



SPECIAL MEETING AGENDA AMENDED

Date: 7/15/2019
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

6:00 p.m. Special Session

A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. Consent Calendar

D1. Adopt Resolution No. 6511 authorizing the city manager to sign contract with the State of California Department of Education to reimburse the City up to \$1,011,860 for child care services at the Belle Haven Child Development Center for fiscal year 2019-20 ([Staff Report #19-138-CC](#))

D2. Authorize the City Manager to enter into a professional services agreement up to \$100,000 with Steer for a Transportation Management Association feasibility study ([Staff Report #19-152-CC](#))

D3. Item moved to regular business

E. Regular Business

E1. Combined with item E5.

E2. Combined with item E5.

E3. Adopt Resolution No. 6512 identifying those discretionary projects approved by the Planning Commission to be appealed by the City Council as a matter of course ([Staff Report #19-147-CC](#))

E4. Establish a City Council subcommittee to review current City Council procedures and recommend updates ([Staff Report #19-150-CC](#))

E5. City Council adopted 2019-20 priorities and work plan quarterly update and verbal report from City Council subcommittees on planning and zoning updates ([Staff Report #19-155-CC](#))

E6. Authorize the city manager to enter into a contract with LSA Associates, Inc. to prepare an environmental impact report for the proposed Menlo Uptown project with 483 multifamily dwelling units and 2,000 square feet of commercial uses at 141 Jefferson Drive and 180-186 Constitution Drive for the amount of \$197,574 and future augments as may be necessary to complete the

environmental review for the proposed project ([Staff Report #19-142-CC](#))

- E7. Receive and file a summary of the outreach process and status update for transportation projects ([Staff Report #19-156-CC](#))

F. Informational Items

- F1. Belle Haven Child Development Center self-evaluation report for fiscal year 2018-19 ([Staff Report #19-139-CC](#))

- F2. Additional financial information on City website ([Staff Report #19-158-CC](#))

G. City Manager's Report

H. City Councilmember Reports

I. Adjournment

At every regular meeting of the City Council, in addition to the public comment period where the public shall have the right to address the City Council on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Council on any item listed on the agenda at a time designated by the chair, either before or during the City Council's consideration of the item.

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 at a time designated by the chair, either before or during consideration of the item. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the city clerk's office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours. Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 07/11/2019)



STAFF REPORT

City Council Meeting Date: 7/15/2019
Staff Report Number: 19-138-CC

Consent Calendar: **Adopt Resolution No. 6511 authorizing the city manager to sign contract with the State of California Department of Education to reimburse the City up to \$1,011,860 for child care services at the Belle Haven Child Development Center for fiscal year 2019-20**

Recommendation

Staff recommends that the City Council adopt Resolution No. 6511 executing an amendment to the contract with the State of California Department of Education for reimbursement to the City for up to \$1,011,860 for the delivery of child care services at the Belle Haven Child Development Center for fiscal year 2019-20.

Policy Issues

The recommendation does not represent any change to the existing City policy of accepting state funding to help support subsidized child care in Belle Haven. If the State makes any amendment to the current agreement to release additional funds for the program it will require further action by the City Council. Staff will bring back this item to present additional information and for consideration by the City Council if it becomes necessary.

Background

The City of Menlo Park has operated the Belle Haven Child Development Center (BHDC) for over 30 years. The BHDC is licensed by the State Department of Social Services to provide quality child development services to families in Menlo Park and surrounding cities. The program receives funding from the State Department of Education, USDA Child and Adult Care Food Program, user fees and contributions from the City of Menlo Park General Fund. The program seeks to build children's self-esteem by offering developmentally appropriate materials and activities supporting social, emotional, physical and cognitive abilities. Children are provided breakfast, lunch and snacks daily. The teacher to child ratio is 1:8.

