



## CITY COUNCIL SPECIAL MEETING AGENDA

Monday, January 27, 2014

1:00 p.m.

Arrillaga Family Recreation Center, Oak Room  
700 Alma Street, Menlo Park, CA

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### MEETING OBJECTIVES

1. Agreement on a list of realistic and achievable priorities for the next year
2. Agreement on a method of handling new/emerging issues that arise during the year
3. Strengthen teamwork

### 1:00 P.M. CALL TO ORDER

1. Welcome and introductions
2. Public Comment

At every Special Meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda for a period of 3 minutes, either before or during consideration of the item.

3. Review workshop agenda
4. Celebrating our accomplishments
5. Discussion of priorities
6. Confirm consensus on priorities
7. Staying focused on agreed upon priorities
8. Next steps

### HANDOUTS

1. [Staff Report: Update on 2013 City Council Goals](#)
2. [Staff Report: Guiding Principles for the 2013-14 Budget Process](#)
3. [Proposed Council Goals](#)
4. [City Council Procedures Manual](#)

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(Posted: 1/23/2014)

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## OFFICE OF THE CITY MANAGER

Council Meeting Date: January 27, 2014  
Staff Report #: 14-019

### REGULAR BUSINESS: Update on 2013 City Council Goals

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#### BACKGROUND

City Council members and staff have previously set goals in order to better align staff's work plans, Commission work plans, City Council priorities and, ultimately, the budget. Until 2009, these activities had generally occurred independent of one another, contributing to a lack of clear direction and priorities for the organization. The foundational idea behind high-level Council goals and staff deliverables is that it is appropriate for Council to determine "WHAT" needs to occur and staff to determine "HOW" best to achieve those results, expressed through City Council-approved deliverables to ensure accountability for goal achievement.

The City Council held a Special Meeting on February 4, 2013, to develop goals for the 2013 calendar year. The goal setting session was facilitated by Dr. Bill Mathis at the Arrillaga Family Recreation Center. The entire Council participated in the goal setting session as well as the City Manager and Executive staff.

At its regular meeting on March 26, 2013, the City Council approved the 2013 City Council Goals and on August 20, 2013, the City Council received an update on the status of the 2013 City Council Goals.

#### ANALYSIS

The City Council expressed interest in a range of services and initiatives, and prioritized these into goals around five (5) service areas:

- |  |                                       |
|--|---------------------------------------|
| 1. Economic Development Directly Impacting City Revenues | 3. Public Safety Initiatives          |
| 2. Organizational Capacity Initiatives                   | 4. Land Use: Planning and Development |
|  | 5. Infrastructure and Renewal         |

Following approval in March 2013, these goals were incorporated in the FY2013-14 Budget which was adopted by the City Council at its June 11, 2013, regular meeting.

## **City Council Goals**

### **1. Update the Economic Development Plan**

The City's current Business Development Plan was approved by the City Council in March 2010 when the City found itself in a time of economic uncertainty. Economic development was viewed as the primary tool to stabilize the City's fiscal condition. The Plan also requires regular updates in order to ensure the City's economic development efforts are in line with the priorities of the City Council and reflects major changes in the character of Menlo Park's economy. Importantly, updating The Plan should reflect vital strategic economic decisions made by the City Council that have occurred since the Plan's creation, including adoption of the Downtown Specific Plan and the successful recruitment of Facebook to the City.

Status: To ensure that Menlo Park takes full advantage of the current economic upswing (especially in the local real estate and business climate), a more comprehensive update may be necessary than was originally considered. Staff has hired BAE Urban Economics to assist with developing an economic comparative analysis, continues to receive responses to the Menlo Park Business Survey, has published two well-received quarterly newsletters, and recently acquired important employment data from the State of California Employment Development Department. At City Council's direction, the creation of a Small Business Commission is being explored in the context of other economic development strategies and the City Council will discuss this at an Economic Development Study Session tentatively scheduled for February 25, 2014, as well as receive a presentation on economic trends and opportunities in order to provide direction on an update to the Menlo Park Economic Development Strategic Plan.

### **2. Beautify Santa Cruz Avenue (Downtown)**

There was an opinion in the community that the Downtown (Santa Cruz Avenue) is in need of physical refreshing. Councilmembers seized that concept and prioritized beautifying the downtown as a means of infusing vitality into the area and sparking tenancy and sales. While beauty is subjective, staff has in place several plans for beautification of the downtown including replacement of the 40-year old irrigation system with a modern, water efficient system. Further, the irrigation upgrade includes replacing and/or enhancing existing vegetation to create a more attractive shopping environment. There will be a multi- year effort to implement the improvement from the Downtown Specific Plan.

Status: As part of a multi-year effort to implement capital improvements and beautify downtown, the City Council's 2013 goals included a Downtown Irrigation/Landscaping upgrade from El Camino Real to University Avenue. This project was completed in September 2013 and included aspects of future year CIP projects that were accelerated. The final project included the new landscaping along Santa Cruz Avenue sidewalks and street medians, as well as replacement of all the trash/recycling bins and added new benches. The estimated total project cost was \$700,000.

### ***3. Initiate Enhanced Disaster Preparedness Training***

The City Council expressed concerns as to the City's preparedness in the event of a disaster (natural or otherwise). The City is working to build a stronger relationship with the Menlo Park Fire Protection District so that an enhanced level of emergency training and disaster readiness for staff, Council and the community can be achieved.

Status: The Fire District Board of Trustees recently approved an agreement for enhanced emergency preparedness services which will be considered by the City Council at its January 28, 2014, meeting. A few highlights of the proposed agreement include Emergency Operations Center training, completion of state and national-compliant emergency operations and hazard mitigation plans, and full integration of the local Community Emergency Response Team (CERT) program into the City's Emergency Operations Plans.

### ***4. Initiate work on the update of the General Plan***

The City's General Plan (specifically the Land Use and Circulation Elements) was last updated in 1994 and includes outdated land use and traffic projections to the year 2010. The City Council has asked staff to put into place a process and related funding to comprehensively update the Plan. The update would focus on the Land Use and Circulation Elements and would include a geographic focus on the M-2 zoning area, plus other areas of the City aside from the El Camino Real and Downtown areas. Topics that will be part of the discussion would include items such as Complete Streets and a Greenhouse Gas Reduction Strategy.

Status: In June 2013, the City Council appropriated funds in the FY2013-2014 Budget for the General Plan Update. In September 2013 the City issued a Request for Qualifications (RFQ) for the Update and related on-call professional services. The process yielded a total of 49 submittals, with 5 firms being identified as high potential to serve as the lead consultant. In December 2013, at a study session on the purpose of and approach to the General Plan Update, the City Council generally supported a focus on land use and zoning changes for the M-2 area. Staff is now conducting outreach

meetings to owners of substantial property in the M-2, the Belle Haven neighborhood (given the focus on adjacency to the M-2), the Chamber of Commerce, and to all City Commissions that have a charge/mission related physical development in the city. These meetings will be concluded in early February 2014 and feedback received will be used to develop a refined scope of work for the Request for Proposals (RFP) to be sent to the five qualified firms from the RFQ. The City Council is tentatively scheduled to review the draft RFP on February 11, 2014, with a contract award expected later in Spring 2014.

### ***5. Improve Traffic Flow on El Camino Real***

With ever-increasing concerns about the flow of traffic along El Camino Real, the City Council asked to accelerate a project in the Capital Improvement Program to study the flow of vehicles, bicycles and pedestrians along El Camino Real, particularly between the southern border of the City up to Ravenswood, and beyond, if appropriate.

Status: During the FY2013-2014 Budget process, the City Council accelerated the timeline for a traffic flow study along El Camino Real. In October 2013, the City Council approved the scope of work developed by staff and a subcommittee of the Bicycle Commission and Transportation Commission. The scope of work was part of a Request for Proposals (RFP) sent to multiple consultants. Responses were received and consultant interviews conducted with representatives of the Bicycle and Transportation Commissions were completed in December 2013. The award of contract is scheduled for January 28, 2014, with anticipated kick-off of the consultant team in early to mid-February.

### **City Manager's Goals**

In addition to the City Council's goals, the Council also identified goals for the City Manager.

#### ***1. Create a staffing plan with a timeline and resources needed to accomplish the Council's goals.***

Status: The City Manager presented a staffing plan to the City Council in February 2013. At that time, City Council directed staff to return with alternatives as part of the FY2013-14 Budget process. By approving the FY2013-14 Budget, the City Council authorized the extension of two provisional planner positions, additional contract staff, and part-time interns to create necessary staffing capacity to address increased development activity.

**2. Create an Information Technology strategy to bring the City into the 21st century. Provide timelines and implementation schedule with costs.**

The City Council focused on upgrading and improving technology tools as an overall need for the organization as well as providing an enhanced ability to communicate with the community. To that end, steps have already been taken to investigate various elements for a Technology Master Plan as well as estimated costs.

Status: In 2013, the City completed a conversion to Voice over Internet Protocol (VoIP) for telephone service, reducing cost for telephone equipment, lines, manpower, and maintenance. The City has executed technology improvements in the Police Department, with implementation of additional technologies pending City Council adoption of enhanced privacy standards. The City is currently 70% complete with an update to the City's payroll system which will provide automation and customization to improve efficiency and accounting administration. Work on an Information Technology Master Plan is behind schedule due to the ongoing payroll system upgrade and vacancy of the Information Systems Manager position.

**3. Create, measure and implement a culture change to a High Performance Team with staff and City Council. Bring forward an evaluation of the labor market, and create a work environment of optimism, willing to take risks for successes.**

Status: Over the past 18 months, the City has successfully hired 8 new members of its Management team with 2 vacancies remaining. Organizational development remains a focus with improved communication and teamwork being key goals reinforced at the annual management team retreat in October 2013. The City Manager has also undertaken organizational assessments of two departments thus far (Police and Administrative Services), with a third planned before the end of the fiscal year. Labor Market comparisons are included for City Council's review as part of the labor negotiation process, with two labor group negotiations remaining. The 2013 Employee Survey indicates some success in the areas of opportunities for learning (up 10%), opportunities for innovation (up 10%), and teamwork in departments (up 15%). While these successes are welcome, the goal of creating a High Performance Team is ongoing and we strive for further improvements in areas such as optimism about the direction of the City (no change over 2012) and feelings of appreciation and respect from the community (slight decrease from 2012).

**4. Broaden the Branding project within Community Services to be Citywide to enhance the positive image of the City.**

Status: The project scope was expanded to be citywide and in December 2013 the City Council considered several options to update the city logo and typeface. The City Council's direction was to retain the integrity of the existing logo with minor modifications to the typeface and treatment. Work is now underway to incorporate these changes into development of a comprehensive style guide and package of communications collateral (designs, templates, etc).

**5. Prepare three initiatives for implementing a shared services model that will share resources or increase efficiency.**

City Council has encouraged cross-agency collaboration where possible. Staff will work with neighboring communities and agencies to explore opportunities to collaborate. This can include public safety, community services, administrative services and public works.

Status: Throughout 2013, the City Manager met with several area city managers about providing shared services. Some departments have initiated shared service arrangements, including the Public Works Department for fleet maintenance services with the Menlo Park Fire District and West Bay Sanitation, the Administrative Services Department for temporary information systems management, and a proposal for emergency preparedness training with the Menlo Park Fire District will be considered by the City Council on January 28, 2014.

**6. Begin a Public Safety initiative for a disaster planning program for the City.**

This is reflected in the Council's stated Public Safety Initiative above in working with Menlo Park Fire Protection District in providing this service to the City.

**CONCLUSION**

By prioritizing goals, the City Council messages to itself, the organization, and the community, what it plans to accomplish during the year. Goal setting is difficult at the beginning of the calendar year because resources cannot be appropriated until the City Council adopts its fiscal year budget in June. But after the budget is adopted, staff is focused on accomplishing the goals.

**ENVIRONMENTAL REVIEW**

The proposed action does not require environmental review.



## **PUBLIC NOTICE**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

## **ATTACHMENTS**

None

Report prepared by:  
*Clay Curtin*  
*Assistant to the City Manager*

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## OFFICE OF THE CITY MANAGER

Council Meeting Date: January 27, 2014  
Staff Report #: 14-018

**REGULAR BUSINESS:**                      **Discussion and Affirmation Regarding the Guiding Principles for the 2013-14 Budget Process**

### RECOMMENDATION

Staff recommends affirmation of the Operating and Budget Development Principles for the 2014-15 budget process.

### BACKGROUND

The City of Menlo Park provides an array of services at an approximate cost of \$100,000,000 per fiscal year with 230 full time equivalents (FTE) benefitted employees approved for 2013-2014. In addition, the City uses temporary workers plus contract services to bolster staffing during peak work periods.

For the past several years, the City has strategically reduced spending and aligned services with projected revenues, by adjusting personnel and operations costs including eliminating roughly 15 vacant positions City-wide. The City has further addressed benefit costs by implementing a three-tier retirement formula for safety and non-safety employees, and increasing employee share of PERS costs.

Staff is seeking affirmation from Council regarding a set of operating and budget principles to assist staff with developing an operating budget which reflects the services and activities of greatest importance to the Council's. These budget principles are consistent with the historical principles.

### ANALYSIS

Staff recommends the following statements be adopted as **City Operating Principles**:

1. Provide services and programs meeting the current and future needs of the community.
2. Recognize staff capabilities and capacity.
3. Operate efficiently but always with an eye toward quality and accuracy.
4. Provide professional, safe and secure public spaces, infrastructure and facilities.
5. Maintain strong budget reporting and management accountability.

6. Value our City employees and the experience and skill they bring to the organization.
7. Treat all employees and employee groups fairly and respectfully.
8. Provide services that are at least minimally compliant with federal, state and local laws.
9. Re-build operational and institutional depth in the organization.
10. Recognize the need for ongoing and meaningful community engagement.
11. Create a courageous environment supporting good decision making.
12. Annually review the unfunded long term liability of the CalPERS retirement plan, and the reserve intended to help balance the annual financial obligation.

Based on these operating principles, staff recommends the Council adopt the following budget principles to be applied to upcoming budget decisions about optimal funding for services and activities supporting achievement of Council goals, to be presented for Council review at the June, 3, 2014 Council meeting:

### **Budget Development Principles**

1. The City will invest in baseline City services and City Council adopted goals.
2. Invest in programs, services, and capital promoting long-term prosperity.
3. Look for opportunities to leverage existing resources and consolidate services within and across government agencies.
4. Move toward recovering the full cost of any fee-based service except where the Council sees a clear public interest in providing a subsidy.
5. Seek operational efficiencies and revenue enhancement opportunities.
6. Invest in employee performance and/or production.
7. Maintain existing infrastructure and invest in proven technologies to support the organization.
8. Invest in the implementation of Council-adopted plans and strategies (e.g., El Camino Downtown Specific Plan, Housing Element, and the Belle Haven Visioning Process, etc.).
9. Evaluate one-time revenues for highest and best investment and/or use.
10. Align and adjust work program with staff capacity.
11. Develop a budget format that is more useful for public consumption and internal control.

### **IMPACT ON CITY RESOURCES**

Setting budget principles has an overall impact on the allocation of City resources by specifying the Council's priorities for the coming year so that they may be reflected in the City Manager's proposed budget for Fiscal year 2013-14 to be presented for review on May 21, 2013.

## **POLICY ISSUES**

Identifying Council's operating and budget principles as a first step in the budget development process ensures that the City Manager's Proposed budget is aligned with Council approved goals and to overall priorities.

Similarly, identification of appropriate use of one-time revenues in support of these principles, goals and priorities will ensure the City's reserves remain strong while addressing pressing needs.

## **ENVIRONMENTAL REVIEW**

Environmental review is not required.

## **PUBLIC NOTICE**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

## **ATTACHMENTS**

None

Report prepared by:  
*Alex McIntyre*  
*City Manager*

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**City of Menlo Park  
Council Priority Setting Workshop  
Monday, January 27, 2014**

**Objective:** Establish Council consensus on a list of priorities that can be achieved during the year. Identify resources needed to ensure that those priorities are achieved. Create an agreed upon process for dealing with new issues or idea that emerge during the year, so that those do not impede established priorities.

