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 <p>City of Cupertino City Council Procedures Manual</p>	<p>Attachments:</p> <p>Ex. A – Ceremonial Correspondence Policy</p> <p>Ex. B – Elected Officials' Compensation Program</p> <p>Ex. C – Council Technology Policy</p> <p>Ex. D. – Resolution No. 07-103</p> <p>Ex. E – Municipal Code Chapter 2.17</p>
<p>Effective Date: DRAFT</p>	<p>Responsible Departments: City Manager's Office</p>
<p>Related Policies & Notes: See Exhibits A–E.</p>	

1. Introduction

- 1.1 Purpose.** The purpose of this Manual is to promote communication, understanding, fairness, and trust among the members of the City Council, City staff, and members of the public concerning their roles, responsibilities, and expectations for management of the business of the City of Cupertino.

Comments:

Councilmember Moore: Revise Section 1.1 to delete “and members of the public.”

- 1.2 Values.** Courtesy and respect for individual points of view should be practiced at all times. All Councilmembers shall respect each other’s right to disagree. All Councilmembers shall act with decorum and courtesy.

- 1.3 Brown Act.** All actions of the City Council and City commissions, committees, and subcommittees shall comply with the Ralph M. Brown Act.

Comments:

Councilmember Chao: Add a new Section 1.2 that reads as follows: “**Principle.** The City Council maintains control as the governing body. This manual ensures free and fair access to the flow of any information relative to the operation of the City and free and fair access to public meetings.”

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2. Selection of the Mayor and Vice Mayor

- 2.1 Selection of Mayor and Vice Mayor.** The Mayor and Vice Mayor shall be selected annually at a special meeting on the second Thursday of December. The Mayor and Vice Mayor shall not serve consecutive terms; provided, however, this provision shall not prevent the Vice Mayor from succeeding to the office of Mayor.

Comments:

Councilmember Moore: Revise Section 2.1 to delete: "The Mayor and Vice Mayor shall not serve consecutive terms; provided, however, this provision shall not prevent the Vice Mayor from succeeding to the office of Mayor."

- 2.2 Removal of Mayor and Vice Mayor.** The Mayor or Vice Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. The Mayor or Vice Mayor must be advised of the proposed cause for removal at least 72 hours before any action is taken. If the Mayor is removed from office, the Vice Mayor shall become Mayor. If either officer is removed from office, the Vice Mayor shall be appointed from among the remaining three Councilmembers.

Comments:

Mayor Wei: Revise Section 2.3. to delete "for cause" and change "a 4/5ths affirmative vote of the members" to "a majority affirmative vote of the members."

Councilmember Chao: Revise Section 2.3 to add: "Removal for cause shall mean removal of a Councilmember because of such member's (a) willful and continued failure substantially to perform their duties, (b) conviction for, or guilty plea to, a felony or a crime involving moral turpitude, or (c) abuse of illegal drugs or other controlled substances or habitual intoxication. The removal should precede with a formal warning, which states with proven evidence of the member's failure to perform their duties and proposed corrective measures."

3. Councilmember Committees and Subcommittees

- 3.1 Appointment.** The Mayor shall appoint Councilmembers to standing and ad hoc committees and subcommittees established by the City Council, subject to ratification by the Council at its next regular meeting. It will be the

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responsibility of the committees and subcommittees to inform and submit recommendations to the Council.

Comments:

Councilmember Chao: Replace Section 3.1 with the following: “It will be the responsibility of the committees and subcommittees to inform and submit recommendations to the Council. The purpose and scope of each standing or ad hoc committee should be stated when it is formed and re-stated when councilmembers are appointed to the committee at a regular meeting.

- The City Manager shall prepare a report to Council about the anticipated time commitment required for staff to assist the Ad Hoc Committee.
- Information: The scope, membership, time of creation and estimated number of meetings for each Ad Hoc Committee shall be posted to the City Council website.
- Termination: A majority of the Council may vote to terminate any Ad Hoc Committee following a written report by the committee.
- Ad Hoc Committees do not constitute legislative bodies and are not subject to the requirements of the Brown Act. Standing committees that have a continuing or indefinite jurisdiction are subject to the Brown Act.”

Councilmember Moore: Revise Section 3.1 as follows: “The Mayor shall appoint Councilmembers to standing committees and all Councilmembers may nominate any Councilmember to ad hoc committees and subcommittees established by the City Council, with consideration of Councilmember preference, equitable distribution, seniority, experience, and benefit to the committee, subject to ratification by the Council at its next regular meeting. It will be the responsibility of the committees and subcommittees to inform and submit recommendations to the Council.”