Currently at capacity, the 96 program enrollees are subsidized under the California Department of Education Child Development Division (CDD) State Preschool Program. State funding restrictions require all parents of children enrolled in the BHDC's subsidized slots to be working, in school, in training, seeking permanent housing, actively seeking employment or incapacitated. All families of children enrolled in the BHDC must meet strict income eligibility requirements. The State contract also provides funding for additional resource materials, such as classroom supplies and small equipment to support families.

A resolution must be adopted annually in order to certify the approval of the funding by the governing board of the jurisdiction receiving the reimbursement and to authorize designated personnel to enter into the contract with the California Department of Education. The attached draft resolution, Attachment A, identifies the City Manager as the executive director or the authorizing agent for the City of Menlo Park for the

purpose of signing the contract. A copy of the amendment is included as Attachment B. Annual contracts are often amended at this time each year when State funding has been more precisely determined and the City’s contracted grant amount is historically amended upward.

Analysis

Under the terms of the contract, the City agrees to expend contract funds on reimbursable costs necessary to provide child care services for eligible children. The City is also required to meet all reporting requirements and other standard contract provisions. The contract specifies a minimum days of operation (MDO) requirement of 246 days during the fiscal year and 19,414 minimum child days of enrollment (CDE). The reimbursement rate is \$52.12 per child per day, up to a maximum of \$1,011,860 based on the minimum service requirements.

Fiscal Year	Adopted program budget	Amended program budget	Adopted State and Federal subsidy	Amended State and Federal subsidy	Percent of State decrease or increase	Number of subsidized slots
2012-13	\$1,278,913	\$1,217,385	\$707,945	\$577,421	-18.40%	72
2013-14	\$1,087,187	\$1,136,416	\$577,414	\$620,043	7.40%	84
2014-15	\$1,167,599	\$1,186,895	\$587,872	\$732,964	18.20%	96
2015-16	\$1,264,337	\$1,265,051	\$732,964	\$746,685	1.90%	96
2016-17	\$1,484,874	\$1,485,716	\$796,890	\$837,694	12.10%	96
2017-18	\$1,402,827	\$1,512,099	\$837,694	\$946,966	13%	96
2018-19	\$1,523,424	\$1,523,424	\$946,966	\$1,011,860	6.85%	96
2019-20	\$1,824,214	\$1,824,214	\$1,011,860	\$1,011,860	0%	96

Impact on City Resources

The City will receive up to \$1,011,860 to support the BHCDC through the State contract proposed for authorization. The City anticipates receiving additional revenues from the annual amended contract process, parent fees, small grants, food reimbursements and other small revenue sources. The City’s budgeted direct cost to operate the BHCDC is \$1,824,214 and projected revenues including grant, parent fees and other revenue sources is \$1,104,400 for the 2019-20 fiscal year. The City’s budgeted net General Fund contribution for the BHCDC program for the current fiscal year is \$719,814.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Resolution No. 6511 authorizing the city manager to execute a contract
- B. Belle Haven California Department of Education funding contract amendment for fiscal year 2019-20

Report prepared by:
Carmen Lo, Recreation Coordinator

Report reviewed by:
Derek Schweigart, Community Services Director

RESOLUTION NO. 6511

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF
EDUCATION TO RECEIVE THE SUBSIDY FOR CHILD CARE AND
DEVELOPMENT SERVICES FOR FISCAL YEAR 2019-20**

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore do authorize entering into local agreement number CSPP-9522 reimbursing the City up to \$1,011,860 for child care services at the Belle Haven Child Development Center for fiscal year 2019-20, and that the person who is listed below is authorized to sign the transaction for the City Council.

I, Judi A. Herren, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing City Council resolution was duly and regularly passed and adopted at a meeting of said City Council on the fifteenth day of July, 2019, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this fifteenth day of July, 2019.