*The items listed under “proposed goal” below are from Councilmembers unless there is a notation indicating it is from the City Manager.*

Category	Proposed Goal	Underway	Key Tasks Additional Resources Needed
Communications	1. Improve communications from City to press and public; develop communications strategic plan		<ul style="list-style-type: none"> <li>Requires outside expertise</li> </ul>
Development	2. Facilitate completion of Facebook project	Yes	
	3. Implement Stanford development plans	Yes	<ul style="list-style-type: none"> <li>Traffic studies</li> <li>Collaborate with community in designing a plaza at Middle Avenue on Stanford property</li> <li>Adequate staffing?</li> </ul>
	4. Implement Greenhart development plans	Yes	<ul style="list-style-type: none"> <li>Traffic studies</li> <li>Environmental Review</li> <li>Adequate staffing?</li> </ul>
	5. Implement Bohanan/Gateway project	Yes	<ul style="list-style-type: none"> <li>Adequate staffing?</li> </ul>

	6. SRI Project	Yes	<ul style="list-style-type: none"> <li>• Traffic studies</li> <li>• Environmental Review</li> <li>• Adequate staffing?</li> </ul>
	7. Commonwealth	Yes	<ul style="list-style-type: none"> <li>• Traffic studies</li> <li>• Environmental Review</li> <li>• Adequate staffing?</li> </ul>
	8. Implement various residential projects including CORE Housing and Mid Peninsula Willow Road Projects	Yes	<ul style="list-style-type: none"> <li>• Adequate staffing?</li> </ul>
	9. Continue with General Plan update	Yes	<ul style="list-style-type: none"> <li>• Funding authorized for General Plan Update</li> </ul>
	(a) Complete M-2 Zoning Update as an early priority	Yes	<ul style="list-style-type: none"> <li>• M-2 Zoning Update is part of General Plan Update</li> </ul>
	(b) Streamline our development processes		<ul style="list-style-type: none"> <li>• Streamlining requires policy changes</li> </ul>
	10. Actively pursue business development (decide what types of companies we want and go after those; create a business retention program; promote existing businesses)		<ul style="list-style-type: none"> <li>• Update the Economic Development Plan</li> <li>• Clarify the costs of development for companies considering locating in Menlo Park</li> </ul>
	11. Explore modifying parking in the downtown (change 2 hour limits to 3 hours; reduce parking permit fees)		
<b>Traffic and Streets</b>	12. Improve traffic flow, especially on El Camino Real	Yes	<ul style="list-style-type: none"> <li>• Traffic studies underway</li> </ul>
	13. Fund street repaving projects	Yes	<ul style="list-style-type: none"> <li>• Included in budget</li> </ul>
<b>Safety</b>	14. Improve safety of Belle Haven neighborhood	Yes	<ul style="list-style-type: none"> <li>• Open Neighborhood Services Center</li> <li>• Strengthen Neighborhood Watch</li> </ul>





			<ul style="list-style-type: none"> <li>• Implement Belle Haven Visioning Plan</li> <li>• Surveillance Camera's</li> <li>• Implementation of LPR's</li> </ul>
	15. Create plan to ensure a safe environment for all children throughout Menlo Park		<ul style="list-style-type: none"> <li>• Safe Routes to Schools Program</li> </ul>
<b>Organizational Infrastructure</b>	16. Develop an IT Master Plan	Yes	<ul style="list-style-type: none"> <li>• Funding for IT has been authorized</li> <li>• Plan is underway</li> <li>• Additional staff needed</li> <li>• eGov will be part of the IT master plan</li> </ul>
	(a) Include eGov options in the City's new website (ex: online permitting, parking permits)		
	(b) Implement ERP		<ul style="list-style-type: none"> <li>• ERP will be part of the IT master plan</li> </ul>
	(c) Other IT components		<ul style="list-style-type: none"> <li>• Other IT requirements to be identified as part of the IT master plan</li> </ul>
	17. Provide enough staff so that the work we are asking staff to do can get done; ensure ability to recruit and retain top employees; have a meaningful compensation plan		<ul style="list-style-type: none"> <li>• Develop a cohesive compensation policy and plan</li> </ul>
	18. Complete union negotiations	Yes	
	19. <b>From City Manager:</b> Improve various internal administrative systems to increase efficiency (e.g., budget, HR, IT, finance)		<ul style="list-style-type: none"> <li>• Establish a modern human resources system that meets legal and efficiency requirements (requires outside expertise)</li> <li>• Implement the recently completed Administrative Services study</li> </ul>
<b>Budget</b>	20. <b>From City Manager:</b> Consider proposed budget parameters	Yes	<ul style="list-style-type: none"> <li>• Maintain vigilance about costs; establish reserve for unfunded PERS liability</li> </ul>

	21. Explore shared services with other agencies and outsourcing to reduce costs		
<b>Environment</b>	22. Make gains in our climate action plan, reducing greenhouse emissions		<ul style="list-style-type: none"> <li>• Additional resources needed</li> </ul>
	23. Create a water policy (what should the city be doing, policies for replenishment, pumping, aquifer, golf course)		<ul style="list-style-type: none"> <li>• Additional resources needed</li> </ul>
	24. Create long term strategy for dealing with methane at Bedwell Bayfront Park	Yes	<ul style="list-style-type: none"> <li>• Funded CIP project to explore options to methane capture system</li> </ul>
<b>School District</b>	25. Support school districts in their efforts to obtain infrastructure funds		
	26. Collaborate with schools on safe routes to schools	Yes	<ul style="list-style-type: none"> <li>• Continue existing collaborations</li> </ul>
	27. Conduct joint meetings with school boards	Yes	<ul style="list-style-type: none"> <li>• Continue existing collaborations with Community Trust (invites representatives from all the local School Districts)</li> </ul>
	28. Councilmembers to make presentations to children about local democracy		
<b>Other</b>	29. Explore senior mobility options	Yes	<ul style="list-style-type: none"> <li>• Public Works in process of broadening the use of Shuttle Services</li> </ul>
	30. Conduct more community events (ex: tree lighting)		<ul style="list-style-type: none"> <li>• Additional resources needed</li> </ul>



# Procedures Manual Menlo Park City Council



*Accepted at the City Council Meeting of January 24, 2006*

**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.
- Recognizing and supporting the City's diverse neighborhoods and population.
- Acting as a responsible member of the greater region.

Mission Statement adopted by the City Council on July 20, 2004.

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The City of Menlo Park acknowledges and greatly appreciates the excellent work of the City of Davis, California, and its willingness to share its “procedures manual” as a helpful example.

## Introduction

The Menlo Park City Council establishes policies and priorities for the community and is responsible for the fiscal health of a public corporation. In Fiscal Year 2005-06, the City has a General Fund budget of nearly \$30 million and a total budget of \$85 million. The City organization is comprised of 150 different services and has assets valued in excess of \$370 million (roads, buildings, parks, etc).

## 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 are established so that expectations and practices can be clearly articulated to guide Council Members in their actions. It is anticipated that this Procedures Manual will be reviewed by each two-year City Council and may be 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 a 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 is provided below.

**Municipal Code:** The Municipal Code contains local laws and regulations adopted by ordinances. The administrative chapter of the code addresses the role of the City Council, Mayor and Mayor Pro Tempore. It also describes the organization of City Council meetings and responsibilities as well as the appointment of certain city staff positions and advisory commissions. In addition to these administrative matters, the Municipal Code contains a variety of laws. The municipal code is available either on the City's website or from the City Clerk.

**California Government Code:** The State 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 State Government Code. Also described within the government code is the Council-City Manager form of government. Basically, this form of government prescribes that a 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.

**Annual 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 comprised of a number of elements, such as land use, transportation, open space and housing, in accordance with State requirements, and provides a policy framework for various matters that fall within these areas.

## **Orientation of New Council Members**

It is important that members of the Council 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.

## **League of California Cities Guide**

A publication that provides additional useful information is the *Mayors and Council Members Resource Guide* published by the League of California Cities. The Guide contains general information on the role and responsibilities of city council members and on the specific requirements and laws that govern Council actions. The Guide is available from the City Clerk.



# Menlo Park City Council: Powers and Responsibilities

## City Council Generally

The powers of a city council in California to establish policy are quite broad. Essentially, councils may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, *the Council shall have the power, in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution and laws of the State of California (California Government Code).*

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tem have some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the Council is upheld. Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Council members who held a minority opinion on an issue.

The City Council has occasionally debated whether it should take positions of a broader nature or limit itself to purely municipal functions. Historically, Menlo Park City Councils have chosen to not take positions on issues outside of their immediate authority to effect. The propensity of the City Council to involve itself in such issues reflects the personalities and outlooks of the members who make up the two-year Council sessions.

Limitations are imposed on a Council member's ability to serve on appointed boards of the city. State law expresses that no member of the Council shall serve as a voting member of any city board, committee, or commission, whether composed of citizen volunteers, city employees, or a combination of both. This is not construed as prohibiting members of the Council from serving on committees or subcommittees of the Council itself, or of agencies representing other levels of government. In fact, Council members often participate and provide leadership in regional and state programs and meetings. Council members are strongly encouraged to report to the Council on matters discussed at subcommittees and other regional or state board/agency/group activities in which they have been involved.

## Role of Mayor & Mayor Pro Tempore

**Mayor:** As reflected in the Municipal Code, the Mayor is to preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the Council or by vote of the people. The Mayor does not possess any power of veto. As presiding officer of the Council, the Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the city for all ceremonial purposes.

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 Council action to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore's signature may be used.

Traditionally, the Mayor has also been assigned by the City Council to consult and coordinate with the City Manager in the development of agendas for meetings of the City Council. The scope of such review focuses on the timing of business items and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the Council or the introduction of new items not otherwise part of the Council's identified priorities or staff's work plan. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full City Council. The staff maintains a "tentative" Council Calendar that programs when matters will likely be considered at future meetings.

**Mayor Pro Tempore:** The City Council has specified that the Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability. The Mayor Pro Tempore shall serve in this capacity at the pleasure of the City Council. The Mayor Pro Tempore title is often abbreviated to Mayor Pro Tem; and a more common and contemporary title of Vice Mayor may be substituted as well.

## **Appointment of City Manager, City Attorney**

The City Council appoints two positions within the city organization: the City Manager and City Attorney. Both positions serve at the will of the City Council. The City Manager is an employee of the City and has an employment agreement that specifies certain terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City. The current City Attorney is a part-time employee, and a partner in a local law firm that has served the City for many years.

## **Role in Disaster**

The City Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the 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, 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. The most likely scenario is that the County Board of Supervisors would serve in the place of the Council.

## **Appointment of Advisory Bodies**

The city has a number of standing advisory bodies. Appendix C contains adopted policy #CC-01-0004 on the appointment, roles and responsibilities of the various Commissions. These procedures apply to all appointments and reappointments to standing advisory bodies.

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 Council for a specific task. Council subcommittees, when used, are to help the Council do its job. Committees ordinarily will assist the Council by preparing policy alternatives and implications for Council deliberation. Council subcommittees will normally not have direct

dealings with staff operations. Council subcommittees may not speak or act for the Council. Subcommittees will be used sparingly and ordinarily in an ad hoc capacity. This policy applies to any group that is formed by Council action, whether or not it is called a subcommittee. Unless otherwise stated, a subcommittee ceases to exist as soon as its task is complete. The Council may assign, and specify the role of, one or two Council Members to the task force (if more, it becomes a defacto Council meeting). Unless otherwise specified, Council Members have all the rights, and only the rights, of ordinary citizens with respect to task forces and other ad hoc bodies.

Note that both appointed advisory bodies and ad hoc committees are usually subject to the open meetings laws commonly known as the Brown Act.

## **Council Relationship with Advisory Bodies**

The City Council has determined that Council Members should not lobby commissioners for particular votes. However, Council Members may attend meetings as residents and request that commissioners consider certain issues during their deliberations or in unusual instances as Council Members to reflect the views of the Council as a body.

Council Members choosing to attend commission or committee meetings should be sensitive to the fact that they are not participating members of the body. Council Members have the rights, and only the rights, of ordinary citizens with respect to Commissions – including the right to write to and speak to the Commission during public comment periods.

## **Role of Commission Liaison**

Members of the Council are assigned to serve in a liaison capacity with one or more city commissions. The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, members may elect to attend commission meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission chair on a regular basis.

Members should be sensitive to the fact that they are not participating members of the commission, but are there rather to create a linkage between the City Council and commission. In interacting with commissions, Council Members are to reflect the views of the Council as a body. Being a Commission liaison bestows no special right with respect to Commission business.

Typically, assignments to commission liaison positions are made at the beginning of a Council term in December. The Mayor will ask Council members which liaison assignments they desire and will submit recommendations to the full Council regarding the various committees, boards, and commissions which City Council Members will represent as a liaison. In the rare instance where more than one Council Member wishes to be the appointed liaison to a particular commission, a vote of the Council will be taken to confirm appointments.

# City Council Meetings

## General Procedures

By resolution, the City Council has adopted a modified version of Roberts Rules of Order.

**Presiding Officer:** The Mayor is the presiding officer and acts as chair at Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro Tempore serves as presiding officer.

**Seating arrangement of the Council:** The Mayor Pro Tempore is seated immediately next to the Mayor. The Mayor, with the approval of individual Council members, shall establish the seating arrangement for regular Council meetings.

**Quorum:** Three-fifths of the Council members constitute a quorum for the transaction of business.

## Meeting Schedule

The Council approves and follows an annual calendar that reflects its priorities and coincides with the budgeting process, beginning at the start of the calendar year. Project priorities are ranked in February for the following fiscal year, in order to reflect the commitment of resources required. Other Council priorities are overlaid on the calendar as time permits.

Regular meetings are usually held in the Council Chambers, 701 Laurel Street, on Tuesdays at 7 pm, with study sessions and closed sessions generally being convened earlier, as needed, or at the end of the meeting at the conclusion of public business.

On occasion, the Council meeting will be held in alternative locations such as the Senior Center. No Council meeting will typically be held in the event that a regular meeting of the Council falls on a legal holiday or the day after a holiday. Other meetings throughout the year may be cancelled as well. Council Members should inform the City Manager's secretary as soon as possible if they intend to be out of town on a set meeting date. On occasion, arrangements may be made in order for Council Members to remotely participate in Council meetings by telephone conference call when out of town.

## Special Meetings

Special meetings may be called by the Mayor or by three members of the City Council. Written notice must be given to the City Council and to the media 24 hours prior to a special meeting. No business other than that officially noticed may be discussed.

**Public Comment:** At all regular and special meetings, public comments must be permitted before or during consideration of any agenda item. Public comment is appropriate on any matter within the jurisdiction of the City Council.

**Meeting Notices and Minutes:** Notice requirements of the Brown Act are complied with for all meetings; minutes of the meeting are taken by the City Clerk or designee and made available for public inspection.

## Development of Agenda

The City Council adopts a yearly meeting calendar identifying meeting dates and cancellations to aid members and staff with planning and scheduling. A medium-range “tentative” Council calendar that reflects an estimate of when various items will be scheduled over the next few weeks is available on the City’s website. A copy of the draft agenda is transmitted to the Mayor for review on the Monday one-week prior to the meeting. Staff is required to submit reports for a Tuesday Council meeting to the City Clerk by noon on the Thursday of the week preceding the meeting. All agenda materials are available after 5:30pm on the Thursday before the Tuesday Council meeting. Website posting includes a tentative Council calendar that shows Council meeting dates and planned agenda items 3-5 weeks in advance.

Given this agenda development schedule, it is usually extremely difficult when Council requests at a Tuesday meeting that a report be prepared for consideration the following week. For this reason, it will usually require at least one week for the preparation of a report requested by the City Council. Complex reports, of course, will require more time to prepare, and an estimated time of completion can be provided to the City Council. The ability to schedule new agenda items depends on the nature of the item itself, other agenda subjects that are already scheduled and the amount of time available.

## Placing Items on Agenda

**City Council:** A Council Member may request an item be considered on a future agenda and, upon agreement of a majority of Council, staff will prepare a staff report if formal Council action is required. Council Members may make this request verbally during a meeting or may submit written requests. Normally, the process involves two steps: initial consideration of the request by the full Council at the soonest possible regularly scheduled meeting; and, if a majority agrees, the matter is then scheduled for further consideration on an upcoming meeting agenda.

**Members of the public:** A member of the public may request that an item be placed on a future agenda during public comment or through other communication with Council Members. Upon approval of a majority of Council, the item will be agendized and a staff report may be prepared. The City Manager will inform the Council of the potential impact the request will have on established priorities or staff workload and seek approval by the City Council before authorizing the work or scheduling the item as appropriate.

**Emergency and Non-Agendized items:** Emergency and non-agendized 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. More likely, after the agenda is posted an item arises that the Council would like to act on. Non-agendized items may be added to the agenda only if the Council makes 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 4/5th vote; if less than five members of Council 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.

## Order of Business

The City Council established the order of business for meetings through the adoption of a policy on meeting procedures. Technically, the order of the agenda is as follows: roll call; special business; proclamations; council, committee and staff reports; public comment #1; appointments to boards/commissions/committees; consent calendar; public hearings; regular business; public comment #2; written communications; information items; adjournment. The following section describes the various types of meeting components.

- 1. Closed Sessions** (*closed to the public*): The ability of the City Council to conduct sessions not open to the public is restricted by state law to ensure open proceedings. Certain defined circumstances exist wherein a city council may meet without the public in attendance. Such circumstances include:

Real Property: The purchase, sale, exchange or lease of real property with the City's negotiator; the real property and the person(s) with whom the City may negotiate must be announced in open session prior to the closed session (*Cal Govt Code 54956.8*).

Litigation: Pending or a significant exposure to litigation or the decision to initiate litigation; the litigation title must be identified in open session prior to the closed session unless the Council states that to do so would jeopardize its ability to conclude existing settlement negotiations or effectuate service of process.