3.2 Instructions and Expectations. The Council shall make certain that all Council committees and subcommittees are properly instructed in their assigned scope of work and responsibilities. The committee’s or subcommittee’s jurisdiction shall be defined in writing and approved by a majority of the City Council. All Council committees and subcommittees having a continuing or indefinite jurisdiction shall be subject to the Brown Act.

3.3 Reporting. Council committee and subcommittee members are to keep the Council informed of the work and progress of their committee or subcommittee. These reports or minutes shall be made in writing whenever a recommendation is made to the Council.

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Comments:

Councilmember Moore: Revise Section 3.3 as follows: "Council committee and subcommittee members are to keep the Council informed of the work and progress of their committee or subcommittee. These reports or minutes shall be made in writing ~~whenever a recommendation is made to the Council.~~"

4 Other City Commissions and Committees

4.1 Responsibility. The Council will make appointments to City's commissions and committees. Qualifications to serve on commissions and committees shall be set forth in the Municipal Code or by a resolution or motion of the Council that is not inconsistent with the Municipal Code. Appointment of Councilmembers to City committees shall be governed by the procedures in Section 3.

4.2 Attendance at Council Meetings. At least one commission member must attend City Council meetings when the commission has an item of interest on the Council agenda, so as to be available to answer Council questions.

Comments:

Mayor Wei: Revise Section 4.2 to add: " . . . Staff shall provide the commission with advance notice for the commission to select a member to attend the City Council meeting."

Councilmember Moore: Revise Section 4.2 as follows: "At least one commission member, preferably the Chair or Vice Chair, must attend City Council meetings when the commission has an item of interest on the Council agenda, so as to be available to answer Council questions."

4.3 Performance Expectations. The Council shall make certain that all commissions and committees are properly instructed on their responsibilities and performance expectations. This will include the issuance of a Council-approved Commission and Committee Handbook and a mandatory annual training session for all Commission and Committee members.

4.4 Appointment. Commission and Committee applicants will be interviewed by the Council before being voted on by the Council in a noticed public meeting. Applicants are considered by motion and appointed by a majority vote of Council. Two members of an immediate family or persons residing in the same household shall not be allowed to serve simultaneously on the same

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commission or committee. Immediate family members residing in the same household as a Councilmember are not eligible for appointment to any commission or committee. Former Councilmembers are not eligible for appointment to any commission or committee within four years of having served on the City Council.

Comments:

Multiple Councilmembers: Revise Section 4.4 as follows: “. . . Former Councilmembers are not eligible ~~for appointment to~~ service on any commission or committee within four years of having served on the City Council.”

Councilmember Chao: Delete the last sentence of Section 4.4 (“Former Councilmembers are not eligible for appointment to any commission or committee within four years of having served on the City Council.”). Add: “City staff should report communications from former Councilmembers and former commissioners on issues related to City business through phone calls or in-person communications.”

Councilmember Moore: Revise Section 4.4 as follows: “. . . ~~Former Councilmembers are not eligible for appointment to any commission or committee within four years of having served on the City Council.~~ Commissioners and committee members shall not be employees of the City or companies which the City contracts with, or employees of subcontracted companies.”

- 4.5 **Removal.** The City Clerk shall remove commission ~~or committee~~ members for failure to comply with attendance policies adopted in the ~~Commission and Committee Handbook~~ Commissioner’s Handbook. Council retains full discretion to review commission and committee member performance and may take disciplinary action as needed, including removal from the commission or committee.

Comments:

Staff Recommendation: Revise Section 4.5 to strike references to committees in the first sentence.

Councilmember Chao: Revise Section 4.5 as follows: “The City Clerk shall ~~remove~~ inform the Council to consider removal of commission or committee members for failure to comply with attendance policies adopted in the Commission and Committee Handbook”

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- 4.6 Undue Influence on Commissioners.** Councilmembers should not attempt to influence or publicly criticize commission recommendations or to influence or lobby individual commission members on any item under their consideration. It is important for commissions to be able to make objective recommendations to the City Council on items before them. Councilmembers that attempt to influence commission positions on an item may prejudice or hinder their role in reviewing the commission's recommendation as a member of the City Council. Individual Councilmembers ~~and commissioners~~ shall have the right to attend meetings of commissions and other Cupertino governmental bodies but shall refrain from speaking or becoming involved in deliberations.

Comments:

Staff Recommendation: Delete "and commissioners" from the last sentence of Section 4.6.

Councilmember Moore: Delete "Individual Councilmembers and commissioners shall have the right to attend meetings of commissions and other Cupertino governmental bodies but shall refrain from speaking or becoming involved in deliberations."