Judi A. Herren, City Clerk



Amendment 01

DATE: July 01, 2019

CONTRACT NUMBER: CSPP-9522

PROGRAM TYPE: CALIFORNIA STATE PRESCHOOL PROGRAM

PROJECT NUMBER: 41-2184-00-9

LOCAL AGREEMENT FOR CHILD DEVELOPMENT SERVICES

Add Pilot Language

CONTRACTOR'S NAME: CITY OF MENLO PARK

This Agreement with the State of California dated July 01, 2019 designated as number CSPP-9522 shall be amended in the following particulars but no others:

Delete Reference to:

This Agreement is entered into between the State Agency and the Contractor named above. The Contractor agrees to comply with the CONTINUED FUNDING APPLICATION FY 19-20, the GENERAL TERMS AND CONDITIONS* (GTC 04/2017), the STATE PRESCHOOL PROGRAM REQUIREMENTS*, and the FUNDING TERMS AND CONDITIONS* (FT&C), which are by this reference made a part of the Agreement. Where the GTC 04/2017 conflicts with either the Program Requirements or the FT&C, the Program Requirements or the FT&C will prevail.

And Insert:

This Agreement is entered into between the State Agency and the Contractor named above. The Contractor agrees to comply with the terms and conditions of the CURRENT APPLICATION; the San Mateo County Individualized Child Care Subsidy Plan (hereafter the "SAN MATEO COUNTY PILOT PLAN") as most recently approved by the California Department of Education; the GENERAL TERMS AND CONDITIONS (GTC 04/2017)*; the STATE PRESCHOOL PROGRAM REQUIREMENTS*; and the FUNDING TERMS AND CONDITIONS (FT&C)*, which are by this reference made a part of this Agreement. Where the GTC 04/2017 conflicts with either the Program Requirements or the FT&C, the Program Requirements or the FT&C will prevail. The Contract must meet the specifications of the STATE PRESCHOOL PROGRAM REQUIREMENTS except where the SAN MATEO COUNTY PILOT PLAN allows for exceptions. In place there of.

EXCEPT AS AMENDED HEREIN, all terms and conditions of the original agreement shall remain unchanged and in full force and effect.

Table with columns for STATE OF CALIFORNIA and CONTRACTOR, including fields for signature, name, title, amount, program category, fund title, and dates.

CONTRACTOR'S NAME: CITY OF MENLO PARK

CONTRACT NUMBER: CSPP-9522

Amendment 01

AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 0	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs	FUND TITLE Federal		
PRIOR AMOUNT ENCUMBERED \$ 114,945	(OPTIONAL USE)0656 13609-2184	FC# 93.596	PC# 000321	
TOTAL AMOUNT ENCUMBERED TO DATE \$ 114,945	ITEM 30.10.020.001 6100-194-0890	CHAPTER B/A	STATUTE 2019	FISCAL YEAR 2019-2020
	OBJECT OF EXPENDITURE (CODE AND TITLE) 706 SACS: Res-5025 Rev-8290			

AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 0	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs	FUND TITLE Federal		
PRIOR AMOUNT ENCUMBERED \$ 52,794	(OPTIONAL USE)0656 15136-2184	FC# 93.575	PC# 000324	
TOTAL AMOUNT ENCUMBERED TO DATE \$ 52,794	ITEM 30.10.020.001 6100-194-0890	CHAPTER B/A	STATUTE 2019	FISCAL YEAR 2019-2020
	OBJECT OF EXPENDITURE (CODE AND TITLE) 706 SACS: Res-5025 Rev-8290			

AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 0	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs	FUND TITLE General		
PRIOR AMOUNT ENCUMBERED \$ 476,570	(OPTIONAL USE)0656 23038-2184			
TOTAL AMOUNT ENCUMBERED TO DATE \$ 476,570	ITEM 30.10.010. 6100-196-0001	CHAPTER B/A	STATUTE 2019	FISCAL YEAR 2019-2020
	OBJECT OF EXPENDITURE (CODE AND TITLE) 706 SACS: Res-6105 Rev-8590			

AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 0	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs	FUND TITLE General		
PRIOR AMOUNT ENCUMBERED \$ 367,551	(OPTIONAL USE)0656 23254-2184			
TOTAL AMOUNT ENCUMBERED TO DATE \$ 367,551	ITEM 30.10.020.001 6100-194-0001	CHAPTER B/A	STATUTE 2019	FISCAL YEAR 2019-2020
	OBJECT OF EXPENDITURE (CODE AND TITLE) 706 SACS: Res-6105 Rev-8590			