Compensation: Salaries and benefits of employees; Council meets in closed session to review its position and instruct designated representatives (*Cal Govt Code §54957.6*).

Personnel: A closed session is held to discuss the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear a complaint against the employee unless the employee requests a public hearing (*Cal Govt Code §54957.6*).

It is critical to stress that there shall be no disclosure of closed session confidential information. Members of the Council, employees of the City, or anyone else present shall not disclose to any person, including affected/opposing parties, the press, or anyone else, the content or substance of any discussion which takes place in a closed session without Council direction and concurrence. Whenever possible, written reports received for closed session items will be turned in at the end of the meeting.

Typically, closed sessions will be scheduled prior to the public portions of the meeting or at the end of the meeting after public business has been concluded. This is done so public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain. On occasion, during the course of a regular meeting, an issue arises that requires the Council to adjourn to a closed session on the advice of the City Attorney.

- 2. Council Member Reports:** Provides members of the Council an opportunity to introduce matters not currently before the Council, including brief announcements, to pose questions of staff and make requests for items to be placed on the agenda at a future meeting. Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from the public, requests to agenda future items, or announcements of interest to the public.

State law provides that Council can take action only on such matters that have been noticed at least three days (72 hours) in advance of the regular meeting, or 24 hours in the case of a special meeting, unless special circumstances are found to exist (as mentioned above). Formal action or approval on non-agendized items is not allowed, and such items should be placed on the agenda of the next available regular meeting.

- 3. Consent Calendar:** Those items on the Council agenda that are considered to be of a routine and non-controversial nature by the City Manager are placed on the “Consent Calendar.” These items shall be approved, adopted, accepted, etc., by one motion of the 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.

Council Members may request that any item listed under “Consent Calendar” be removed from the Consent Calendar, and 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 Council action taken separately on the item; the City Council must concur with such a request. Items that are removed (“pulled”) by members of the Council for discussion will typically be heard after other Consent Calendar items are approved unless the majority of Council chooses an earlier or later time.

Council Members are encouraged to contact the City Manager’s office prior to 12:00 noon on the day of a 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 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.

- 4. Public Comment:** A block of 30 minutes time is set aside at the beginning of the meeting and again at the end to receive general public comment about issues not on the agenda. Comments on agenda items should not be heard until the appropriate item is called. Individuals desiring to speak are to address the Council from the speaker podium after giving their name and place of residence. Speaker cards may be required and should be filled out, including the speaker’s actual jurisdiction of residence, and given to the City Clerk prior to Public Comment.

Comments should focus on a specific matter within the Council’s jurisdiction. Members of the public are encouraged to present written comments, preferably in advance of the meeting, as a way to fully communicate their thoughts on agenda or non-agenda items. When written materials are presented, they should be submitted to the City Clerk for distribution and record keeping ahead of time. Comments are typically limited to three minutes per speaker so that all have an opportunity to address the Council.

Videos, PowerPoint or similar presentations may accompany in-person testimony but are subject to the same speaking time limits. Prior notice and coordination with the City Clerk is strongly encouraged 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.

Public comment on regular business items normally follows staff's presentation of the staff report, clarifying questions from Council Members and applicant comments as necessary and appropriate. Typically, applicants or appellants are limited to a maximum of 10 minutes. Council will then hear public comment.

5. **Public Hearing:** In the case of public hearings, once the Council has voted to close the hearing, no member of the public shall be permitted to address the Council or the staff from the audience, except at the discretion of the presiding officer (Mayor).
6. **Regular Business Items:** Regular items are shown on the agenda and are normally taken in the order listed.
7. **Written Communications:** The City Council has established a practice of placing written communication between Members requesting items to be agendaized and select letters sent by agencies to Council Members on the meeting agenda so that this correspondence receives wide distribution. If letters or emails from the public are received on the day of or just before a meeting, copies will be placed at the Council Members' positions on the dais.
8. **Commission Reports:** Commission reports provide an opportunity for designated members of appointed boards to address the Council on matters of importance or to update the Council and community on studies that are underway.
9. **Study Session:** From time to time, the Council will hold study sessions. These meetings are normally scheduled before the regular Council meeting. On occasion, dedicated study sessions are held instead of a regular meeting on the first Tuesday of the month. The purpose of study sessions is to give the 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. Official minutes are not generally kept, but meetings are open to the public and are broadcast and videotaped when held in the Council Chambers and at the direction of the Council. While general direction may be given to staff or the proponent behind the topic of discussion, no formal action by the Council is taken in a study session.

## Discussion Rules

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

1. **Obtaining the floor:** A member of the City Council or staff shall first address the Mayor and gain recognition. Comments and questions should be directed through the chair and limited to the issue before the Council. Cross-exchange between Council Members and public should be avoided.
2. **Questions to staff:** A Council Member shall, after recognition by the Mayor, address questions to the City Manager, City Attorney, department head or designated staff member. If a Council Member has questions on an agenda item, that member should



preferably contact staff prior to the meeting in order to allow staff time to research a response for the meeting.

3. **Interruptions:**

- a. Once recognized, a Council Member is considered to have the floor, and another Council Member may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the Council Member 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.

4. **Discussion:** A Council Member should not speak more than once on a particular subject until every other Council Member has had the opportunity to speak. Council Members are encouraged to discuss items during the decision-making process and may ask staff to respond when appropriate. The Mayor normally allows other members to speak first, then will give his/her views and summarize.

5. **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.

6. **Right of protest:** A Council Member is not required to state reasons for a dissenting vote.

7. **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 Council Member 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.

8. **Conducting business at a late hour.** According to Council policy, all regular meetings of the Council are to end by midnight unless there is a three-fourths vote taken by 11:00 pm to extend the meeting. The motion to extend is to include the title of the items to be considered after 11:00 and a new ending time for the meeting.

## Voting Procedures

When present, all Council Members are to vote. Failure of a seated member to orally express a vote constitutes an affirmative vote.

No ordinance, resolution or motion shall be passed or become effective without an affirmative vote by the majority with a quorum present.

A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected Council Member will step down from the dais and leave the Chambers.

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

Upon the request of any Council Member, a roll call vote will be taken and recorded.

**Tie vote:** A tie vote is equivalent to a motion that has failed. 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 Council guidelines. A Member 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. No motion for reconsideration will be entertained after this time unless the City Council determines significant new information has arisen which warrants such action.

## Other Guidelines

Other guidelines have been developed to ensure that meetings of the Council are conducted in a civil and professional manner. Council members 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 Council Chambers, adjourn the meeting, or take such other appropriate action. The Council has a policy to discourage 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 Council or staff tables.
6. Limit breaks of the City Council to 5-10 minutes. The Council has authorized the Mayor to resume the meeting if a quorum exists and other members have not returned from the break within the announced time period.
7. Impose time limits on speakers. 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. 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. Typically, speakers are limited to three minutes but a shorter time limit may be established as deemed necessary. When a member of the public is to speak on behalf of others in attendance, a maximum time limit of ten minutes is usually imposed. After the time limit, Council may ask questions of the speaker for clarification, if needed. Each speaker will be thanked for his or her participation.

**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 of members is inappropriate
3. Proper decorum should be displayed as other members express their views
4. Treat members of the public equally, applying rules in a fair and consistent manner

**Enforcement of Order:** The Police Chief or his designee acts as the Sergeant-At-Arms. Any Council Member 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.

## Open Meeting Laws ("The Brown Act")

Operations and procedures of the City and City Council incorporate requirements of the state's open meeting law (commonly referred to as the Brown Act). Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below.

**Applicability and Penalties:** The entire city organization conducts its business in compliance with the Ralph M. Brown Act, State Government Code Section 54950. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings.

- A. Applicability: The Act applies to Council and all commissions, boards and Council appointed subcommittees (except if comprised entirely of two Council Members) and task forces that advise Council. Staff cannot promote actions that would violate the Act.
- B. Meetings: All meetings shall be open and public. A City Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless city business is discussed.

Serial meetings take place when any member of Council or city staff contact more than two Council Members for the purpose of deliberating or acting upon an item pending before the City Council. This restriction does not apply to the public or media who may contact Council Members. Correspondence that merely takes a position on an issue is acceptable. Note that the Brown Act applies to City Council Members immediately after their election and prior to their swearing-in ceremony.

- C. Agendas: Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.
- D. Actions: No action can be taken on any item not appearing on the posted agenda.

*Exceptions:* 1) An emergency situation exists (determined by a majority of the Council).  
2) The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by 2/3 vote of the Council; or if less than 2/3 are

present, by unanimous vote). 3) The item was continued to another meeting that was scheduled and posted within 5 days of the original agenda.

- E. Public Input: The public, by law, has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council, at the time the matter is heard. The Mayor has the right to establish a time limit on speakers and the total time allocated for a particular issue. Three minutes per speaker has been standard, but in unusual cases either shorter or longer time periods may be established by the Mayor or the Council.
- F. Public Disruptions: A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.
- G. Correspondence: All writings distributed for discussion or consideration at a public meeting are public records.
- H. Special Meetings: Special meetings may be called by the Mayor or a majority of the Council with strict notification requirements for delivery to the media and Council 24 hours before the time of the meeting.
- I. Emergency Meetings: Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.
- J. Other Provisions: The Act provides many other restrictions and requirements; this chapter is intended merely as a Council summary and overview of the Act, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the City Attorney and/or the City Clerk for more information.

# Council Communications

## Overview

Perhaps the most fundamental role of a Council Member is communication—communication with the public to assess community opinions and needs—communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking as a Council Member. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

## Correspondence from Council Members

Members of the City Council may occasionally be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Correspondence sent on behalf of the Council is placed on official City letterhead and is signed by the Mayor or City Manager. Individual members of Council may prepare letters to constituents in response to inquiries or to provide requested information. Individualized City Council Member letterhead is available for this purpose, and staff can assist in the preparation of such correspondence. Council Members are required to place on file and to provide copies upon request of any correspondence sent on City letterhead.

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

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

Council Members may be asked to prepare letters of recommendation for students and others seeking appointment. It is appropriate for individual Council Members to utilize City letterhead and their Council titles for such letters. No review by the full Council is required, however, copies will be kept on file.

## Speaking for "the City"

Similar to written correspondence, when members are requested to speak to groups or are asked the Council's position on an issue, the response should reflect the position of the Council as a whole. Of course, a member may clarify their vote on a matter by stating, for example, "While I voted against "X", the City Council voted in support of it." When representing the City

at meetings or other venues, it is important that those in attendance gain an understanding of the City Council's position rather than that of an individual member.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the City Council. When the City Manager or Department Heads are contacted, they too will refer the media first to the Mayor for comment. Similarly, when the City issues a Press Release, the Mayor is consulted in terms of any Council Member quotes or references. The City Manager decides whether staff are available to respond to media requests directly or not.

## **Local Ballot Measures**

At times measures that affect City Council policy may be placed on the ballot. There are restrictions regarding what actions a City Council or individual Members may take on ballot measures. Guidelines as to what is permissible are available from the City Clerk or City Attorney upon request.

## **State Legislation, Propositions**

The City has been a member of the League of California Cities for many years. In addition, the City has a representative on the City/County Association of Governments (C/CAG). Both of these groups actively track legislation at the state level. Either through the advisories received from these two organizations or as a result of City staff following key legislative bills of importance to the City, the Council is at times requested to take a position or an action on pending state legislation. Unless Council has previously acted on a similar bill in the recent past, in which the City's position is clear, the Council has a practice of requiring analysis and discussion of bills prior to taking an official position. The analysis includes a summary of the legislation's purpose and a listing of those entities both in support of and against the proposed legislation. As a framework for screening bills that are pending to determine if the City should weigh in, Appendix B serves as a Legislative Policy Guide, with the explicit understanding that the City will express itself on legislation dealing with issues that will directly effect its financial stability or effective operation, and that the City may enter into alliances with other entities to promote common goals.

## **Proclamations**

Ceremonial proclamations are often requested of the City in recognition of an event 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 his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations. Individual Council Members do not issue proclamations. Proclamations can be sent to the requestor or presented at a City Council meeting as arranged with the requesting body and at the Mayor's discretion.

# Interaction with City Staff

## Overview

City Council policy is implemented on a daily basis through staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so that policies and programs may be implemented successfully. The City of Menlo Park has a long tradition of positive relationships between members of the City Council and staff. To maintain these effective relationships it is important that roles are clearly recognized.

## Council-Manager Form of Government

Like most California cities, Menlo Park has adopted a City Council-City Manager form of government. The Council appoints a City Manager to implement policy, enforce its laws, to direct the daily operations of city government, and to prepare and monitor the municipal budget. The Municipal Code specifies roles and responsibilities and requires that Council Members 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 Council Members.

## Council-Manager Relationship

The employment relationship between the City Council and 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. Council Members should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more members of the City Council. Further, Council Members 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 Council meetings, there are periodic briefing meetings with individual Council members and written memoranda and email. Communication must be undertaken in such a way that all Council Members are treated similarly and kept equally informed. It is also important that the Council provide ongoing feedback, information and perceptions to the City Manager including responses to written communications and surveys requesting feedback.

## 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 his or her actions are in support of the City's best

interests. Violations of such standards can result in censure. Appendix D is a copy of the City Manager's Code Of Ethics.

## City Council-City Attorney Relationship

The City Attorney is the legal advisor for the 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 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 members of Council, but the City Council as a whole.

## Roles and Information Flow

**Objectives:** It is the intent of staff to ensure Council members have free and easy access to information from the City and to ensure that such information is communicated completely, with candor and without bias. Individual Council Members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Council Members, and to allow staff to execute the priorities given by management and the Council as a whole without fear of reprisal.

**Council roles:** The full City Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, work loads and schedules, departmental priorities, and the performance of City business. If a Council Member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

Should a Council Member become dissatisfied about a department, he/she should always talk it over with the City Manager and/or the Assistant City Manager, not the department head. Concerns about a department head must be taken to the City Manager only.

**Access to Information:** Individual Council Members as well as the Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The City Manager or appropriate staff will inform council when a critical or unusual event occurs about which the public would be concerned.

To assist the City Manager in his ability to monitor the flow of information, requests for information are best tracked if submitted in writing, either in memorandum form or through email. And to ensure proper responsiveness, Council Members are asked to "cc" both the department head and the City Manager on all correspondence with staff. Staff further encourages Council Members and constituents to utilize the "Menlo Park Direct Connect" web-based system that is accessed via the home page of the City's website.



There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for release until complete and after review by city management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to members of the City Council. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to members of the Council.

City Council Members have a responsibility in this information flow as well. It is critical that they make use of staff reports and commission minutes. Council Members should come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from staff. If a Council Member has questions on an agenda item, that member should preferably contact staff prior to the meeting in order to allow staff time to research a response for the meeting.

**Staff roles:** The Council recognizes the primary functions of staff as serving the community, executing Council policy and actions and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole or from the appropriate management supervisors. Staff is directed to report to the City Manager any attempts by individual members of the Council to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

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 would be more appropriately assigned to staff through the direction of the full City Council. If a request by an individual Council Member is determined by the City Manager to take one hour or more of staff time to complete, that request may be included on the formal Council agenda for full Council discussion.

## **Dissemination of Information**

In cases where a staff response to an individual Council Member request involves written materials that may be of interest to other Council Members, the City Manager will provide copies of the material to all other Council Members. In making this judgment, the City Manager will consider whether the information is significant, new, otherwise not available to the Council or of interest to the Council.

## **Magnitude of Information Request**

Any information, service-related request, or revised policy position perceived as necessary by individual Council Members, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual Council Member in writing to the Council as a whole. When raised at a Council meeting, the full Council can decide whether and when to agendize the request for further consideration. The City Manager will seek necessary clarification as to whether the Council desires staff research or a report prepared; and, if so, the relative priority that should be given to such a request in light of other priorities and potential workload impacts.

## **Staff Relationship with Advisory Bodies**

Staff support and assistance is typically provided to commissions and task forces. However, advisory bodies do not have authority over City employees. While staff may work closely with

advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and City Council. The members of the commission/ board/committee are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with City policies and practices as outlined in the Commission Handbook.

Staff support often includes preparation of an agenda and its posting in compliance with the Brown Act. Staff may also prepare reports providing background on the issue, alternatives, a recommendation, and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person may serve as secretary, taking minutes as needed. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

It is important that advisory bodies wishing to communicate recommendations to the City Council do so through approved Council agenda procedures. In addition, if a commission wishes to correspond with an outside agency, that correspondence will be prepared by staff for review by the City Manager and possible approval by the City Council. Individuals who would like staff to perform research or for the commission to review a particular issue must gain the approval for such a request from the full City Council before any work is planned or done. The annual work plan for the City's commissions is determined by the City Council at its priority-setting that precedes the adoption of the fiscal year budget.

## **Restrictions on Political Involvement by Staff**

Local governments are non-partisan entities. Professional staff, as reflected within the principles of the Council-Manager form of government, formulates recommendations in compliance with Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fund-raisers, or other means.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and to general employees.

General employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No City resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities in a City uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the City Council in these matters is requested. A Council Member asking staff to sign petitions or similar items can similarly create an awkward situation.

For management staff, the City Manager strongly discourages any involvement in a local campaign even while on personal time. Such involvement could erode the tenet that staff is to provide an equal level of service to all members of the City Council. The City Manager specifically prohibits any political involvement in local campaigns by department heads.

# Support Provided to City Council

## Staff Support

General administrative support to members of the City Council is provided through the City Manager's Office. Secretarial services including scheduling of appointments, receipt of telephone messages, and word processing are available as needed. In addition to supporting the five City Council members, the two administrative support staff members also assist the City Manager, Assistant City Manager, City Clerk and Business Development Manager. Sensitivity to the workload of support staff members in the City Manager's Office is appreciated. Should requested tasks require significant time commitments, prior consultation with the City Manager is requested.

## Office Equipment

To enhance Council Members' ability to communicate with staff and the public, the City Council office is equipped with a computer and telephones with voicemail. The Council can also receive and send faxes.

Council Members may be connected from their home to the City's computer network. Information Services staff will provide initial assistance in setting up necessary software and hardware. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications. When individual Council Members have completed their term of office, any installed software and external modems must be returned to the City.

These technologies facilitate efficient communication by Council Members. However, their use also raises important legal issues to which Council Members must pay special attention. First, the Brown Act prohibits members from using "technological devices" to develop a concurrence by a majority regarding an action to be taken by the Council. "Technological devices" under the Brown Act include phones, faxes, computer email, public access cable TV and video. Council Members should not use e-mail, faxes or phones for communicating with other Council Members in order to develop a majority position on any particular issue that may come before the full Council. Particular caution is advised when using or responding to email received via the "CCIN" feature on the City's website and email directory. Correspondence sent using CCIN automatically goes to all five Council Members, certain staff and to the local newspapers.

Second, be aware that most emails sent by Council Members probably are public records under the Public Records Act. Even though it does not create paper, sending email is more similar to mailing a letter than placing a telephone call. The information in the email is stored on the computer network until deleted, and may continue to exist on the network's back-up systems even after being deleted. As a result, emails can become records of the City maintained in the course of business, and thus available for public disclosure under the Public Records Act.

Finally, the City's email system is intended for the conduct of official business, and not for political reasons. See CHAPTER 8 for a detailed discussion on the prohibition against using City property and funds for personal or political purposes.

## **Meeting Rooms**

An office is available adjacent to the City Manager's Office for shared use by members of the City Council. Council Members can also reserve larger meeting space for use by contacting the City Manager's Office staff.

## **Mail, Deliveries**

Members of the City Council receive a large volume of mail and other materials from the public, private interests and staff. The City Manager's Office staff maintains a mailbox for each member. Meeting agenda materials are available for pick up Thursday evenings at 5:30pm and are posted on the City's website. Members are encouraged to return unwanted reports and documents to staff for distribution to the public or for recycling.

# Financial Matters

## Council Compensation

State law and the Municipal Code provide for modest compensation to members of the City Council. State law limits an increase in City Council salaries to 5% per year, effective only following the next election after adoption. Currently, Council Members receive a stipend of \$640 per month. Council Members 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. Eligible expenses include travel for attendance at conferences or educational seminars, and the purchase of publications and annual subscriptions. Travel expense reimbursement for meals does not allow reimbursement for alcohol. Donations to organizations are not eligible nor are meals for individuals other than Council Members. Available funds are disbursed on a first come first served basis, with the Mayor and City Manager monitoring expenses during the year. Appendix D includes a copy of #CC-91-0002 pertaining to travel and meeting expenses.

## Expenditure Guidelines

It is important to note that any expense must be related to City affairs. Public property and funds may not be used for any private or personal purpose. Courts have ruled that this prohibition includes personal political purposes. For example, reimbursement could not be allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen.

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 & Liability

## Conflict of Interest

State laws are in place to prevent an action by a Council Member that would or may constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. At any time a Member believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a member's potential conflict. Laws that regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

There are two primary laws that govern conflicts of interest for public officials in California - the Political Reform Act and Government Code §1090. In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; §1090 prohibits a public official from having an interest in government contracts.

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the City. Once a year Council Members and certain staff are required to file statements of economic interests.

Government Code §1090 is similar to the Political Reform Act, but applies only to City contracts in which a public official has a financial interest. The financial interests covered by §1090 are different from those in the Political Reform Act. A Member having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating §1090 are severe. If a Council Member believes that he or she may have any financial interest in a contract that will be before the Council, the Member should immediately seek advice from the City Attorney or the Member's personal attorney.

There are a number of other restrictions placed on Council actions that are highlighted in the League of California Cities' *Guide*. Such restrictions include prohibitions on secrecy and discrimination as well as assurance that all city funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual Council Members.

## City Attorney Advice

The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest wherever possible. It is critical to note that while the City Attorney can render advice on the interpretation of State laws and regulations on conflict matters, such advice is solely an interpretation of the law. The only authority that can provide binding interpretations on such matters is the State Fair Political Practices Commission (FPPC). Members or the full Council may also solicit opinions on such matters directly from the FPPC; however, such opinions often take time to develop and may not readily respond to urgent matters. It is important to note that

the City Attorney does not represent individual members of Council, but the City Council as a whole.

## **Conflict of Interest Forms**

Annual disclosure statements are required of all Council members, designated commissioners and senior staff which indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Council Members and the City Manager often serve on the governing board of other agencies as a result of their positions. These agencies also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

## **Liability**

The City is a large institution offering a variety of services and may occasionally find itself subject to legal actions through lawsuits. For example, those involved in automobile accidents sometimes choose to take actions against a City since the accident occurred on a City roadway. The City must always approach its responsibilities in a manner that reduces risk to all involved; however, with such a wide variety of high-profile services all risk cannot be eliminated. The City belongs to an agency with other governments to manage insurance and risk activities.

It is important to note that violations of certain laws and regulations by individual members of the City Council may result in that member's being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment or fraud.

# Additional Training & Resource Materials

## League of California Cities

The League is an association of virtually all cities in California. It provides many services including the production of educational conferences for local officials, publication of various newsletters and the monthly magazine *Western City*. The League has lobbyists on staff to represent the interest of cities before the state legislature and federal government and supports committees having local officials as members that are organized to address issues as they arise. The League has an Internet web site at [www.cacities.org](http://www.cacities.org). The City of Menlo Park participates in League activities through the Peninsula Division.

## Local Government Commission

The Commission is a California-based organization that focuses largely on planning and resource conservation issues. It conducts workshops, offers periodic seminars, and publishes newsletters.

## International City/County Management Association (ICMA)

ICMA is a professional association of local government chief executives/city managers. The association has an extensive list of publications to assist local officials.

## Other Reference Material Available

The Brown Act - Open Meetings for Local Legislative Bodies

Report on City Participation in Ballot Measure Campaigns

A Guide to the Political Reform Act

Elected Officials Handbooks:

Setting Goals for Action: An Overview of Policy Development

Building a Policy-Making Team

Setting Policies for Service Delivery

Pursuing Personal Effectiveness

City of Menlo Park Municipal Code



## APPENDIX A – Reference Guide to Motions

Type of Motion	Second Required	Debatable	Amendable	Priority Over Pending Motion	Reconsidered	Interrupt Speaker
Adjourn	Y	n/a	n/a	Y	n/a	n/a
Amend or Substitute <sup>1</sup>	Y	Y	Y	Y	Y	n/a
Appeal	Y	Y	n/a	n/a	Y	Y
Call the Question <sup>7</sup>	Y	n/a	n/a	Y	n/a	n/a
Take Up New Business Past 12 pm <sup>8</sup>	Y	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 of Order	n/a	n/a	n/a	Y	Y	Y
Postpone to Time Certain	Y	Y	Y	Y	Y	n/a
Previous Question	Y	n/a	n/a	Y	Y	n/a
Recess or Adjourn to Time Certain	Y	Y	Y	n/a	n/a	n/a
Reconsider	Y <sup>2</sup>	Y <sup>3</sup>	n/a	n/a	n/a	<sup>4</sup>
Table or Take From Table	Y	n/a	n/a	Y <sup>5</sup>	n/a	n/a
Take up Out of Order	Y	n/a	n/a	n/a	n/a	n/a
Withdraw a Motion <sup>6</sup>	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

<sup>1</sup> Limit of three substitute motions.

<sup>2</sup> 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.

<sup>3</sup> If prior motion was debatable.

<sup>4</sup> Except for request for later action.

<sup>5</sup> Highest subsidiary motion – takes precedence over all motions except adjourn and privilege.

<sup>6</sup> Must be voted unless there is no objection.

<sup>7</sup> Requires 4/5 vote.

<sup>8</sup> Requires ¾ vote taken by 11:00 p.m. to extend beyond midnight.

### 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.

September 2005



## City Council Policies

CC 86	Naming and/or Changing the Name of Facilities
CC 90-001	Tenant/Landlord & Dispute Resolution Service
CC 91-0001	Board and Commission Attendance Policy
CC 91-0002	Travel, Meeting, Conference, Training and Meal Expenses
CC 91-0003	City Council Meeting Procedures
CC 92-0001	Commuter Check Program
CC 92-0002	Transportation Allowance Program
CC 92-004	Award Authority for Purchases and Professional Services
CC 93-001	Selection of Mayor
CC 95-001	Anti-Harassment and Non-Discrimination Policy
CC 01-0004	Commissions/Committees Policies and Procedures and Roles and Responsibilities
CC 02-0003	Veteran's Preference Policy

# City of Menlo Park

City Council Policy

<b>Department</b> City Council	<b>Page 1 of 1</b>	<b>Effective Date</b> February 25, 1986
<b>Subject</b> Naming and/or Changing the Name of Facilities	<b>Approved by</b>	<b>Procedure #</b> CC-86-
	Department Head	
	City Manager	

## PURPOSE AND SCOPE

From time to time the City has the opportunity to name a new facility, or is requested to change the name of a previously designated park, playground, building or other unit under the City's jurisdiction.

In order to formalize the City's consideration of these requests, and to provide better guidelines to the public, the City does hereby adopt the following policy guidelines for the naming of facilities.

1. It shall be the policy of the City not to change the name of any existing recreation and park facility, particularly one whose name has City or national significance, unless there is the most extraordinary circumstances of City or National interest and no other new facility can so be designated.
2. The existing place names within Menlo Park shall be deemed to have historic significance to the City. The City will modify existing names only with the greatest reluctance and only to commemorate a person or persons who have made major, overriding contributions to the City and whose distinctions are as yet unrecognized.
3. The Park and Recreation Commission, after considering inputs from the community, will recommend to the City Council names for new parks, playgrounds, athletic fields, paths, tennis courts, flower beds, buildings and miscellaneous facilities. The naming will recognize:  
A deceased person (no sooner than five years after death, ethnic or other national or community groups not yet honored in some fashion, who have made significant contributions to the City and/or the Park and Recreation and have not been previously honored in a meaningful way by the City.
4. It shall be the policy of the City generally to encourage plaques commemorating donations including tree memorials, horticultural collections or plant materials.
5. Where appropriate to the facility, the City encourages the donation of memorial benches.
6. At those facilities having recreation buildings, the City from time to time may authorize placing of a memorial plaque inside a building when that facility is closely identified with a person or group, but the policy of the City is to retain the historic name of the facility.
7. For other than naming a new facility, it is the policy of the City to take no action until at least six months from the receipt of a suggested name change or the adoption of these policies.

(Council took a look at this policy again on Jan. 27, 1998 with no changes)

# City of Menlo Park

Council Policy

## Department

City Council

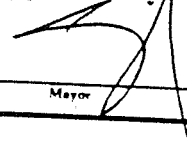
## Subject

Tenant/Landlord and Dispute  
Resolution Service

Page 1 of 1

Effective Date  
12-4-90

Approved by



Mayor

Procedure #

CC-90-0001

The City of Menlo Park Tenant/Landlord and Dispute Resolution Service was established by the City Council in late 1980 and is not governed by the City's Board and Commission Policy. The function/role of the Service is to offer non adversary mediation services for disputes in order to assist the parties in resolving their differences and in reaching, on a voluntary basis, creative and amicable solutions to their problems.

The Service's charge is to provide an outside resource that will aid in improving communications, assisting in conflict resolution and problem solving without requiring the parties to seek recourse through the courts. The Service has no formal legal powers, and is not empowered to force the participation of anyone in its services. It is a free, non-biased mediation service available to all citizens in the City of Menlo Park.

The Tenant/Landlord and Dispute Resolution Service is to be composed of 15 members; 3 homeowners, 3 landlords, 3 tenants, and 6 Menlo Park residents or business operators.

Potential members/volunteers will be interviewed by a panel consisting of a member from the City Council, the Chairperson of the Service, and the Staff Administrator of Code Administration. The interview panel will make its recommendations to the City Council, who in turn will make all appointments to the Service.

New members will be professionally trained in mediation skills through special courses given in conjunction with other cities within San Mateo and Santa Clara Counties.

Membership on another City Board or Commission does not preclude appointment to this Service.

DVF/wo  
0667S

# City of Menlo Park

<b>Department</b>		<b>Effective Date</b>
City Council		January 1, 1991
<b>Subject</b>	<b>Approved by</b>	<b>Procedure #</b>
Board and Commission Attendance Policy		CC-91-0001
	Department Head	
	City Manager	

## PURPOSE:

This policy is adopted in order to encourage attendance at Board and Commission scheduled meetings and to replace members who are unable to attend on a con-sistent basis.

## BACKGROUND:

A policy of attendance at Board and Commission scheduled meetings has not been uniform throughout the City. Many Commissions have their own policies which they implement on an informal basis. Some Commission scheduled meetings have been cancelled due to the lack of a quorum, a number of Commissions have mem-bers who miss a majority of their scheduled meetings and the issue of atten-dance at scheduled meetings is of concern. Some Commission Chairpersons have previously expressed a need for an attendance policy which would be consistent for all Boards and Commissions and which would dictate the removal of a Board or Commission member who has missed a certain number of scheduled meetings in the calendar year.

There are, often times, excellent reasons why a Board or Commission member might not be able to attend a scheduled meeting: illness, business or home commitments. The policy should be flexible enough so that a reasonable number of absences are allowed. Extensive absences on the part of a Board or Commission member do restrict the ability of a Board or Commission to complete its work and an attendance policy is meant to discourage such behavior.

## POLICY:

- 1) A compilation of attendance will be submitted to the Council annually in January listing absences for all Board and Com-mission members.
- 2) Absences, which result in attendance at less than two-thirds of Board and Commission scheduled meetings for any reason during the calendar year, will be reported to the City Council and may result in replacement of the Board or Commission mem-ber by the Council.
- 3) Any Board or Commission member, who feels that unique circum-stances have led to numerous absences, can appeal directly to the City Council for a waiver of this policy or a leave of absence.

# City of Menlo Park

Council Policy

**Department**  
City Council

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**Effective Date**  
3/13/91

**Subject**  
Travel, Meeting, Conference, Training  
and Meal Expenses

**Approved by**  
City Council  
Adopted 3/12/91

**Procedure #**  
CC-91-0002

## PURPOSE

To establish a policy for authorizing attendance at, travel to and reimbursement of expenses for City employees and officials attending conferences, training, meetings, functions and attending to other business that is necessary to the performance of official duty and provides direct benefit to the City. P.O.S.T. is not paid for by the City, but is reimbursed through a revolving fund and is not included in this policy.

This policy is to ensure that City employees and officials follow appropriate procedures when arranging for travel, lodging, and other expenses and are paid for reasonable expenses incurred for travel, conferences, meetings, activities and meals as a result of conducting authorized City business. This policy is also to ensure that payments made by the City are for actual and necessary expenses incurred for City business.

## BACKGROUND

Government Code Section 36514.5 provides for reimbursement to Councilmembers, employees and other city officials for actual and necessary expenses incurred in the performance of official duty. Menlo Park Municipal Code Section 2.04.180 also provides for the reimbursement of expenses for actual and necessary expenses incurred in the performance of official duties for the City.

## GENERAL

Authorization for travel and expense reimbursement shall be limited to conferences, meetings, training, meals and other functions/activities from which the City derives a specific benefit through attendance. Only that conference/meal/travel/meeting/activity, etc. which services a municipal purpose and is deemed necessary to the performance of official duties for the City of Menlo Park shall be approved and reimbursed..

The City recognizes the benefit in training and attendance at meetings, functions and activities which advance professional knowledge and provide opportunities to exchange information related to municipal government operations and issues.

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Travel, Meeting, Conference, Training  
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For the purposes of this policy, City employees shall mean all employees in the exempt, competitive, part-time and temporary services, including appointees of the City Manager and contractual employees. City officials shall mean the City Council and officials appointed by the City Council including Board, Commission and Committee members, the City Attorney and the City Manager, and others the City Council designates to represent the City.