Councilmember Chao: Add two new paragraphs in Section 4 that read as follows:

"On every item within the jurisdiction of a commission, the staff liaison shall work with the commission chair to schedule the item to receive inputs and seek recommendations from the commission, as time permits. The staff report at the Council meeting shall include commission inputs and recommendations. Rationale should be given when commission inputs are not available for an item within their jurisdiction."

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

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5. Administrative Matters

- 5.1 Attendance.** City Councilmembers acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Councilmembers shall make a good faith effort to attend all such meetings. Council members shall notify the Mayor or the City Clerk if they will be absent from a meeting.

Comments:

Councilmember Moore: Revise Section 5.1 to add the following: “Council attendance will be noted in the agenda of the next regular meeting and thereafter for that calendar year, if three or more meetings are missed.”

- 5.2 Correspondence.** Proposed correspondence from the Mayor or other Councilmembers on City stationery should generally be reviewed by the Council in draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. If the Mayor and the City Manager agree that the League’s position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council approval. City letterhead will be made available for routine correspondence (*e.g.*, thank you notes). Official correspondence (including email) from Councilmembers should be respectful and professional.

Comments:

Councilmember Moore: Revise Section 5.2 to add the following: “Official correspondence from any member of Council shall be provided to all members of Council.”

- 5.3 Regional Bodies.** The Mayor shall appoint Councilmembers to represent the City of Cupertino on regional bodies subject to ratification by the Council at its next regular meeting. The Mayor should endeavor to provide all Councilmembers a fair opportunity to represent the City. The positions taken by the appointed representatives should be in alignment with the positions that Council has taken on issues that directly impact the City of Cupertino. If an issue arises that is specific to Cupertino and Council has not taken a position, the issue should be discussed by Council prior to taking a formal position at a regional board meeting to assure that it is in alignment with Council’s position. Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council.

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Councilmembers shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. Attendance should not be less than 75% of all scheduled meetings. If a Councilmember is unable to attend, they should notify their alternate as far in advance of the meeting as possible so as to allow the alternate to attend.

Comments:

Councilmember Moore: Revise Section 5.3 as follows: “Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral ~~or~~ and written reports to the Council”; and add the following: “The Council representative shall provide a written report to Council consistent with Section 3.3.”

- 5.4 Responses to Public.** It will be the responsibility of the City Manager to ensure a response is provided to public correspondence for informational requests addressed to the Council. Staff shall respond to all requests for services as appropriate, and the City Manager shall keep Council informed of the City response.
- 5.5 Ceremonial Correspondence.** Proclamations, certificates of appreciation or recognition, and letters of recognition or support are discretionary public announcements directing attention to a local resident, organization, or event. The Mayor may issue ceremonial proclamations, certificates, and letters as set forth in the City of Cupertino Ceremonial Correspondence Policy (Exhibit A).
- 5.6 Reimbursement.** City Councilmembers may be reimbursed for expenses for travel to and lodging at conferences or meetings related to their role as a Councilmember as stated in the Elected Officials’ Compensation Program, as may be amended from time to time (Exhibit B). Any additional expenses that fall outside the scope of this policy may be reimbursed only if approved by the City Council, at a public meeting before the expenses are incurred. Any request for reimbursement of expenses shall be accompanied by an expense form and receipts to document the expenditure. These documents are public records subject to disclosure under the California Public Records Act. Councilmembers shall be eligible to receive City-issued hardware and software for the conduct of official business pursuant to the Council Technology Policy (Exhibit C).
- 5.7 Council Training.** Any member of the City Council and City commissions or advisory committees formed by the City Council shall receive ethics and anti-harassment training required by state law. New members must receive the

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training within their first year of service. Members shall attend training sessions that are offered locally in the immediate vicinity of Santa Clara County or by completing online a state-approved public service ethics education program, or at any conference attended. The City Clerk shall keep ethics training records for five years.

Comments:

Staff Recommendation: Any member of the City Council and City commissions or advisory committees formed by the City Council shall receive ethics and anti-harassment training required by state law. New members must receive the training within their first year of service and shall comply with ongoing training requirements imposed by state law. Members shall attend training sessions that are offered locally in the immediate vicinity of Santa Clara County ~~or~~, by completing online a state-approved public service ethics education program, or through a state-approved training which may be provided at a conference attended by the member. The City Clerk shall keep ethics training records for five years.

Councilmember Fruen: Revise Section 5.7 to delete requirement that state-approved ethics education must be online.