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above. SIGNATURE OF ACCOUNTING OFFICER	PAGE Page 6	T.B.A. NO.	B.R. NO.
		DATE	



SPECIAL MEETING AGENDA

Date: 7/15/2019
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

STAFF REPORT RELEASE NOTICE

Due to early release of the City Council agenda packet, the staff report will be available by 5 p.m. on July 11, 2019.

Authorize the City Manager to enter into a professional services agreement up to \$100,000 with Steer for a Transportation Management Association feasibility study (Staff Report #19-152-CC)

Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting the City Clerk's Office at 650-330-6620. (Posted 7/2/2019.)

THIS PAGE INTENTIONALLY LEFT BLANK



SPECIAL MEETING AGENDA

Date: 7/15/2019
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

STAFF REPORT RELEASE NOTICE

Due to early release of the City Council agenda packet, the staff report will be available by 5 p.m. on July 11, 2019.

Receive and file a summary of the outreach process and status update for transportation projects
(Staff Report #19-156-CC)

Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting the City Clerk's Office at 650-330-6620. (Posted 7/2/2019.)

THIS PAGE INTENTIONALLY LEFT BLANK



SPECIAL MEETING AGENDA

Date: 7/15/2019
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

STAFF REPORT RELEASE NOTICE

Due to early release of the City Council agenda packet, the staff report will be available by 5 p.m. on July 11, 2019.

Recommendation from City Council ad hoc subcommittee on District 1 planning and zoning updates
(Staff Report #19-153-CC)

Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting the City Clerk's Office at 650-330-6620. (Posted 7/2/2019.)

THIS PAGE INTENTIONALLY LEFT BLANK



SPECIAL MEETING AGENDA

Date: 7/15/2019
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

STAFF REPORT RELEASE NOTICE

Due to early release of the City Council agenda packet, the staff report will be available by 5 p.m. on July 11, 2019.

Recommendation from City Council ad hoc subcommittee on District 2, 3,4 and 5 planning and zoning updates (El Camino Real/Downtown specific plan) (Staff Report #19-154-CC)

Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting the City Clerk's Office at 650-330-6620. (Posted 7/2/2019.)

THIS PAGE INTENTIONALLY LEFT BLANK



STAFF REPORT

City Council

Meeting Date:

7/16/2019

Staff Report Number:

19-147-CC

Regular Business:

Adopt Resolution No. 6512 identifying those discretionary projects approved by the Planning Commission to be appealed by the City Council as a matter of course

Recommendation

Staff recommends that the City Council adopt Resolution No. 6512 identifying those discretionary projects approved by the Planning Commission that the City Council deems large or impactful such that they should be automatically appealed by the City Council as a matter of course pursuant to the zoning code, which allows such appeals. The resolution (Attachment A) currently proposes, but can be modified based on City Council direction that bonus level projects, projects exceeding a certain square footage threshold and mixed-use projects with less than 2/3 residential be subject to appeal to the City Council as a matter of course. Housing projects would be exempt from the automatic appeal. This process would allow the City Council to become the final decision-making body and exercise its policymaking influence on the direction proposed development takes in the City. Resolution No. 6512, if approved, would apply to projects approved by the Planning Commission from July 16, 2019 until November 30, 2020, unless otherwise modified by City Council. The resolution would not impact an individual, an applicant, the City Council or an individual City Councilmember's ability to appeal any discretionary action taken by the Planning Commission not covered by the resolution.