Implementation of this policy is the responsibility of the City Council for Councilmembers and appointed officials and the responsibility of the City Manager for all employees. All expenses for City Councilmembers and other appointed officials must be posted in the City Council Office for a minimum of seven days from submittal. Attendance of City officials at conferences, seminars and meetings shall be subject to prior approval by the City Council. Approval by the City Council shall occur with the adoption of the annual budget; except that the City Council must review and approve, during a regular City Council meeting, all requests for out-of-state travel prior to the commitment and expenditure of any funds for such travel.

The attached chart, (Exhibit A) identifies certain conferences and meetings considered to be candidates for attendance by City officials. This chart is to be used in budget development and is not considered to be all inclusive.

The City Manager shall authorize and approve travel and reimbursement expenses for employees. The City Manager may designate department heads or other staff members to authorize travel and approve reimbursement requests for employees. The City Manager shall file a memorandum documenting these designations with the Finance Department. A department head may designate another staff member of the department to authorize travel and reimbursement forms for employees of their department by filing the appropriate memorandum, approved by the City Manager, with the Finance Department. In any event, employees may not authorize nor approve reimbursement for their own travel and business expenses.

All expenses must be actual and clearly substantiated prior to reimbursement. If a receipt or other documented evidence of the expense incurred is not available, and the expense is \$25.00 or less, an explanation of why documentation can not be provided together with the amount, date, place and essential character of the expense must be provided. If the expense is \$25.00 or more documented evidence, e.g. a receipt, is required. Unnecessary or exorbitant expenses will be disallowed.



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**Approved by**  
City Council  
Adopted 3/12/91

**Procedure #**  
CC-91-0002

All payments and reimbursements must be in compliance with City Council approved budget appropriations and are subject to the City's internal audit procedures.

Reasonable charges for vehicle parking, rental cars, local transportation, business telephone calls, meals or any other necessary expenses while traveling and/or conducting official City business will be allowed.

No personal expenses, such as laundry, barbering, valet service, or personal telephone calls shall be allowed. Fines for traffic violations, private auto repair and alcoholic beverages are examples of non-allowable expenses.

Expenses incurred by family members or guests who accompany a City official or employee shall not be reimbursed.

Compensation received for attendance at a meeting must be deducted from expenses that the City is requested to pay.

A City official or employee may stay with a friend or relative while attending an out-of-town meeting or conference; however, the City will not reimburse for any payment to the friend or relative for lodging, meals or transportation.

Costs incurred while entertaining (as opposed to conducting business with) colleagues or business associates shall not be reimbursed.

Expenses incurred as part of election campaign activities shall not be reimbursed.

The City may issue credit cards for use by employees and the City Manager. Expenses incurred must be in compliance with the provisions of this policy.

If it is determined that expenses that were covered by prepayment to a sponsoring or service providing organization or by advance payment or reimbursement to an employee or official, do not comply with this policy, the value must be refunded by the benefiting official or employee to the City.

## PROCEDURE FOR EXTENDED OUT-OF-TOWN CONFERENCES OR MEETINGS

For the purposes of this policy, extended out-of-town conferences or meetings shall mean a conference or meeting that is longer than two days in duration.

# City of Menlo Park

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## Subject

Travel, Meeting, Conference, Training  
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Adopted 3/12/91

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### Authorization for Travel

#### City Council and City Council Appointed Officials

Attendance of City officials at conferences, seminars and meetings shall be subject to prior approval by the City Council. Approval by the City Council shall occur with the adoption of the annual budget. For out-of-state travel, the prior approval of a majority of the City Council obtained during a public meeting is required.

#### City Employees including City Manager Appointees

Prior to the commitment or expenditure of any City funds for extended out-of-town conference or meeting reservations or arrangements, the employee shall obtain approval for attendance from the City Manager or the City Manager's designee; out-of-state travel must be approved by the City Manager.

#### Authorization Form

A Request for Travel and Meeting Expense Authorization form must be completed and should include an estimate of total expenses and a copy of the conference or meeting notice and registration form must be attached. Any special arrangements, such as car rentals, non-standard rooms, extending the stay for personal reasons, or use of a travel route or mode that is more expensive and/or of a greater than direct route should be identified on this form.

#### Registration Fees

Registration fees must be payable to the conference/sponsoring organization and shall be those expenses indicated in the published information attached to the Travel and Meeting Expense Authorization form to be attached to the payment request form. Any deadlines for receipt of the registration should be identified prominently on the face of the payment request, to ensure timely payment.

#### Lodging Expense

Prepayment of hotel expenses may be made by submittal of a payment request form, with the Travel and Meeting Expense Authorization form attached.

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Prepayment may either be made for the first day only, to guarantee the room, or may be for the full number of days, including room tax (if known.) Prepayment, or reimbursement of hotel bills, will be limited to the cost of standard, non-deluxe accommodations and will cover only the room charges for the City official or employee.

If the City official or employee has secured accommodations other than above, it is their responsibility to find out the single, standard, non-deluxe rate and provide a written explanation of the difference; in no event will the City reimburse or pay for the difference.

## Transportation

### Air Transportation

Reimbursement or payment will be limited to economy class commercial air carrier. Air reservations should be made as early as feasible to obtain the greatest discount, and the use of alternate, but nearby airports with ground transportation should be considered to take advantage of the lowest fares. Extension of the trip to cover a Saturday stayover to obtain a lower air fare, if no City business is to be conducted, should not be used.

### Rental Vehicles

The necessity for additional transportation requirements at the point of destination of an extended trip, requiring the use of rental car, must be established by the City official or employee on the Travel and Meeting Expense Authorization form, and employees must receive prior approval by the appropriate authority. Only standard or economy car models may be rented unless the upgrade is provided by the rental agency at no increase in cost.

### Private Vehicles

Private vehicles may be used for personal or group transportation on extended trips. Reimbursement shall be at the I.R.S. approved rate. Mileage reimbursement shall not exceed the cost of a refundable round trip air transportation (economy class), for a reservation made at least 7 days in advance of the trip. Employees and officials with car allowances, may receive mileage reimbursement. Employees must receive prior approval on the Travel and Meeting Expense Authorization form from the appropriate authority. Proof of automobile insurance, in amounts specified by the City must be on file with the City.

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## City Vehicles

City vehicles normally may not be used for transportation on extended out-of-City trips. Vehicles assigned to specific divisions and/or individuals should also not be used for extended out-of-City trips. Requests for use of City vehicles for this purpose must be approved in advance by the City Manager.

## Alternate Transportation Methods

Alternate methods of transportation, such as train or bus transportation, may be used on extended trips. The amount paid by the City shall not exceed the cost of a refundable roundtrip air transportation (economy class), for a reservation made at least 7 days in advance of the trip.

## Meals

Meal reimbursement, including tips, is limited to the lower of the total actual daily cost or the total daily maximum meal reimbursement limit.

Reimbursement will be for actual expenses, supported by receipts. Meals which are included in registration fees as stated in meeting or conference literature must be subtracted from the total daily maximum.

### Meal Reimbursement guidelines:

Breakfast \$10.00

Lunch \$15.00

Dinner \$35.00

Total daily maximum \$60.00

## Incidentals

The City will reimburse for incidentals such as business telephone calls, local transportation, vehicle parking or other necessary expenses. Such expenses must be accompanied by proof of payment or an appropriate explanation of why documentation could not be provided together with the amount, date, place and essential character of the expense. The per day expense for incidentals should not exceed \$30.00.

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## Advance for Meals and Incidentals

An employee or official may submit a payment request (supported by a Travel and Meeting Expense Authorization form) for advance funds for payment of meals and incidentals.

If meals are provided as part of conference registration costs, or included with the air fare, the advance will be reduced by \$10.00 for breakfast, \$15.00 for lunch and \$35.00 for dinner. The conference agenda should be highlighted to indicate meals known to be included in the conference registration.

## Reconciliation and Reimbursement

Within 10 business days after the City official's or employee's return from the trip, a Travel and Meeting Expense form, with appropriate approvals, must be filed with the Department of Finance. If billings for expenses incurred have not been received in ten (10) days, the form with all expenses for which bills have been received to date shall be filed noting that not all expenses are included and a supplemental report shall be filed immediately upon the receipt of bills beyond the ten (10) day period. Original receipts for lodging and transportation (airline ticket), shall be attached as well as necessary receipts to support additional expenditures to be reimbursed and/or to support expenditures for which an advance payment was received. If a receipt or other documented evidence of the expense incurred is not available, and the expense is \$25.00 or less, an explanation of why documentation can not be provided together with the amount, date, place and essential character of the expense must be provided. If the expense is \$25.00 or more, documented evidence, e.g. a receipt, is required.

## PROCEDURE FOR LOCAL AND TWO-DAYS OR LESS MEETING, CONFERENCE, TRAINING, TRAVEL AND MEAL EXPENSES

### Authorization

#### City Council and City Council Appointed Officials

Prior authorization for local and two-days or less travel and meal expenses shall occur with the adoption of the annual budget. The City Council must review and approve during a regular City Council meeting requests for out-of-state travel prior to commitment and expenditures of any funds for such travel. Depending on the nature of the expense, such expense may be prepaid by the City. Within 30 days of the expenditure, the City official must submit to the Finance Department a complete Local and Two-Days or Less Travel and Meal Expense form; this is required whether the expense was prepaid by the City or the expense was paid by the individual and reimbursement is being requested.

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### City Employees including City Manager Appointees

Prior authorization for local and two-days or less travel and meal expenses of \$50.00 or less, incurred by City employees and \$100.00 or less, incurred by City Manager appointees, is not required. Depending on the nature of the expense, it may be prepaid by the City. Within 30 days of the expenditure, the employee must submit, to the Finance Department, a completed and approved Local and Two-Days or Less Travel and Meal Expense form; this is required whether the expense was prepaid by the City or the expense was paid by the individual and reimbursement is being requested.

### Local and Two-Days or Less Travel and Meal Expense Form

A Local and Two-Days or Less Travel and Meal Expense form must be completed and approved for all expenses whether prepaid by the City or paid by the individual and for which reimbursement is being requested. It must be accompanied by appropriate receipts, agendas, meeting announcements, etc.

### Meals

The City will pay or reimburse for local meals according to the guidelines below. In addition to necessary receipts, agendas, meeting announcements, etc., requests must also contain the nature of the City business discussed or transacted, an explanation of why it was necessary for the conduct of City business to have the meal and the date and duration of the business discussion. Requests must also include the names, occupations and employers of all persons who attended unless impractical because more than 10 people were in attendance (for example a Council of Cities meeting). If all people in attendance did not take part in the business discussion, indicate those that did. Indicate those whose meal expense the City is being requested to pay.

1. The following types of meal expenses are eligible for payment or reimbursement.
  - a. Meals which are an integral part of or directly related to a formal meeting of a recognized organization whose purpose is directly related to City business. Examples of such organizations include the San Mateo County Council of Cities, the League of California Cities Peninsula Division, committees of the League of California Cities and various professional associations or groups such as County and State-wide City Managers, Finance Officers, Police Chiefs, etc. Associations.

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- b. Meals or refreshments taken during meetings consisting solely of City employees or City employees and officials which are exclusively working sessions where employees, officials, or employees and officials are required to continue working through a meal period. Whenever possible, meetings should be scheduled to avoid this occurrence.
  - c. Meals or refreshments taken during meetings consisting solely of the City Manager and/or City employees which have been planned and scheduled, and for which an agenda has been prepared which indicates that the purpose of the meeting is to conduct City-related business. Such meetings must be authorized in advance by the City Manager or the City Manager's designee.
  - d. Meals taken during meetings and/or interviews with prospective job applicants.
  - e. Meals taken during meetings with non-City employees or officials to discuss business directly related to City projects or operations when necessary for the conduct of City business. Such meetings should be held during non-meal periods unless scheduling conflicts make it impractical.
  - f. Meals taken during assigned training, the conduct of field surveys or attendance at meetings and the individual's normal meal period occurs during the time of travel or assignment. Meal reimbursement for training or professional meetings within a 50 mile radius of Menlo Park, conducted between the hours of 8:00 a.m. and 5:00 p.m.; will be limited to lunch expense only, if it is not provided with the event.
2. Reimbursement guidelines for meals, including tips, per person for business meetings are as follows; these guidelines may be exceeded if the charges are reasonable and not exorbitant:
- Breakfast-\$10.00      Lunch-\$15.00      Dinner-\$25.00
3. If a receipt or other documented evidence of the expense incurred is not available, and the expense is \$25.00 or less, an explanation of why documentation can not be provided together with the amount, date, place and essential character of the expense must be provided. If the expense is \$25.00 or more documented evidence, e.g. a receipt, is required.
  4. If a department is hosting a non-luncheon meeting, at which the majority of representatives are non-City employees or officials, on City-related issues, refreshments in an amount not to exceed \$50.00 may be authorized by the City Manager or department head.

# City of Menlo Park

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### Incidental Expenses

All incidental expenses related to attending local meetings (e.g., public transit fares, parking, bridge tolls, etc.) are eligible for reimbursement. Such expenses must be accompanied by proof of payment or an appropriate explanation of why proof of payment can not be provided together with the amount, date, place and essential character of the expense.

### Transportation

If available, City vehicles may be used for local meetings and/or to complete specific job functions. Personal vehicles may also be used if proof of liability insurance, in an amount specified by the City, is on file with the City's Finance Department. Employees with car allowances shall not be reimbursed for mileage. Reimbursements shall be at the I.R.S. approved rate. Mileage reimbursement for use of personal vehicles will only be made for travel that is in connection with a specific job function or assigned off-site training or meeting relating directly thereto, excluding breakfast or luncheon meetings within a 5 mile radius of Menlo Park or the official's place of business, if it is not in Menlo Park, and for dinner meetings within a 5 mile radius of the individual's place of residence.

If the meeting is outside the nine-county Bay Area and the use of air transportation will result in the travel and meeting being completed in two-days or less, the expense of such air travel is less than the total expense of hotels, meals and other travel expenses if the trip were to be extended beyond two-days and the travel distance is greater than 200 miles one way, air transportation may be used. Reimbursement or payment will be limited to economy class commercial air carrier.

### Registration Fees

Registration fees must be payable to the meeting, conference or training sponsoring organization, and shall be those expenses indicated in the published information to be attached to the Local and Two-Days or Less Travel and Meal Expense form.



Chart of Conferences and Meetings

League of California Cities Annual Conference

Annual Meeting of the City Manager's Division of the League of California Cities

Annual League of California Cities Planning Commissions Institute

Annual Legislative Conference of the League of California Cities

San Mateo County City Manager's Association Meetings

San Mateo Council of Cities Meetings and Task Forces, Committees, Boards

San Mateo City/County Association of Governments Meetings and Task Forces, Committees, Boards

Peninsula Division of the League of California Cities Meetings

Association of Bay Area Governments Meetings

Chamber of Commerce Progress Seminar

San Mateo County Convention & Visitors Bureau Meetings

Annual League of California Cities Community Services Conference

Policy Committee Meetings of the League of California Cities

Meetings of Committees/Boards, such as the Criminal Justice Council, when representing the Council of Cities

League of California Cities Mayor's and Councilmembers Orientation Institute

League of California Cities Leadership Team Workshop

League of California Cities Mayors and Councilmembers Executive Forum

Annual California Redevelopment Association Conference

League of California Cities Financial Management Seminar

San Mateo County Transportation Authority

Affiliate Organizations to the League of California Cities

League of California Cities Board of Directors Meetings

Financial Management Seminars

Dedicated Workshop Programs

Council of Cities Santa Clara: Joint Meetings, State Officer, Sub-Committees

3236M



# CITY OF MENLO PARK TRAVEL AND MEETING EXPENSE REPORT

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Department: \_\_\_\_\_

Date of Report: \_\_\_\_\_

Account No.: \_\_\_\_\_

Date	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Total
Lodging								
Breakfast								
Lunch								
Dinner								
Bus/Taxi								
Parking								
Telephone								
Car Rental								
Misc. (explain)								
Registration								
Travel								
Private Auto								
<b>Total</b>								\$

Less: Prepaid Expense - Registration \$ \_\_\_\_\_

- Motel \_\_\_\_\_

- Travel \_\_\_\_\_ < \_\_\_\_\_ >

Subtotal: \_\_\_\_\_

Less: Cash Advance \_\_\_\_\_ < \_\_\_\_\_ >

Total Due Official/Employee/City \_\_\_\_\_

### ATTACH ALL RECEIPTS

I hereby certify that to the best of my knowledge the expenses indicated above and that information shown hereon is correct, actual and was necessary for City business; that no part of compensation claimed was of a personal nature and that no part thereof has heretofore been paid.

APPROVED: Department Head / Designee

APPROVED: City Manager / Designee

Name (Print): \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Refer to Policy for Authorization and Approval Requirements

# City of Menlo Park

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## Department

City Council

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## Effective Date

1/07/97

## Subject

City Council Meeting Procedures

## Approved by

Adopted 6/25/91

Amended 1/12/93

Amended 1/7/97

Mayor

## Procedure #

CC-91-0003

### Purpose

To establish procedures for the orderly conduct of City Council meetings.