- 5.8 Mayor's Initiative Budget.** The Mayor may use the Mayor's initiative budget established as part of the City Manager's discretionary fund for projects that the Mayor deems appropriate during the Mayor's term of office, subject to the requirements of Resolution No. 07-103 (Exhibit D). The amount of the Mayor's initiative budget is determined by the City Council.

6. Relationship with City Staff

- 6.1 Incorporation of Municipal Code by Reference.** Cupertino Municipal Code Chapter 2.17 (Exhibit E) governs the City Council's relationship with the City Manager and their staff under the Council-Manager form of government. To the extent that the provisions of Chapter 2.17 are not set below, they are incorporated by reference into this Manual.
- 6.2 Council/Manager Form of Government.** Under the Council/Manager form of government, the City Council sets policy direction as the direct representatives of the community with the City Manager providing the professional expertise to manage the organization and carry out the Council's direction. The City Manager is responsible for carrying out the Council's policy direction through

the day-to-day management of City functions, including the oversight of City operating departments. Neither individual Councilmembers nor the Council as a whole shall interfere with the City Manager's performance of the administrative duties conferred upon them in Cupertino Municipal Code section 2.28.040.

- 6.3 Council-Manager Relations.** The City Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any Councilmember shall give orders to any subordinates of the City Manager. The City Manager shall take instructions from the City Council only when given at a duly held meeting of the City Council, and no individual Councilmember shall give any instructions to the City Manager.
- 6.4 Individual Councilmember Influence on Staff Decisions Prohibited.** Individual Councilmembers shall not attempt to influence staff decisions, recommendations, workloads, and schedules, and department priorities without prior knowledge and approval of the City Council. If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedules and priorities of staff, that member must prevail upon the City Council to do so as a matter of Council policy.
- 6.5 Decorum.** All Councilmembers and City staff shall treat each other with dignity, courtesy, and respect. In exercising the City Council's policymaking authority, Councilmembers must often critique, modify, or reject a staff recommendation. While thorough vetting and criticism of staff policy recommendations or decisions is a necessary component of Council's policymaking role, criticism should focus on the policy recommendations and decisions and should avoid personal attacks. Councilmembers shall refrain from publicly criticizing the general abilities, character, or motivations of any staff member and should share any such concerns privately with the City Manager or City Attorney.
- 6.6 Councilmember Access to Information.** City Council members have free access to the flow of any information related to the operation of the City. The City Manager shall ensure that such information is communicated by staff in full and with candor to the Council. City staff will make every effort to respond in a timely and professional manner to all requests made by individual council members for information or assistance, provided that, in the judgment of the City Manager, the request is not of a magnitude either in terms of workload or policy, which would require that it more appropriately

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be assigned to staff through the collective direction of the City Council, based on the guidelines set forth in Cupertino Municipal Code section 2.17.043. No Councilmember shall circumvent the City Manager's direction regarding a request for information by seeking information through a Public Records Act request.

Comments:

Mayor Wei: Revise Section 6.6 as follows: “. . . No Councilmember shall circumvent the City Manager's direction regarding a request for information by seeking information through a Public Records Act request except with the approval of the Council with a majority affirmative vote of the members.”

Councilmember Moore: Revise Section 6.6 to delete the sentence: “No Councilmember shall circumvent the City Manager's direction regarding a request for information by seeking information through a Public Records Act request.”

- 6.7 Authority of City Council.** Nothing in this Manual shall limit the City Council's power to accept, reject, amend, or otherwise guide and direct staff actions, decisions, recommendations, workloads and schedules, department priorities, and the conduct of city business through the office of the City Manager. This power cannot be delegated to individual Councilmembers, nor to committees composed of Councilmembers consisting of less than a quorum of the City Council.

7. Agendas and Staff Reports

- 7.1 Future Agenda Items.** The City Manager, the City Attorney, the Mayor, or any two Councilmembers may request that an item be added to a future agenda for Council action. The City Manager shall provide a quarterly report to Council regarding the status of future agenda items, which may include a request to remove items from the list of future agenda items. Any item may be removed for the future agenda items list by a majority vote of the City Council.

Comments:

Mayor Wei: Revise section 7.1 as follows: “The City Manager shall provide a quarterly report to Council regarding the status of future agenda items, which may include a request to remove items that are outdated or obsolete, from the list of future agenda items. ~~Any item.~~ Outdated or obsolete items may be removed for the future agenda items list by a majority vote of the City Council.

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The City Manager may ask Council to reaffirm that items remain on the future agenda items list with the support of two council members."

