and email. Communication must be undertaken in such a way that all councilmembers are treated similarly and kept equally informed. It is also important that the City Council provide ongoing feedback, information and perceptions to the city manager including responses to written communications and surveys requesting feedback in a timely manner.

City Manager code of ethics

The city manager is subject to a professional code of ethics that binds the city manager to certain practices that are designed to ensure their actions are in support of the City's best interests. Violations of such standards can result in censure. A copy of the City Manager's Code of Ethics can be located at icma.org/page/icma-code-ethics.

City Council-city attorney relationship

The city attorney is the legal adviser for the City Council, city manager and departments. The general legal responsibilities of the city attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep

the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the city attorney does not represent individual City Councilmembers, but the City Council as a whole.

Financial matters

City Council compensation

State law and the Municipal Code govern compensation to City Councilmembers. City Councilmembers are also eligible for participation in group insurance benefits including retirement, medical, dental, vision, and life insurance plans available at the level provided to management employees.

Expenditure allowance

The annual City budget includes limited funding for members to undertake official City business. City Council Policy, Travel, Meal and Lodging Policy, governs reimbursements and expenditures for to travel and meeting expenses.

Expenditure guidelines

City Council expense must be related to City affairs. Public property and funds may not be used for any private or personal purpose, including meals or other expenses for private residents. Generally, public property and funds cannot be used for political and/or campaigning purposes. The city attorney can assist in determining which expenditures are proper based on State and case law.

City budgetary practices and accounting controls apply to expenditures within the City Council budget. Reimbursement requests should be made through the city manager's office monthly with receipts. Expenditure records are public information. Questions arising as to the proper application or interpretation of the adopted policy will result in the city manager conferring with the Mayor.

Conflicts and liability

Assembly Bills 1234 and 1661 – required ethics and sexual harassment prevention training

Assembly Bill (AB) 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses participate in training in ethics principles and laws every two years. 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.

AB 1661 requires local agency officials to receive two hours of sexual harassment prevention training and education within the first six months of taking office and every two years thereafter if the agency provides any type of compensation, salary or stipend to those officials.

Reference guide to motions

Type of motion	Second required	Debatable	Amendable	Priority over pending motion	Reconsider	Interrupt speaker
Adjourn	n/a	n/a	n/a	Y	n/a	n/a
Amend or substitute ¹	Y	Y	Y	Y	Y	n/a
Appeal	Y	Y	n/a	n/a	Y	Y
Call the question ⁷	Y	n/a	n/a	Y	n/a	n/a
Take up new business past 11 p.m. ⁸	n/a	Y	n/a	Y	n/a	n/a
Limit debate	Y	n/a	Y	Y Except "table"	Y	n/a
Main motion	Y	Y	Y	n/a	Y	n/a
Nominations	n/a	Y	n/a	n/a	n/a	n/a
Personal privilege or point or order	n/a	n/a	n/a	Y	Y	Y
Postpone to time certain	Y	Y	Y	Y	Y	Y
Previous question	Y	n/a	n/a	Y	Y	n/a
Recess or adjourn to time certain	Y	Y	Y	n/a	n	n/a
Reconsider	Y ²	Y ³	n/a	n/a	n/a	⁴
Table or take from table	Y	n/a	n/a	Y ⁵	n/a	n/a
Take up out of order	Y	n/a	n/a	n/a	n/a	n/a
Withdraw a motion ⁶	n/a	n/a	n/a	Y	Y	Y

"Y" indicates that this action can be taken, is necessary, is required, is permitted or is applicable

"n/a" indicates that this action cannot be taken, is unnecessary or is inapplicable

¹ Limit of three substitute motions.

² May only be made by a person who voted on prevailing side; not applicable to "table" motions. Must be made within two meetings of original action.

³ If prior motion was debatable.

⁴ Except for request for later action.

⁵ Highest subsidiary motion – takes precedence over all motions except adjourn and privilege.

⁶ Must be voted unless there is no objection.

⁷ Requires 4/5 vote.

⁸ Requires $\frac{3}{4}$ vote taken by 11 p.m. to extend beyond midnight.



Purpose

From time to time, items placed on the agenda for public meetings may generate potential for a large public interest, and in some cases, vocal and potentially disruptive opposition and demonstrations. In the interest of creating a consistent response procedure for these types of events, a security protocol has been established for City Council, commission and advisory body meetings

Protocol

1. As Directed - If any major demonstrations or crowd expected:
Before the meeting, Menlo Park Police Department (MPPD) shall confer with staff to evaluate the anticipated attendees, and make a determination about controlling entrances, as well as any door-staffing responsibilities.
2. Multiple over-flow locations as needed and should be monitored occasionally by staff/MPPD. Staff on-site to handle overflow audio/visual duties will be additionally obligated to immediately report any security concerns to MPPD personnel at the event.
3. MPPD are to have low-key but visible strategic presence, with additional resources available and briefed on incident and protocol and identified incident commander to await their directions. The incident commander (or their designee) shall remain in the hearing or area of concern and remain visual and verbal contact with Mayor/Chair/city manager for further direction. Barring a public safety emergency, no action shall be taken in the meeting without request/direction of Mayor/Chair/city manager .
4. Mayor/Chair of the meeting will set ground rules at beginning of hearing for no disruptions to ensure this is a fact-finding hearing and not distracting theater antics and disruptions will be addressed. No signs or other displays or posts, etc., and no clapping, jeering, or other public displays for or against speakers to maintain professional non-confrontational decorum.
5. Any press utilizing cameras in the chamber shall not obstruct the meeting proceedings and conduct interviews outside of the public meeting venue.
6. If either a public speaker is disruptive:
 - a) Mayor/Chair will request them to cease the disruptive behavior.
 - b) A second warning will advise them they will be asked to leave if they continue to disrupt the decorum.
 - c) If disruption continues Mayor identifies the offender(s) and strikes gavel and calls a brief recess to address the disruption.
 - d) Immediately, the City Council will go into recess and the Mayor/Chair/city manager will direct the MPPD incident commander (or their designee) to escort the individual(s) out, using lowest force necessary.
Police authority for removal of disruptive persons:
Penal §403 - Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in §302 of the Penal Code or §18340 of the Elections Code, is guilty of a misdemeanor.
7. Nothing in this protocol shall preclude MPPD or other city staff from taking action as dictated for public safety and necessity.



Legislative policy guide

The City Council of Menlo Park believes:

- In conducting the business of government with openness, respect, and civility, and including the involvement of all stakeholders in establishing goals and in solving problems.
- The vitality of cities is dependent upon their fiscal stability and local autonomy, and that local self-governance is the cornerstone of democracy.

Therefore,

- The City supports legislation that reflects the need to conduct the public's business in public.
- The City opposes legislation that mandates costly and unnecessary procedures.
- The City supports the use of the general plan as a guide to meeting community planning needs, and opposes mandatory review or approval by another level of government and legislation that restricts the land use authority of cities.
- The City emphasizes efficiency and effectiveness to achieve the best possible use of city resources and believes the state should implement fiscal and legislative reforms in order to allow local government to adequately finance its service responsibilities, with accountability to the taxpayers for its programs.
- The City supports additional funding for local transportation and other critical unmet infrastructure needs and enhanced autonomy for local transportation decision-making.
- The City supports strategic alliances with counties, schools, other cities and local agencies, nonprofit and civic organizations and business and professional associations.