### Background

Chapter 9 of Title 5 of the government code of the State of California provides regulation regarding the conduct of open meetings. Menlo Park Municipal Code Section 2.04.070 also addresses City Council meeting requirements. The City generally follows Robert's Rules of Order for the conduct of City Council meetings.

### General

The City supports the rights of the public to be informed about meetings and to participate in the business of the City.

It is the City Council's objective to work toward consensus, wherever possible, in making policy decisions. The City Council encourages open-ended discussion and the use of study sessions to thoroughly analyze and explore issues.

### Regular Meetings

Pursuant to Section 54954 of the government code of the State of California the City has, in Chapter 2.04 of the Municipal Code set the regular meetings of the City Council as every Tuesday of each month, at seven-thirty p.m. Cancellation of regular meetings must be properly noticed. The Mayor may set a different starting time for a regular meeting to accommodate closed sessions, study sessions, scheduling conflicts of City Councilmembers, or the desire to ensure adequate time for public testimony on particular items.

All regular meetings of the City Council will end no later than 12:00 midnight unless there is a three-fourths vote taken by 11:00 p.m. to extend. The motion to extend must include the titles of the Agenda items to be considered after 11:00 p.m. and a new ending time of the meeting; this will be determined after due consultation with the staff.

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1/07/97

## Subject

City Council Meeting Procedures

Approved by  
Adopted 6/25/91  
Amended 1/12/93  
Amended 1/7/97  
Mayor

## Procedure #

CC-91-0003

### Special Meetings

A special meeting may be called by the Mayor or a majority of the City Council in accordance with Section 54956 of the government code of the State of California.

### Study Sessions

Study sessions are for the purpose of discussing an item that may come before the City Council at a later time for official action. The purpose of study sessions is to provide an informal forum for the City Council and staff to engage in open-ended discussion, share information and interests on a particular subject. No formal action can be taken at a study session; direction can be given to staff regarding preparation of an agenda item for subsequent discussion and action.

### Posting of Agenda

The Agenda of each regular or special meeting of the City Council shall be posted in compliance with section 54954.2 of the government code of the State of California.

### Public Testimony

Members of the public may directly address the City Council on items of interest to the public that are within the subject matter jurisdiction of the City Council. It is the preference of the City that members of the public first present such matters in writing.

Under "Public Comment" the public may address the City Council on any subject not on the Agenda. To avoid a Brown Act violation, generally City Council or staff can not immediately respond. Under each Agenda item, the public may address the City Council on the subject at hand. For items on the Consent Calendar, the public may address the City Council prior to any motion to adopt it or requests by the City Council to remove an item for discussion.

Each person desiring to address the City Council shall complete a speaker request card for each Agenda item they intend to address and submit it to the City Clerk prior to the Agenda item they wish to address.  
Individuals

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**Approved by**

Adopted 6/25/91

Amended 1/12/93

Amended 1/7/97

Mayor

**Procedure #**

CC-91-0003

addressing the City Council shall move to a microphone, state his/her name and address for the record, state the subject to be addressed, state who he/she is representing and limit his/her remarks to three (3) minutes unless further time is granted by the presiding officer or a majority of the City Council. All remarks should be addressed to the City Council as a whole.

Presentations by applicants/appellants shall be limited to fifteen minutes and rebuttals limited to five minutes unless additional time is granted by the presiding officer or a majority of the City Council.

In order to expedite matters and to avoid repetitious presentations, the City encourages any group of persons wishing to address the City Council on the same subject to choose a spokesperson. To accomplish this, individuals may transfer some or all of their time of three minutes each to the chosen spokesperson; no spokesperson may address the City Council on one item in excess of fifteen minutes. The spokesperson must identify those donating time and they must all be present.

**Order of Business**

The order of business for City Council meetings shall be:

- Roll Call
- Special Business
- Proclamations
- Council, Commissions, Committee and Staff Reports
- Public Comment #1
- Appointments to Boards/Commissions/Committees
- Consent Calendar
- Public Hearings
- Regular Business
- Public Comment #2
- Written Communications
- Information Items
- Adjournment

"Special Business" includes items such as presentations to the City Council by citizens, citizen groups and consultants or staff and generally an action is not required by the City Council.

"Council, Commissions, Committee and Staff Reports" includes reports on subjects or issues of public interest which may or may not require Council action.

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**Effective Date**

1/07/97

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City Council Meeting Procedures

**Approved by**  
Adopted 8/25/91  
Amended 1/12/93  
Amended 1/7/97

**Procedure #**

CC-91-0003

Mayor

Public Comment #1" shall be limited to thirty minutes. See Public Testimony on page 2 for a description of Public Comment and individual time limits.

"Appointments to Boards/Commissions/Committees" includes the appointment, by the City Council, of citizens to the various advisory bodies to the City Council. The process for appointments shall be:

1. Nominations, sufficient at a minimum to fill all vacancies, are made by Councilmembers from applications received prior to the deadline. Nominations must receive a "second".
2. Each Councilmember shall be eligible to cast votes equal to the number of vacancies. A Councilmember can not cast more than one vote per nominee.
3. The City Council casts votes on each nominee; only "Aye" votes are cast.
4. The nominee(s) receiving the most votes, but not less than three, shall be appointed.
5. In the event of ties, the City Council will vote to break the tie, each having one vote to cast.

"Consent Calendar" items are generally routine in nature and require no further discussion by the City Council and may be acted on in one motion. Any member of the City Council may ask that an item on the Consent Calendar be removed for Council questions and discussion.

**"Public Hearings"**

The format for public hearings shall be:

1. The Mayor announces the agenda item and that this is the time and the place for the public hearing.
2. Staff report
3. Preliminary questions by Council of staff
4. The Mayor opens the public hearing

# City of Menlo Park

Council Policy

## Department

City Council

Page 5 of 7

## Effective Date

1/07/97

## Subject

City Council Meeting Procedures

## Approved by

Adopted 6/25/91

Amended 1/12/93

Amended 1/7/97

Mayor

## Procedure #

CC-91-0003

- a. Applicant/appellant presentation, if appropriate to the item.
  - b. Public comment
  - c. Applicant/appellant rebuttal, if appropriate to the item.
  - d. Public hearing closed
5. Staff response, if appropriate, to questions raised by the public
  6. Council discussion
  7. Council action

"Regular Business" includes scheduled items that require City Council discussion and action but for which a public hearing is not required and consideration and action on Legislative Items, Written Communications and Councilmember Reports. The format for scheduled items shall be:

1. Staff Report
2. Council questions of staff
3. Public comment
4. Staff response, if appropriate, to questions raised by the public
5. Council discussion
6. Council action

"Public Comment #2" shall be for members of the public unable to address the Council under Public Communications #1.

"Written Communications" includes letters addressed to the City Council.

"Information Items" shall include information received by the City of general interest to the City Council and the public; generally, no action is taken on Information Items.

### Agenda Setting

The Mayor, in conjunction with the City Manager, and in consideration of legal requirements, Council priorities and staff workload shall determine when items shall be scheduled on an Agenda for City Council action.



# City of Menlo Park

Council Policy

<b>Department</b> City Council	<b>Page</b> 6 <b>of</b> 7	<b>Effective Date</b> 1/07/97
<b>Subject</b> City Council Meeting Procedures	<b>Approved by</b> Adopted 6/25/91 Amended 1/12/93 Amended 1/7/97 Mayor	<b>Procedure #</b> CC-91-0003

Any member of the City Council may request, either verbally or in writing, under Council, Commission, Committee and Staff Reports, that an item be placed on a subsequent Agenda for action. If a written request is received by the City Clerk prior to the Agenda being printed, it will be listed on the Agenda. When the item is discussed by the City Council, if a majority of the City Council agrees, the subject of the request will be scheduled for action on a subsequent Agenda. Staff will advise the City Council within one week how long it will take to prepare the item for consideration. Any Councilmember has the right to ask for an item to be removed from the Agenda for one meeting; if a majority of the City Council concurs it will be removed and rescheduled.

## Disqualification

When a City employee or official determines not to act because he or she has a financial interest, the determination not to act should be accompanied by the disclosure of the financial interest. In the case of a City Councilmember, the determination not to act and the disclosure of the financial interest should be made part of the City's official record and included in the minutes.

## Disorderly Conduct at Meetings

Any member or other person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, who refuses to be seated or keep quiet when ordered to do so by the Mayor or the Mayor Pro Tempore is guilty of a misdemeanor. It shall be the duty of the Chief of Police or his/her designee upon order of the presiding officer to eject any such member or person from the meeting room.

## Voting Procedure

Votes will be registered by the members by answering "aye/yes" for an affirmative vote, "no" for a negative vote, or "abstain" for an abstinence vote upon the name of the Councilmember being called by the City Clerk, or by pressing a switch to cause a green light to show for an affirmative vote, a red light to show for a negative vote or a yellow light to show an abstinence vote being called for by the presiding officer. The result of any vote registered by means of a lighting system shall be audibly announced by the City Clerk and recorded in the minutes as the vote.

# City of Menlo Park

Council Policy

## Department

City Council

Page 7 of 7

## Effective Date

1/07/97

## Subject

City Council Meeting Procedures

## Approved by

Adopted 6/25/91

Amended 1/12/93

Amended 1/7/97

Mayor

## Procedure #

CC-91-0003

### Suspension of the Procedures

Any Councilmember may request that these procedures and/or Robert's Rules of Order be suspended unless otherwise prohibited by law; a three-fourths vote is required for suspension.

### Other

Councilmembers will try to gather necessary information and have questions answered, etc., from the staff before a meeting, if possible. There still may be a need to ask a question again at a Council meeting to get the response on the record.

Councilmembers will encourage and utilize open-ended questions and discussion, focusing on interests versus position to encourage the sharing of information and reaching consensus.

In order to help focus the discussion, it is helpful to get a motion before the Council subsequent to some initial discussion.

It is the Council's objective to make decisions and work toward consensus wherever possible. When it is obvious that all Councilmembers have made up their minds and have had an opportunity to address the issue and ask questions, it is business-like to take a vote and move on to the next topic.

There are times when an explanation of one's vote is appropriate, but often times those explanations have already been made in the discussion and debate and need not repeated.

Attachment: Chapter 9 of the Government Code of the State of California

3360M

# CITY OF MENLO PARK LOCAL AND TWO DAYS OR LESS TRAVEL AND MEAL EXPENSE FORM

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Account Number: \_\_\_\_\_

Department: \_\_\_\_\_

Date of Expenditure: \_\_\_\_\_

DESCRIPTION INDICATE TYPE OF EXPENDITURE	AMOUNT
<input type="checkbox"/> Local and one day or less travel, meal or other expenses  Reason for expenditure: (Describe in detail the City business reason or the City business benefit gained or expected to be gained, the nature and duration of a business discussion; names and occupations including company name of those present and indicate those whose meals the City is being asked to pay for and those who took part in the business discussion - refer to the policy for more detail). Attach additional pages if necessary.  _____ _____  Where was expenditure made? _____  Reimbursement requested for: (Check appropriate box and fill in the dollar amount.) <input type="checkbox"/> Breakfast \$ _____ <input type="checkbox"/> Bridge toll \$ _____ <input type="checkbox"/> Lunch \$ _____ <input type="checkbox"/> Other (explain) \$ _____ <input type="checkbox"/> Dinner \$ _____	\$
<b>Attach all receipts and appropriate meeting notices</b>	
<input type="checkbox"/> Mileage Reimbursement  Use of private vehicle for City business  End ____ Beg ____ = ____ miles @ \$ ____ per mile: Reason for expenditure/use of private vehicle: _____ _____	\$
<b>TOTAL</b>	\$

APPROVED BY DEPARTMENT HEAD/DESIGNEE \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED BY CITY MANAGER/DESIGNEE \_\_\_\_\_ DATE \_\_\_\_\_

Refer to Policy for Authorization/Approval Requirements

I hereby certify that to the best of knowledge the expenses indicated above and that information shown hereon is correct, actual and was necessary for City business; that no part of compensation claimed was of a personal nature and that no part thereof has heretofore been paid.

Name (Print): \_\_\_\_\_

Signed: \_\_\_\_\_

# City of Menlo Park

## ADMINISTRATIVE POLICY

<b>Department</b>  Transportation	Page 1 of 2	1-22-92 Effective Date
	Approved by:  _____ Department Head	rev. July 1, 2000  Procedure #
<b>Subject</b> Commuter Check Program	_____ City Manager	92-0001

### PURPOSE

The Commuter Check program is a transit Subsidy program established to encourage employees to use Public transportation for their work commute.

### PROCEDURE

This policy establishes City guidelines and conditions for the distribution of Commuter Checks to City employees.

### POLICY

#### I. General

- A . It is the policy of the City of Menlo Park to encourage the use of public transportation in order to reduce air pollution and traffic congestion by offering a transit subsidy program called Commuter Check.
- B . Commuter Checks are \$50 per month tax-free transit vouchers specifically designed for purchasing Tickets and passes from Bay Area transit operators and their retail sales outlets.  
  
Commuter Checks are accepted by AC Transit, Alameda/Oakland Ferry Service, BART, CalTrain, County Connection, Golden Gate Ferry and Transit, SamTrans, San Francisco Muni, Santa Clara County Transit District, Santa Rosa Transi, Tri Delta Transit, and Vallejo Ferry and Transit.

#### II. Conditions for use

- A . Only permanent employees are eligible for Commuter Checks.
- B . The Commuter Check is for the employee's use only. The Commuter Check is not transferable.
- C . In order to receive a commuter Check, and eligible employee must present the preceeding month's transit pass once the Commuter Check has been redeemed.
- D . Employees must sign a statement of understanding outlining the conditions for Commuter Check use.
- E . Commuter Checks will be distributed during the third week of every month byt the City's TSM Coordinator.

# City of Menlo Park

## ADMINISTRATIVE POLICY

<b>Department</b> Transportation	Page 2 of 2	Effective Date July 1, 2000
	Approved by: _____ Department Head _____ City Manager	Procedure #  92-0001
<b>Subject</b> Commuter Check Program Statement of Understanding		

If you are interested in participating the Commuter Check program, complete the information below and return it to the TSM Coordinator – Transportation Division.

NAME: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_ PHONE EXTENSION: \_\_\_\_\_

WHICH TRANSIT OPERATOR WILL YOU BE PURCHASING YOUR TICKET FROM? -

\_\_\_\_\_

I understand that the Commuter Check is for my use only and its purpose is to help subsidize the cost of a commuter pass for my work commute. I also understand that in order to receive Commuter Checks I must present the preceeding month's transit pass at the time of receiving another Commuter Check.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

# City of Menlo Park

<b>Department</b> TRANSPORTATION	<b>Page</b> 1 <b>of</b> 3	<b>Effective Date</b> July 1, 1992
	<b>Subject</b> TRANSPORTATION ALLOWANCE PROGRAM	<b>Approved by</b> April 21, 1992 <small>Mayor</small>

## PURPOSE

The Transportation Allowance program is a subsidy program established to encourage employees to bike, walk or car/vanpool to work.

## PROCEDURE

This policy establishes City guidelines and conditions as related to "work commute" transportation subsidies.

## POLICY

### I. General

- A. It is the policy of the City of Menlo Park to encourage employees to walk, bike, or car/vanpool in order to reduce air pollution and traffic congestion by offering a transit subsidy program called Transportation Allowance.
- B. A transportation allowance is a <sup>1.50</sup>~~\$1.00~~ a day subsidy for employees who bike, walk, or carpool for their work commute.
- C. The <sup>50</sup>~~\$1.00~~ a day subsidy is subject to federal and state income tax.

### II. Conditions for use

- A. Only permanent employees are eligible for the transportation allowance.
- B. An employee must bike, walk, or car/vanpool to work at least once a week to be eligible for the transportation allowance.
- C. A car/vanpool consists of 2 or more 'employed' persons traveling together between their residence and their work site for the majority of their commute trip.
- D. In order to receive a transportation allowance an eligible employee must complete a monthly calendar and indicate commute alternative days and mode of travel for reimbursement.
- E. Employees must sign a statement of understanding outlining their compliance with conditions of the program.
- F. Intentional inaccurate record-keeping or abuse of the conditions of program participation will automatically expel the employee from the program.

# City of Menlo Park

**Department** TRANSPORTATION

Page 2 of 3

**Effective Date**  
July 1, 1992

**Subject** TRANSPORTATION ALLOWANCE PROGRAM

**Approved by**  
April 21, 1992

**Procedure #**  
CC 92-0002

Mayor

G. Employees cannot participate in the Transportation Allowance Program and the Commuter Check Program simultaneously. The intent of the transportation incentive is to provide an employee with a maximum of \$20.00 a month for choosing alternative trip modes.

30-

# City of Menlo Park

## ADMINISTRATIVE POLICY

<b>Department</b> Transportation	Page 1 of 1	Effective Date July 1, 2000
	Approved by: <hr/> Department Head <hr/> City Manager	Procedure #  CC 92-0002
<b>Subject</b> Transportation Allowance Program		

Monthly Calendar Form  
Transportation Allowance Program

I have indicated by an "x" over the day of the week that I have commuted to work by some form of commute alternative.