Councilmember Moore: Revise Section 7.1 to delete the sentence: "Any item may be removed for the future agenda items list by a majority vote of the City Council."

- 7.2 Preparation of Agenda.** The City Clerk shall prepare the agenda in consultation with the City Manager, the Mayor, and the City Attorney. Absent exigent circumstances, an item will be scheduled for Council action no sooner than 14 days after receipt of a request to add the item to the future agenda items list. Any item requiring preparation of a staff report requires City Manager approval or, in case of a report prepared by City Attorney's Office staff, City Attorney approval, before being added to an agenda. The Mayor, in consultation with the City Manager and the City Clerk, shall determine the order of items on the agenda.
- 7.3 Agenda Item Descriptions.** Each agenda item shall include a brief general description of the matter to be discussed (approximately 20 words in length), including any action that may be taken under the California Environmental Quality Act, and should generally include the recommendation of the City Manager.
- 7.4 Staff Reports.** Staff reports should include the following sections:
1. Subject
 2. Recommended Action
 2. Reasons for Recommendation
 3. Sustainability Impact
 4. Fiscal Impact
 5. California Environmental Quality Act
- 7.5 Agenda Publication.** Agenda packets for a regular meeting should be published and delivered to Councilmembers no later than the ~~Thursday~~ Wednesday prior to a Tuesday Council meeting. Councilmembers are encouraged to contact staff in advance for answers to questions regarding an agenda packet. Written communications addressed to Council shall be forwarded to Council and made available to members of the public, consistent with the requirements of the Brown Act.

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Comments:

Staff Recommendation: Revise Section 7.5 to require the publication of agenda packets no later than the Wednesday prior to a regular Council meeting.

- 7.6 Supplemental Materials.** Supplemental reports received by the City Clerk after the agenda is published but before 12:00 p.m. on the Monday prior to the City Council meeting shall be published and delivered to Councilmembers at 5:00 p.m. on Monday. Supplemental reports received by the City Clerk after 12:00 p.m. on Monday but before 4:00 p.m. on the day of the meeting shall be published and delivered to Councilmembers prior to the Council meeting.

Comments:

Councilmember Chao: Add a new paragraph that reads as follows: "Questions and all staff-prepared responses will be forwarded to all Councilmembers as well as put up on the special web page created for public review of Council agenda questions and staff responses. Staff will include the name of the Councilmember posing the questions in the 'subject' field of the e-mail response. Written copies of all Councilmember agenda questions and staff responses will be at Council places at the meeting; additionally copies will be made available in the Council Chambers for members of the public."

8. Meeting Procedures

- 8.1 Meeting Schedule.** The City Council conducts its regular meetings on the first and third Tuesdays of the month, except when Council is in recess. At the second regular meeting in January, the City Council will approve the schedule of meetings for the calendar year, which in addition to the regular meeting schedule may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to the Brown Act.

- ~~**8.2 Seating of Councilmembers.** For meetings held in Council Chambers at Community Hall, the Mayor shall be seated at the center of the dais and the Vice Mayor shall be seated immediately to the Mayor's left. The remaining Councilmembers shall be seated in order of seniority as follows: (1) the seat immediately to the right of the Mayor; (2) the last seat on left side of the dais; (3) the last seat on the right side of the dais. Seniority shall be based on the number of consecutive years of service on the City Council. If two members~~

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~~have equal seniority based on service, the member with the higher vote count in their most recent election is considered to have higher seniority.~~

Comments:

Staff Recommendation: Delete Section 8.2.

8.3 Rules of Order. City Council meetings shall be governed by Rosenberg's Rules of Order. Unless otherwise required by state law or City ordinance, decisions of the Council shall be made by a majority of members present and voting. The Mayor may impose additional reasonable procedural rules not inconsistent with Rosenberg's Rules of Order and the provisions of this Manual, unless objected to by a majority of Councilmembers present.

8.4 Order of Business. The order of agenda items for regular Council meetings is as follows:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Closed Session Report
5. Ceremonial Items
6. Oral Communications (public comment on non-agenda matters)
7. Consent Calendar
8. Public Hearings
9. Action Calendar
10. Council Reports and Comments
11. City Manager Report
12. Oral Communications (continued)
- ~~12~~13 Informational Items
- ~~13~~14 Adjournment

Oral communications shall be limited to 30 minutes. Additional speakers wishing to comment on non-agenda items may be given time to speak at the end of the agenda, after the City Manager's report. In the absence of an objection made by a majority of Councilmembers present and voting, the Mayor may modify the order of business to facilitate the fair and efficient conduct of Council meetings.