I Bicycled to work a total of \_\_\_\_\_ days this month.

I Walked to work a total of \_\_\_\_\_ days this month.

I car/vanpooled to work a total of \_\_\_\_\_ days this month.

Please identify the members of your car/vanpool and check the names of City Employees.

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

I understand that the transportation allowance (a \$1.50 a day for each day biked, walked or car/vanpooled) is subject to state and federal income tax.

Intentional inaccurate record-keeping or abuse of the conditions of the program will automatically expel the Employee from the program. The employee will be responsible for reimbursing the City all past subsidies received.

Employee signature: \_\_\_\_\_

Name: \_\_\_\_\_ Department: \_\_\_\_\_

Extension: \_\_\_\_\_ Department Head Approval: \_\_\_\_\_

Date: \_\_\_\_\_ Amount: \_\_\_\_\_

\*Calendar forms must be submitted to the City's TSM Coordinator by the **first Friday** of the following Month. Payment will be received in the following pay check.



# City of Menlo Park

COUNCIL POLICY

Department  
FINANCE

Page 1 of 1

Effective Date  
03/17/92

**Subject**

AWARD AUTHORITY FOR PURCHASES AND  
PROFESSIONAL SERVICES

Approved by  
C.C. Mtg 3/17/92  
Resolution #4354

Procedure #  
CC-92-004

**PURPOSE**

To establish limits on Award Authority for the purchase of supplies, materials, fixed assets, professional and non-professional services to ensure adequate internal controls, to avoid conflicts of interests and monopolies and to achieve maximum efficiency.

**DEFINITIONS**

Award Authority. The Award Authority is determined by the amount of the purchase. He or she must approve of the need to purchase an item or service before initiating procurement action and has the authority to award bids. After a vendor receives a bid award, the authority must also give the final authorization to process the purchase.

Materials and Contracts. Supplies, materials and non-professional services such as maintenance contracts.

Fixed Assets. All assets with an original acquisition value of \$200 or more and a life expectancy exceeding three years.

Professional Services. Services such as, but not limited to, the services of outside attorneys, physicians, architects, engineers and consultants etc.

**POLICY**

The award limits are:

Materials and Contracts -	\$0-\$15,000	Department Head
	\$15,001-\$25,000	City Manager
	\$Over \$25,000	City Council
Fixed Assets -	\$200-\$5,000	Department Head
	\$5,001-\$25,000	City Manager
	\$Over \$25,000	City Council
Professional Services -	\$0-\$25,000	City Manager
	Over \$25,000	City Council

Purchases and contracts that exceed the original award limit, requires approval from the next higher appropriate Award Authority. Any changes to a Council award, requires Council approval.

# QUICK REFERENCE

CITY OF MENLO PARK

AMOUNT OF PURCHASE	AUTHORITY	VENDOR SELECTION	PAPERWORK						
			Petty Cash	Purch. Req.	Purch. Val.***	Blanket Order	Check req.	Bid ** Waiver	Custom Contract
\$0-\$100	Department Head			Y		Y	X		
\$101 - \$1,000	Department Head	2 written or verbal *		X		Y			
\$1,001 - \$5,000	Department Head	3 written or verbal *		X Y	X	X		Y	X Y
\$5,001-\$15,000	Department Head	Informal Bid		X Y	X			Y	X Y
\$15,001 - \$25,000	City Manager	Informal Bid		X Y	X			Y	X Y
Over \$25,000	City Council	Formal Bid		X Y	X			Y	X Y
<b>PROFESSIONAL SERVICES</b>									
\$0 - \$25,000	City Manager	Informal Bid		X Y	X			Y	X Y
Over \$25,000	City Council	Review Board & Formal Bid		X	X			Y	X Y
<b>FIXED ASSETS</b>									
\$200-\$5,000	Department Head	Informal Bid		X Y	X			Y	
\$5,001-\$25,000	City Manager	Informal Bid		X Y	X			Y	X Y
Over \$25,000	City Council	Formal Bid		X Y	X			Y	X Y
<b>EMPLOYEE EXPENSE REIMBURSEMENT</b>									
\$0-\$25 [requires original receipt]	Department Head (cannot be oneself)	N/A	X					Y	
<b>NON-PROFESSIONAL SERVICES</b>									
\$0-\$1,000	Department Head	2 written or verbal *		X		Y			
\$1,001 - \$5,000	Department Head	3 written or verbal *		X Y	X	X		Y	X Y
\$5,001-\$15,000	Department Head	Informal Bid		X Y	X			Y	X Y
\$15,001 - \$25,000	City Manager	Informal Bid		X Y	X		X	Y	X Y
Over \$25,000	City Council	Formal Bid		X Y	X		X	Y	X Y
<b>TRAVEL</b>									
to be filled in when policy is issued									
<b>RECYCLED PRODUCTS</b>	Recycled products get a 10% preference in evaluation								
<b>MENLO PARK VENDORS</b>	Take into consideration the 1% sales tax return from the State of California								
Submit all X or all Y paperwork for the transaction.									
* Required if over \$1,000. Recommended for all over \$100.									
** A Bid Waiver must be submitted only if the bid has been waived by the proper awarding authority for the amount of purchase.									
*** Cannot exceed \$2,000									

\$1,000  
\$500

# City of Menlo Park

Council Policy

Department

City Council

Page 1 of 1

Effective Date  
11/16/93

Subject

Selection of Mayor

Approved by  
Motion of CC  
11/16/93

Procedure #  
CC-93-001

## PURPOSE

To establish a procedure for the annual selection of the Mayor.

## BACKGROUND

Section 2.04.120 of the Menlo Park City Code states, "The city council shall meet on the first Tuesday of December of each year and choose one of its member as mayor and one as mayor pro tempore."

## POLICY

Council policy shall be to rotate the mayor annually. The Council shall select as mayor an elected member of the Council who has served a minimum of one year and who has not served as mayor. If all eligible members have served as mayor, then the member with the longest elapsed time since serving as mayor shall be selected as mayor. In the event there are two or more eligible members having equal seniority, the Council may select any eligible member as mayor.

# City of Menlo Park

City Council

Policy

<b>Department</b> City Council		<b>Effective Date</b> 5/16/95
<b>Subject</b> Anti-Harassment and Non-Discrimination Policy	<b>Approved by</b>  Resolution 4628	<b>Procedure #</b>  CC-95-001

## PURPOSE

To provide a harassment-free and discrimination-free working environment for all City employees and volunteers and to ensure that all employees and volunteers are treated with dignity and respect. Nothing in this policy is intended to supersede the provisions of the City's affirmative action plan.

## POLICY

Harassment and discrimination violate Title VII of the 1964 Civil Rights Act, the Americans with Disabilities Act, the California Government and Labor Code, and the regulatory guidelines of the Equal Employment Opportunity Commission and the California Fair Employment and Housing Commission.

Harassment or discrimination against a job applicant, an employee or a volunteer by another employee or volunteer on the basis of race, religious creed, color, national origin, ancestry, medical condition, disabilities as defined by the Americans with Disabilities Act, marital status, sex, age, or sexual orientation will not be tolerated.

Employees are encouraged to report incidents of harassment or discrimination by non-employees and volunteers. However, employees should recognize that, although the City will investigate such reports and take further action as necessary, the City may not always possess the authority to take further action.

The City shall endeavor to provide a work environment that is free from harassment and discrimination. Copies of this policy and the complaint procedure developed pursuant to this policy shall be posted in conspicuous places. Managers and supervisors are required to inform their employees of this policy and the complaint procedure, and managers and supervisors shall report instances of harassment and discrimination to their respective supervisors or the Personnel Officer. The personnel office shall inform all new employees of this policy and complaint procedure. All employees and volunteers are encouraged to be aware of and sensitive to potential incidents of harassment and

discrimination.

Disciplinary action up to and including termination will be instituted for behavior which violates the letter and/or spirit of this policy.

#### DEFINITIONS

- A. Verbal Harassment or Discrimination - Statements which are intimidating, insulting or derogatory to a reasonable person on the basis of race, religious creed, color, national origin, ancestry, medical condition, disabilities as defined by the Americans with Disabilities Act, marital status, sex, age or sexual orientation, and which create or contribute to a hostile or abusive work environment.
- B. Physical Harassment or Discrimination - Assault or any offensive touching.
- C. Visual Forms of Harassment or Discrimination - Posters, notices, bulletins, cartoons, drawings, or other forms of visual display, electronic or otherwise, which are intimidating, insulting or derogatory to a reasonable person on the basis of race, religious creed, color, national origin, ancestry, medical condition, disabilities as defined by the Americans with Disabilities Act, marital status, sex, age, or sexual orientation, and which create or contribute to a hostile or abusive work environment. Works of art which are part of an approved exhibit, publicly displayed within designated gallery areas, may not in and of themselves be deemed discriminatory or constitute harassment.
- D. Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature when:
  - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or;
  - 2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals or;
  - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile or abusive work environment.

#### COMPLAINT PROCEDURE

Prompt, appropriate, direct action should be taken to stop incidents of harassment or discrimination. Therefore, an employee should make an initial effort to tell the offending individual that the offensive behavior is unwelcome, offensive or inappropriate. If notification to the offending individual is not effective or if the offended employee is reluctant to confront the offending individual, the offended employee should inform a supervisor, manager or department head, the Personnel Officer, or a management employee. Any of the above persons receiving this report shall bring the complaint to the attention of the head of the department in which the

offending individual works.

If the offended individual does not wish to file a complaint, the supervisor, manager or department head to whom the offended individual has mentioned the incident, should continue to investigate the complaint, coordinate the investigation with the Personnel Division, and document the incident. The responsible supervisor or manager should tell employees who have been identified in the complaint as having engaged in questionable behavior about the complaint and the seriousness of uninvited behavior of any type including its consequences.

In the event a complaint remains unresolved, the person to whom it is reported shall contact the appropriate manager within the department, and notify the Personnel Officer of the complaint. The Personnel Officer shall then request the offended individual to make a formal report in writing or be willing to sign a statement taken by the Personnel Officer. Only a signed written complaint will be investigated under this procedure. The offended individual may also directly file a formal complaint with the Personnel Officer without using the informal procedure.

The department manager and/or Personnel Officer will determine the nature and extent of the investigation and shall take steps to stop the harassment and/or discrimination and to prevent adverse consequences to the complainant or any witness by reason of having reported the incident. The appropriate action taken to resolve the situation will be determined by the affected department manager in consultation with the Personnel Officer. The corrective action taken will be scaled to the level of seriousness and frequency with which the offending behavior occurred. Corrective action may range from counseling and advice to the employees involved, to a recommendation for disciplinary action in more severe instances. Every attempt will be made to ensure that complaints are handled with the utmost confidentiality and respect.

- A. An employee who submits a formal written complaint is strongly encouraged to follow the chain of command within the appropriate department. If doing so would be difficult, a formal complaint may be submitted to the division or department head. The offended employee may also contact the Personnel Officer and submit a signed statement or sign a statement taken by the Personnel Officer. Complaints of harassment and/or discrimination should be submitted immediately and, in no event, beyond fourteen (14) days of the incident, unless circumstances justify submitting a written complaint beyond fourteen (14) working days from the date of the incident.
- B. A formal complaint shall be a signed, written account of what occurred, including a description of the incident(s) and the names of all persons who were present. The complaint should be submitted on forms provided by the personnel office.

- C. The person receiving the complaint shall forward the written complaint to the Personnel Officer. When the Personnel Officer or his/her designee has completed an investigation, the Personnel Officer shall forward a copy of the completed investigation report and his or her recommendation for action, including discipline, to the department manager and the City Manager.
- D. Retaliatory behavior of any type, including shunning which adversely impacts the operations of the City, real or implied threats or intimidation by a third party directed at the offended or offending employee may result in additional action to be taken against the offending employee and anyone else participating in retaliatory behavior.

#### PUBLIC SAFETY OFFICERS' PROCEDURAL BILL OF RIGHTS

Nothing in this policy abrogates the guaranteed rights to public safety officers under government code section 3300 and following.

#### RIGHT OF APPEAL

Disciplinary action resulting from the investigation may be appealed under the provisions of the Memorandum of Understanding (MOU) of the bargaining unit of which the affected employee is a member. The appeal procedure will be covered by the City of Menlo Park's Personnel Rules to the extent not covered by the Memorandum of Understanding.

#### SAVINGS CLAUSE

If any section, subsection, sentence, clause or phrase of this policy is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this policy. The City Council of the City of Menlo Park hereby declares that it would have passed this policy and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid.

# City of Menlo Park

City Council Policy

<b>Department</b> City Council	<b>Page 1 of 10</b>	<b>Effective Date</b> 3-13-01
<b>Subject</b> Commissions/Committees Policies and Procedures and Roles and Responsibilities	<b>Approved by:</b> Motion by the City Council on 3-13- 01; Amended 9-18-01	<b>Procedure #</b> CC-01-0004
	Department Head	
	City Manager	

## Purpose

To define policies and procedures and roles and responsibilities for Menlo Park appointed Commissions and Committees.

## Authority

Upon its adoption, this policy will replace the document known as “Organization of Advisory Commissions of the City of Menlo Park”.

## Background

The City of Menlo Park currently has ten standing Commissions and Committees. They are: *Arts Commission, Bicycle Commission, Community Mediation Service Committee<sup>1</sup>, Environmental Quality Commission, Housing Commission, Las Pulgas Committee, Library Commission, Parks and Recreation Commission, Planning Commission, and Transportation Commission*. Those not specified in the City Code are established by City Council ordinance or resolution<sup>2</sup>. Most of these advisory bodies are established in accordance with Resolution 2801 and its amendments. Within specific areas of responsibility, each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.

Eight of the ten Commissions and Committees listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (GC 65100 et seq., 65300-65401). The Community Mediation Service Committee is guided by a separate Council policy statement (CC-90-0001) and by established By-Laws (Amended 9/00), so some of the provisions listed herein may not apply to this body.

The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-95-001), and a Travel and Expense policy (CC-91-002), which are also applicable to all advisory bodies.

## Policies and Procedures

### A. Relationship to Council, Staff and Media

1. Upon referral by the Council, the Commission/Committee shall study referred matters and return their recommendations and advise to the Council. With each such referral, the Council may authorize the City staff to provide certain designated services to aid in the study.
2. Upon its own initiative, the Commission/Committee shall identify and raise issues to Council’s attention and from time to time survey pertinent matters and make recommendations to the Council.
3. At a request of a member of the public, the Commission/Committee may consider appeals from City actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the Council.

<sup>1</sup> This body is guided by a separate Council policy statement and established By-laws, therefore, some of the provisions listed herein may not apply.

<sup>2</sup> Ord. 580, 715; City Resolutions 2801, 2934, 3081, 3261, 3266, 3370, 3428, 3484, 3508, 3711, 3992, 4242, 4290; 4793; Agency Resolution 197.



# City of Menlo Park

## City Council Policy

<b>Department</b> City Council	<b>Page 2 of 10</b>	<b>Effective Date</b> 3-13-01
<b>Subject</b> Commissions/Committees Policies and Procedures and Roles and Responsibilities	<b>Approved by:</b> Motion by the City Council on 3-13- 01; Amended 9-18-01	<b>Procedure #</b> CC-01-0004
	Department Head	
	City Manager	

4. Before the end of each calendar year, the Commissions and Committees and their support staff shall review their goals and objectives and identify potential projects for Council consideration which might necessitate financial and/or staff resources during the upcoming year. A report of these findings shall be prepared and submitted to the City Manager for Council consideration at the project priority-setting workshop typically held in January of each year. In addition, the Commissions/Committees are encouraged to submit mid-year activity reports to the City Council.
5. Commissions and Committees should not become involved in the administrative or operational matters of City departments unless specifically provided in their prescribed powers and duties. Members may not direct staff to initiate major programs, conduct large studies, or establish department policy without approval of the City Council. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of department programs and activities, and to perform limited studies, program reviews, and other services of a general staff nature. Commissions and Committees may not establish department work programs or determine department program priorities unless specifically authorized. The responsibility for setting policy and allocating scarce City resources rests with the City's duly elected representatives, the City Council.
6. Additional or other staff support may be provided upon a formal request to the City Council.
7. The Commission Chair shall act as the Commission's lead representative to the media concerning matters before the Commission. Commission members should refer all media inquiries to their respective Chairpersons for response in consultation with support staff. Personal opinions and comments may be expressed so long as the Commissioner clarifies that his or her statements do not represent the position of the City Council.

### **B. Recommendations, Requests and Reports**

Near the beginning of each regular Council meeting, there will be an item called "Council, Commission, Committee, Staff Announcements and Appointments". At this time, Commissions and Committees may submit recommendations in writing or reports and may request direction and support from the City Council. Such requests shall be communicated to the City Manager in advance so that they may be listed on the agenda. The Council will receive such reports and recommendations and, after suitable study and discussion, respond or give direction.