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Comments:

Staff Recommendation: Revise Section 8.4 to include any oral communications that continue beyond the allotted 30 minutes in the Order of Business.

8.5 Consent Calendar.

8.5.1 Adding Item to Consent Calendar. The Mayor, the City Manager, the City Attorney, or the City Clerk may recommend that items appearing on the agenda be placed on the consent calendar for action by the City Council. In addition, any item may be placed on the consent calendar by a majority vote of the City Council. All items placed on the consent calendar shall appear together on the agenda with the recommendation as to the action to be taken by the City Council with respect to such item. Upon the motion of any member of the City Council, all items placed upon the consent calendar may be acted upon together, and each shall be deemed to have received the action recommended. Items may be removed from the consent calendar only by a member of the City Council.

Comments:

Mayor Wei: Revise Section 8.5.1 as follows: “. . . Items may be removed from the consent calendar ~~only~~ by a member of the City Council. Items may be removed from the consent calendar by a member of the public with the approval of the Council with a majority affirmative vote of the members. The member of the public requesting removal must state the reason for the request.”

Councilmember Moore: Revise Section 8.5.1 to delete: “Items may be removed from the consent calendar only by a member of the City Council.”

8.5.2 Removing Item from Consent Calendar. Any member of the City Council who would like to remove an item from the consent calendar shall notify the City Manager and the City Clerk prior to the meeting. Although members of the City Council are encouraged to ask questions and share concerns about the agenda item with staff before the meeting, they are not required to do so. Items removed from the consent calendar shall be placed at the end of the agenda for consideration.

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Comments:

Councilmember Moore: Delete Section 8.5.2.

Councilmember Fruen: Revise Section 8.5.2 to allow Councilmembers to remove at most one item from the consent calendar without providing notice before the Council meeting begins.

- 8.6 Public Comment.** An opportunity for public comment shall be provided for the consent calendar, each other agenda item under consideration, and, during regular meetings, on any matter that is within the subject matter jurisdiction of the City Council. The Mayor may consolidate public comment for related agenda items, subject to overruling by a majority vote of the Council. Non-agenda matters (including Council and staff reports and informational items) may be addressed by the public during oral communications. Members of the public wishing to speak regarding an item shall submit a request to comment to the Clerk ("blue card") or, where applicable, raise their hand in Zoom within five minutes of the time the Mayor opens public comment. Each individual speaker will ordinarily have up to three minutes to address the Council. If a speaker representing five or more members of the public in attendance and wishing to comment on the item but electing not to speak, the speaker may have up to 10 minutes to address the Council. Consolidation of time among speakers is not otherwise allowed. No member of the public may be allocated more than a combined total of 10 minutes to speak during a Council meeting. If a large number of speakers wish to address Council on an item, the Mayor may reduce the time allotted to each speaker consistent with the Brown Act. Twice the speaking time will be provided to any member of the public who uses a translator.

Comments:

Mayor Wei: Revise Section 8.6 as follows: ". . . Members of the public wishing to speak regarding an item shall submit a request to comment to the Clerk ("blue card") or, where applicable, raise their hand in Zoom within ~~five~~ nine minutes of the time the Mayor opens public comment . Each individual speaker will ordinarily have up to three minutes to address the Council. If a speaker is representing themselves and one other member of the public in attendance wishing to comment on the item but electing not to speak, the speaker may have up to five minutes to address the Council. If a speaker representing themselves and two other members of the public in attendance, the speaker may have up to seven minutes to address the Council. If a speaker is representing

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themselves and three other members of the public in attendance, the speaker may have 9 minutes to address the Council. If a speaker representing five or more members of the public in attendance and wishing to comment on the item but electing not to speak, the speaker may have up to 10 minutes to address the Council. Consolidation of time among speakers is not otherwise allowed. ~~No member of the public may be allocated more than a combined total of 10 minutes to speak during a Council meeting.~~ If a large number of speakers wish to address Council on an item, the Mayor may reduce the time allotted to each speaker consistent with the Brown Act. Twice the speaking time will be provided to any member of the public who uses a translator. All public comments must be relevant to the issue before the City Council. Arguments for or against a measure should be stated as concisely as possible."

Councilmember Moore: Revise Section 8.6 to delete: "No member of the public may be allocated more than a combined total of 10 minutes to speak during a Council meeting."

Councilmember Fruen: Revise Section 8.6 to remove the 10-minute limit on total time for public comment by a single member of the public and to increase the length of time members of the public have to raise their hand or submit a blue card to speak to 9 minutes.

- 8.7 Communications with Members of the Public.** The City Council may ask questions of speakers providing public comment but should avoid an extended discussion with members of the public during meetings. Additionally, when a member of the public provides comments regarding a matter that is not on the agenda, Councilmembers may (1) refer the speaker to staff; (2) refer the speaker to appropriate reference material; (3) request that staff report back at a future meeting; or (4) request that staff place the item on a future agenda. Councilmembers should not otherwise respond to or comment on an item of business that is not on the agenda. City staff should generally avoid responding to comments or questions from members of the public during Council meetings, although the City Manager or City Attorney may offer to arrange a time to discuss the subject matter of public comments with members of the public subsequent to the Council meeting.

8.8 Conduct of Meetings

- 8.8.1 Councilmembers.** Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Councilmembers shall accord courtesy to each other,

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to City employees, and to members of the public appearing before the City Council.

8.8.2 City Employees. City staff shall observe the same rules of decorum applicable to the City Council. City staff shall act at all times in a businesslike and professional manner towards Councilmembers and members of the public.

8.8.3 Members of the Public. Members of the public attending City Council meetings are encouraged to treat Councilmembers, City staff, and other members of the public with the same courtesy that Councilmembers and City staff must accord to them. Any members of the public who engages in conduct that disrupts a City Council meeting shall be removed from the meeting. Nothing in this Manual 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, City advisory bodies, or City staff.

8.9 Discussion and Deliberation

8.9.1 Ex Parte Contacts. Councilmembers shall disclose any ex parte contacts prior to deliberation on a quasi-adjudicative matter.

Comments:

Staff Recommendation: Replace Section 8.9.1 with the following:

“Ex Parte Communications. Councilmembers shall disclose any ex parte communications prior to deliberation on a quasi-judicial matter. A quasi-judicial matter is typically a hearing in which the City Council hears evidence and makes findings of fact to reach a conclusion based on the applicable law. An ex parte communication occurs when a Councilmember hearing a quasi-judicial matter communicates directly or indirectly with any person or party in connection with a matter before the Council, without notice and the opportunity for all parties to participate.”

8.9.2 Relevance. All discussion must be relevant to the issue before the City Council. A Councilmember is given the floor only for the purpose of discussing the pending matter; discussion which departs from the item agendized for discussion is out of order. Councilmembers should avoid repetition and shall not discuss matters that are not on the agenda.

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

- 8.9.3 Council Questions and Deliberations.** Councilmembers may obtain the floor by seeking recognition from the Mayor. Following presentations to Council on an agenda item, Councilmembers shall each be given 5 minutes to ask questions of any presenter. The Mayor may allow additional time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized should limit their time to 5 minutes.

Comments:

Mayor Wei: Revise Section 8.9.3 to add the following: “. . . The Mayor may allow additional time for deliberation where appropriate.”

Councilmember Fruen: Replace Section 8.9.3 with the following:
“Councilmembers may obtain the floor by seeking recognition from the Mayor. Following presentations to Council on an agenda item, Councilmembers shall each be given five minutes to ask questions of any presenter. The Mayor may allow additional time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall limit their time to five minutes. The Mayor may allow additional time for questions where appropriate. This rule shall displace any conflicting rule in the City’s adopted rules of procedure.”

- 8.9.4 Opportunity for Equal Participation.** It is the policy of the Council to encourage the full, fair participation of all members of the Council in discussions and deliberations. The Mayor may impose reasonable limits on the time any Councilmember is permitted to speak to advance this policy. In addition, all Councilmembers wishing to be recognized should be given an opportunity to speak before any member is allowed to speak a second time.

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8.9.5 Civility. While it is appropriate to vigorously debate a motion, its nature, or its consequences, Councilmembers shall avoid attacks on the motives, character, or personality of other Councilmembers, City staff, and members of the public. The Mayor shall rule out of order any Councilmember who engages in such attacks.

8.9.6 Role of the Mayor. The Mayor has the responsibility for controlling and expediting the discussion of an agenda item. It is the duty of the Mayor to keep the subject clearly before the Councilmembers, to rule out irrelevant discussion, and to ensure civil discussion among Councilmembers.

8.10 Meeting Length. Meetings of the City Council shall adjourn by 11:00 p.m. unless the time of adjournment is extended by a vote of a majority of the City Council. Discussion of an agenda item shall not begin after 10:30 p.m. Any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be discussed or approved and shall specify the order these items shall be considered. If a meeting continues past 11:00 p.m., it shall end at 11:30 p.m. All meetings shall be adjourned at 11:30 p.m. unless by a 2/3 vote the City Council suspends this rule and votes affirmatively to extend the meeting past 11:30 p.m. Following the adjournment of the meeting, any remaining items on the agenda shall be continued to the next regular meeting of the City Council.