### **C. Council Referrals**

The City Manager shall transmit to the designated Commission/Committee all referrals and requests from the City Council for advice and recommendations. Commissions/Committees shall expeditiously consider and act on all referrals and requests made by the City Council and shall submit reports and recommendations to the City Council on these assignments.

### **D. Public Appearance of Commission/Committee Members**

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When a Commission/Committee member appears in a non-official, non-representative capacity before the public, for example in a Council meeting, the member shall indicate that he or she is speaking only as an individual. If the Commission/Committee member appears as the representative of an applicant or a member of the public, the Political Reform Act may govern this appearance. In addition, in certain circumstances, due process considerations might apply to make a Commission/Committee member's appearance inappropriate. Conversely, when a member who is present at a Council meeting is asked to address the Council on a matter, the member should represent the viewpoint of the particular Commission/Committee as a whole (not a personal opinion).

## **E. Disbanding of Advisory Body**

Upon recommendation by the Chair or appropriate staff, any standing or special advisory body, established by the City Council and whose members were appointed by the City Council, may be declared disbanded due to lack of business, by majority vote of the City Council.

## **F. Meetings and Officers**

1. Agendas/Notices/Minutes
  - All meetings shall be open and public and shall conduct business through published agendas, public notices and minutes and follow all of the Brown Act provisions governing public meetings. Special, cancelled and adjourned meetings may be called when needed, subject to the Brown Act provisions.
  - Support staff for each Commission/Committee shall be responsible for properly noticing and posting all regular, special, cancelled and adjourned meetings. Copies of all meeting agendas, notices and minutes shall be provided to the City Council, City Manager, City Attorney, City Clerk and other appropriate staff, as requested.
  - Original agendas and minutes shall be filed and maintained by support staff in accordance with the City's adopted Records Retention Schedule.
2. Conduct and Parliamentary Procedures
  - Unless otherwise specified by State law or City regulations, conduct of all meetings shall generally follow Robert's Rules of Order.
  - A majority of Commission/Committee members shall constitute a quorum and a quorum must be seated before official action is taken.
  - The Chair of each Commission/Committee shall preside at all meetings and the Vice Chair shall assume the duties of the Chair when the Chair is absent.
3. Meeting Locations and Dates
  - Meetings shall be held in the Council Chambers or other designated City facilities, as noticed.
  - All Commissions/Committees with the exception of the Planning Commission shall conduct regular meetings once a month. Special meetings may also be scheduled as

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required by the Commission/Committee. The Planning Commission shall hold regular meetings twice a month and a study meeting once a month.

- Monthly regular meetings shall have a fixed date and time established by the Commission/Committee. Changes to the established regular dates and times are subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill a temporary need in order for the Commission/Committee to conduct its meeting in a most efficient and effective way as long as proper and adequate notification is provided to the Council and made available to the public.
- Each Commission/Committee shall establish other operational policies subject to the approval of the City Council. Any changes to the established policies and procedures shall be subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill a temporary need in order for the Commission/Committee to conduct its meeting in a most efficient and effective way as long as proper and adequate notification is provided to the Council and made available to the public.

4. Selection of Chair and Vice Chair

- The Chair and Vice Chair shall be selected in January of each year by a majority of the members and shall serve for one year or until their successors are selected.
- Each Commission/Committee shall annually rotate its Chair.

5. Other Rules and Procedures

- Each Commission/Committee may adopt other rules and procedures as it feels necessary to effectively and efficiently accomplish its duties. Such rules are subject to Council approval before becoming effective. An exception to this rule would include any changes necessitated to fill a temporary need in order for the Commission/Committee to conduct its meeting in a most efficient and effective way as long as proper and adequate notification is provided to the Council and made available to the public.

### G. Memberships

#### Appointments/Oaths

1. The City Council is the appointing body for all Commissions and Committees. All members serve at the pleasure of the City Council for designated terms.
2. All appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the Council present.
3. Prior to taking office, all members must complete an Oath of Allegiance required by Article XX, §3, of the Constitution of the State of California. All oaths are administered by the City Clerk or his/her designee.
4. Appointments made during the middle of the term are for the unexpired portion of that term.

#### Application/Selection Process

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1. The application process begins when a vacancy occurs due to term expiration, resignation, removal or death of a member.
2. The application period will normally run for a period of four weeks from the date the vacancy occurs. If there is more than one concurrent vacancy in a Commission, the application period may be extended. Applications are available from the City Manager's or City Clerk's office.
3. The City Clerk shall notify members whose terms are about to expire whether or not they would be eligible for reappointment. If reappointment is sought, a letter of interest and/or an updated application will be required.
4. Applicants are required to complete and return the application form for each Commission/Committee they desire to serve on, along with any additional information they would like to transmit, by the established deadline. Applications sent by fax or email are accepted; however, an original must be received by the City Clerk before the Council makes the appointment.
5. After the deadline of receipt of applications, the City Clerk shall schedule the matter at the next available regular Council meeting. All applications received will be submitted and made a part of the Council agenda packet for their review and consideration. If there are no applications received by the deadline, the City Clerk will extend the application period for an indefinite period of time until sufficient applications are received.
6. Upon review of the applications received, the Council reserves the right to schedule or waive interviews, or to extend the application process in the event insufficient applications are received. In either case, the City Clerk will provide notification to the applicants of the decision of the Council.
7. If an interview is requested, the date and time will be designated by the City Council. Interviews are open to the public.
8. The selection/appointment process by the Council shall be conducted open to the public. Nominations will be made and a vote will be called for each nomination. Applicants receiving the highest number of affirmative votes from a majority of the Council present shall be appointed.
9. Following a Council appointment, the City Clerk shall notify successful and unsuccessful applicants accordingly, in writing. Appointees will receive an Oath of Allegiance, to be completed and returned to the City Clerk before taking office, copies of the City's Non-Discrimination and Sexual Harassment policies, and disclosure statements for those members who are required to file under State law as designated in the City's Conflict of Interest Code. Copies of the notification will also be distributed to support staff and the Commission/Committee Chair.
10. An orientation will be scheduled by support staff following an appointment (but before taking office) and a copy of this policy document will be provided at that time.

### Attendance

1. An Attendance Policy (CC-91-001), shall apply to all advisory bodies. Provisions of this policy are listed below.
  - A compilation of attendance will be submitted to the City Council at least annually listing absences for all Commissions/Committee members.

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- Absences, which result in attendance at less than two thirds of their meetings during the calendar year, will be reported to the City Council and may result in replacement of the member by the Council.
  - Any member who feels that unique circumstances have led to numerous absences can appeal directly to the City Council for a waiver of this policy or to obtain a leave of absence.
2. While it is expected that members be present at all meetings, the Chair should be notified if a member knows in advance that he/she will be absent.

### Compensation

1. Members shall serve without compensation (unless specifically provided) for their services, provided, however, members shall receive reimbursement for necessary travel expenses and other expenses incurred on official duty when such expenditures have been authorized by the City Council (See Policy CC-91-002).

### Conflict of Interest and Disclosure Requirements

1. A Conflict of Interest Code has been updated and adopted by the City Council and the Community Development Agency pursuant to Government Code Section 87300 et seq. Copies of this Code are filed with the City Clerk. Pursuant to the adopted Conflict of Interest Code, members serving on the Planning Commission and Las Pulgas Committee are required to file a Statement of Economic Interest with the City Clerk to disclose personal interest in investments, real property and income. This is done within thirty days of appointment and annually thereafter. A statement is also required within thirty days after leaving office.
2. If a public official has a conflict of interest, the Political Reform Act may require the official to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence a governmental decision. Questions in this regard may be directed to the City Attorney.

### Qualifications, Compositions, Number

1. In most cases, members shall be residents of the City of Menlo Park, at least 18 years of age and a registered voter. The following are exceptions: The Community Mediation Service Committee is composed of two homeowners, two landlords, two tenants and two at-large residents or business owners; the Las Pulgas Committee is composed of four homeowners, one owner of rental property, and two business owners or representatives in the redevelopment project area.
2. Current members of any other City Commission or Committee are disqualified for membership, unless the regulations for that advisory body permit concurrent membership.

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3. Commission/Committee members shall be permitted to retain membership while seeking any elective office. However, members shall not use the meetings, functions or activities of such bodies for purposes of campaigning for elective office.
4. There shall be seven (7) members on each Commission/Committee with the exception of the Community Mediation Service Committee, which has eight (8) members.

### Reappointments, Resignations, Removals

1. Incumbents seeking a reappointment are required to complete and file an application with the City Clerk by the application deadline. No person shall be reappointed to a Commission/Committee who has served on that same body for two or more consecutive full four-year terms with the exception of the Las Pulgas Committee members who may serve additional four-year terms subject to re-appointment by the City Council, unless a period of one year has lapsed since the returning member last served on that Commission (the one year period is flexible subject to Council’s discretion.)<sup>3</sup>.
2. Resignations must be submitted in writing to the City Clerk, who will distribute copies to City Council and appropriate staff.
3. The City Council may remove a member by a majority vote of the Council without cause, notice or hearing.

### Term of Office

1. Unless specified otherwise, the term of office for all Commission/Committee shall be four (4) years unless a resignation or a removal has taken place.
2. If a person is appointed to fill an unexpired term and serves less than two years, that time will not be considered a full term. However, if a person is appointed to fill an unexpired term and serves two years or more, that time will be considered a full term.
3. Terms are staggered to be overlapping four-year terms, so that all terms do not expire in any one year.
4. If a member resigns before the end of his/her term, a replacement serves out the remainder of that term.

### Vacancies

1. Vacancies are created due to term expirations, resignations, removals or death.
2. Vacancies are listed on the Council agenda and posted by the City Clerk in the Council Chambers bulletin board and on the City’s website.
3. Whenever an unscheduled vacancy occurs in any Commission/Committee, a special vacancy notice shall be posted within 20 days after the vacancy occurs. Appointment shall not be made for at least ten working days after posting of the notice (Government Code 54974).
4. On or before December 31 of each year, an appointment list of all regular advisory Commissions and Committees of the City Council shall be prepared by the City Clerk and posted in the Council

<sup>3</sup> Amended by City Council motion on September 18, 2001.

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Chambers bulletin board and on the City’s website. This list is also available to the public.(Government Code 54972, Maddy Act).

## Roles and Responsibilities

The purpose of this section is to define and clarify the roles and responsibilities of the Commissions/Committees:

1. **Arts Commission** – This Commission is charged with advising the Council on matters related to City cultural programs established primarily for the residents of the City as artists and as an audience, including arts concerned with line, color, form (painting, sculpture, and architecture); arts concerned with sound (music and dance); and, arts concerned with the exploitation of words for both their musical and expressive value (literature, prose, poetry and plays).
2. **Bicycle Commission** – This Commission was initiated in 1997 to advise the City Council on ways to improve the bicycling environment, implementation of the bikeways plan and other related matters.
3. **Community Mediation Service** – This Committee is charged with providing mediation services for local residents and businesses. (It is guided by a separate policy statement and by its By-Laws).
4. **Environmental Quality Commission** – The Environmental Quality Commission is charged with advising the City Council on matters of environmental protection and improvement, sustainable practices and policies, physical appearance of city properties and historic preservation. Areas of concern include preservation of heritage trees and proper maintenance of city trees; determinations on appeals of heritage tree removal permits; coordination of awards programs; advising on protection of natural areas, recycling and waste reduction, sustainable practices and air and water pollution; commenting on the physical appearance of city properties; encouragement of historic preservation.
5. **Housing Commission** – This Commission is charged with advising the City Council on housing matters including housing supply and housing related problems; community attitudes about housing (range, distribution, racial, social-economic problems); programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the City; planning, implementing and evaluating City programs under the Housing and Community Development Act of 1974; members serve with staff on a loan review committee for housing rehabilitation programs and a first time homebuyer loan program; review and recommend to the Council regarding the Below Market Rate (BMR) program; initiate, review and recommend on housing policies and programs for the City; review and recommend on housing related impacts for environmental impact reports; review and recommend on State and regional housing issues; and, review and recommend on the Housing Element of the General Plan. The five most senior members of the Housing Commission also serve as the members of the Relocation Appeals Board (City Resolution 4290, adopted June 1991).
6. **Las Pulgas Committee** – This Committee is charged with advising the City Council on matters regarding the activities of the City’s Community Development Agency providing comments and

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recommendations on policies affecting the Las Pulgas Project Area, as well as on issues, projects and programs in the neighborhood.

7. **Library Commission** – This Commission is charged with advising the City Council on matters related to the maintenance and operation of the City’s libraries and library systems, including the scope and degree of library activities; maintenance and protection of City libraries; evaluation and improvement of library services; acquisition of library materials; coordination with other library systems and long range planning.
  
8. **Parks and Recreation Commission** – This Commission is charged with advising the City Council on matters related to City programs and facilities dedicated to recreation, i.e., those programs and facilities established primarily for the participation of and/or use by residents of the City, including adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities and equipment; adequacy, operation and staffing of recreation programs; modification of existing programs and facilities to meet developing community needs; and, long range planning and regional coordination concerning park and recreational facilities.
  
9. **Planning Commission** – This Commission is organized according to State Statute. The Planning Commission reviews development proposals on public and private lands for compliance with the General Plan and Zoning Ordinance. The Commission reviews all development proposals requiring a use permit, architectural control, variance, minor subdivision and environmental review associated with these projects. The Commission is the final decision-making body for these applications, unless appealed to the City Council. The Commission serves as a recommending body to the City Council for major subdivisions, re-zonings, conditional development permits, planned development permits, Zoning Ordinance amendments, General Plan amendments and the environmental reviews associated with those projects. In addition, the Commission works on special projects as assigned by the City Council.
  
10. **Transportation Commission** – This Commission is charged with advising the City Council on matters related to the adequacy and improvement of all types of public and private transportation within and across the City, including the best approaches to establishing and maintaining systems and facilities for the transport of people and goods around the City; the coordination of motor vehicle, bicycle, mass transit, and pedestrian traffic facilities; the development and encouragement of the most efficient and least detrimental overall transportation system for the City supporting the goals of the General Plan; coordination with regional transportation systems; and, serving as an appeals board for appeals from staff determinations concerning establishment of traffic signs, pavement markings, speed zones, parking regulations, traffic signals, bike lanes, bus stops, etc.

## **Special Advisory Bodies**

The City Council has the authority to create ad-hoc committees, task forces, or subcommittees for the City, and from time to time, the City Council may appoint members to these groups. The number of persons and the



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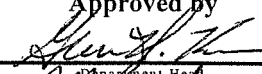

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individual appointee serving on each group may be changed at any time by the Council. There are no designated terms for members of these groups; members are appointed by and serve at the pleasure of the Council.

Any requests of City Commissions or Committees to create such ad-hoc advisory bodies shall be submitted in writing to the City Manager for Council consideration and approval.

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Whenever the City's hiring process results in two or more identically qualified applicants, preference shall be given to an honorably discharged veteran over the other applicants.

## ICMA Code Of Ethics With Guidelines

**The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in July 2004.**

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
  
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

### *Guideline*

**Advice to Officials of Other Local Governments.** When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

### *Guidelines*

**Public Confidence.** Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

**Impression of Influence.** Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

**Appointment Commitment.** Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a *bona fide* offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

**Credentials.** An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

**Professional Respect.** Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

**Reporting Ethics Violations.** When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

**Confidentiality.** Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

**Seeking Employment.** Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

### *Guideline*

**Length of Service.** A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments

concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

*Guideline*

**Conflicting Roles.** Members who serve multiple roles--working as both city attorney and city manager for the same community, for example--should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

*Guidelines*

**Elections of the Governing Body.** Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not engage in active participation in the election campaign on behalf of or in opposition to candidates for the governing body.

**Elections of Elected Executives.** Members should not engage in the election campaign of any candidate for mayor or elected county executive.

**Running for Office.** Members shall not run for elected office or become involved in political activities related to running for elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

**Elections.** Members share with their fellow citizens the right and responsibility to vote and to voice their opinion on public issues. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically,

they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

**Elections in the Council-Manager Plan.** Members may assist in preparing and presenting materials that explain the council-manager form of government to the public prior to an election on the use of the plan. If assistance is required by another community, members may respond. All activities regarding ballot issues should be conducted within local regulations and in a professional manner.

**Presentation of Issues.** Members may assist the governing body in presenting issues involved in referenda such as bond issues, annexations, and similar matters.

8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

*Guidelines*

**Self-Assessment.** Each member should assess his or her professional skills and abilities on a periodic basis.

**Professional Development.** Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

*Guideline*

**Information Sharing.** The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

*Guideline*

**Equal Opportunity.** All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

*Guidelines*

**Gifts.** Members should not directly or indirectly solicit any gift or accept or receive any gift--whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form--under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In *de minimus* situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

**Investments in Conflict with Official Duties.** Member should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government

administrator or prior to any official action by the governing body that may affect such investments.

**Personal Relationships.** Member should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

**Confidential Information.** Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

**Private Employment.** Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

**Representation.** Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

**Endorsements.** Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

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