Comments:

Councilmember Fruen: Revise Section 8.10 to require only a majority of members present and voting to extend Council meetings past 11:30 p.m., instead of a 2/3 vote of the Council.

Councilmember Moore: Revise Section 8.10 as follows: "Meetings of the City Council shall adjourn by ~~11:00 p.m.~~ 12:00 p.m. unless the time of adjournment is extended by a vote of a majority of the City Council. Discussion of an agenda item shall not begin after ~~10:30 p.m.~~ 11:30 p.m. Any motion to extend the meeting beyond ~~11:00 p.m.~~ 12:00 p.m. shall include a list of specific agenda items to be discussed or approved and shall specify the order these items shall be considered. If a meeting continues past ~~11:00 p.m.~~ 12:00 p.m., it shall end at ~~11:30 p.m.~~ 12:30 p.m. All meetings shall be adjourned at ~~11:30 p.m.~~ 12:30 p.m. unless by a 2/3 vote the City Council suspends this rule and votes affirmatively to extend the meeting past ~~11:30 p.m.~~ 12:30 p.m. Following the adjournment of the meeting, any remaining items on the agenda shall be continued to the next regular meeting of the City Council."

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8.11 Public Hearing Procedures. The order of proceeding where there is a public hearing item (non-appeal items) before the City Council shall be as follows:

1. Open Public Hearing
2. Staff Report (≤ 10 minutes)
3. Applicant's presentation (where applicable) (≤ 8 minutes)
4. Questions from the Council
5. Public comment
6. Applicant's response to public comment (where applicable) (2 minutes)
7. Close Public Hearing
8. City Council discussion and vote

Where the public hearing involves an appeal of a decision to the City Council, the order of proceeding shall be as follows:

1. Open Public Hearing
2. Staff Report (≤ 10 minutes)
3. Appellant's statement (≤ 8 minutes)
4. Applicant's statement (where applicable) (≤ 8 minutes)
5. Questions from the Council
6. Public comment
7. Applicant's response to public comment (where applicable) (2 minutes)
8. Appellant's response to public comment (2 minutes)
9. Close Public Hearing
10. City Council discussion and vote

Comment:

Councilmember Moore: Revise Section 8.11 to indicate that time limits are recommendations rather than strict requirements (e.g., "preferably ≤ 8 minutes").

8.12 City Council Recess Period. The City Council recess period shall begin the first Tuesday in August and end the Tuesday following Labor Day. During any recess period, the City Manager is authorized to take such ministerial actions for matters of operational urgency, including such emergency actions as are necessary for the immediate preservation of the public peace, health, or safety, as would normally be taken by the City Council during the period of recess, except for those duties specifically reserved to the Council by law. This authority extends throughout the period of recess established by the City Council and includes the authority to execute agreements and make expenditures necessary for the exigent operational matters. The City Manager shall make a full and complete report to the City Council at its first regularly

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scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required to ratify the actions of the City Manager. Nothing in this Section prevents the City Council from calling a special meeting during the recess period.

Comments:

Staff Recommendation: Revise Section 8.12 to clarify that a special meeting may be called during the recess period.

Councilmember Chao: Add a new paragraph to Section 8 that reads as follows: **"Study Sessions.** Study Sessions are meetings during which the Council receives information about City business in an informal setting. The informal study session setting is intended to encourage in-depth discussion and detailed questioning and brainstorming by Council on issues of significant interest including City policy matters, zoning applications, and major public works projects. The Council may discuss the material freely without following formal rules of parliamentary procedure. Staff may be directed to bring matters back for future Council consideration as no action can be taken at a study session. The Decorum rules still apply to the behavior of the Council and public."

9. Closed Sessions

A closed session may be held at any regular or special meeting for any purpose authorized by the Brown Act. The City Attorney will schedule closed session meetings in consultation with the Mayor and the City Manager. Public comment shall be received in open session prior to a closed session. To ensure strict compliance with the Brown Act, the City Attorney or the City Attorney's designee shall report out in public session any reportable action taken during closed session and any other information from closed session authorized to be disclosed based on a majority vote of the City Council.

10. Enforcement of Rules; Suspension of Rules

The City Council may enforce repeated or serious violations of the rules set forth in this Manual through a censure action placed on a Council agenda. Nothing in this Manual shall be cited to invalidate a properly noticed and acted upon action of the City Council. Any rule set forth in this Manual may be suspended by a 2/3 vote of the Council.