Policy Issues

The City's long-range planning vision is set forth in its General Plan and in the El Camino Real/ Downtown Specific Plan. With the recent update to the General Plan, the City adopted three new zoning districts -- Office (O), Life Sciences (LS) and Residential Mixed-Use (R-MU). However, based upon the City Council's recent conversation regarding the proposed moratorium and the creation of subcommittees, it is anticipated that the City Council may reopen some of these land use policies to reflect issues and concerns relative to long term development impacts and to identify further housing opportunities citywide. To ensure that ongoing discretionary projects are consistent with the City Council's current development vision, at its June 11 meeting, the City Council directed staff to come back with a policy that would allow the City Council to act as the final decision-making body for large or impactful projects.

Background

On June 11, 2019, the City Council conducted a special meeting to consider Mayor Pro Tem Taylor and City Councilmember Nash's June 5 request to agendize the topic of a development moratorium. The June 5th letter proposed a citywide moratorium on all non-residential development, including hotels, as well as additional floor area ratio allowances; and a moratorium on residential housing projects larger than 100 units and additional floor area ratio allowances for housing projects larger than 100 units in District 1.

The purpose of the request was to ensure that the City's General Plan and El Camino Real/ Downtown

Specific Plan reflect current community values and address present-day opportunities and challenges. The citywide moratorium request was designed to take a closer look at the jobs/housing imbalance, to review additional housing opportunities on the west side of the City closer to transit and essential services and analyze the impacts of recent non-residential development on existing infrastructure, services and quality of life. The District 1 moratorium directed at housing focused on the need to examine impacts of densification on a sensitive population, historical under-investment in necessary infrastructure and quality of life impacts related to a specific segment of the city.

The item generated significant community interest. At the conclusion of the public hearing, the City Council elected not to proceed with a moratorium, but alternatively elected to form two City Council subcommittees to further refine and make recommendations to the full City Council relative to the identified development issues. In addition, the City Council directed staff to amend the zoning code (and other related documents, if applicable) to ensure that in the meantime approvals for large or impactful projects be made by the City Council rather than the Planning Commission.

Analysis

Generally, any person, including the applicant, may appeal to the City Council a decision of the Planning Commission. In addition, the zoning code specifically authorizes the City Council or any individual City Councilmember to appeal a final decision made by the Planning Commission as follows:

16.86.025 Appeals by council and council-members.

The City Council may take an appeal from any final action of the planning commission by passing a motion to that effect within 15 days after the action of the planning commission or as hereafter provided in this section. Any City Councilmember may file an appeal with the city clerk within the 15-day period without the payment of an appeal fee, and the question of whether such appeal shall be a City council appeal shall be determined by the City Council as soon as practicable at a regular City Council meeting. This determination need not be made within the fifteen-day period. If the City Council determines not to take the appeal, the City Councilmember who filed the appeal shall have two days thereafter in which to deposit the appeal fee. Otherwise the appeal shall be dismissed. An appeal fee deposited by a City Councilmember shall be refunded to such City Councilmember if the appeal is successful in whole or in part. An appeal shall be considered successful if there is any modification of the final action of the planning commission.

Since the zoning code already authorizes the City Council to appeal any final decision of the Planning Commission, in staff's judgment there is no current need to amend the zoning code to effectuate an appeal of large or impactful projects. However, since the zoning code requires either the full City Council or an individual City Councilmember to file an appeal within 15 days of the Planning Commission's final decision, the real issue is timing. To ensure that large or impactful projects are timely appealed, staff recommends the City Council identify categories of projects deemed large or impactful and pre-authorize the appeal of those projects in the attached Resolution no. 6512 (Attachment A).

Staff has done a comprehensive review of the zoning code and provides the following discussion regarding the various categories of projects. Development in the City of Menlo Park typically falls into three major categories including non-discretionary or ministerial permits (e.g., building permit), discretionary permits subject to Planning Commission decision (e.g., use permit) and discretionary permits subject to City Council decision (e.g., conditional development permit). As noted above, Planning Commission decisions are appealable, resulting in the City Council becoming the final decision-making body.

1. Non-discretionary projects

Non-discretionary or ministerial projects are those that do not require action by City decision makers and provide no opportunity for the City to require meaningful changes to the project. A ministerial project is one that requires only conformance with a fixed standard or objective measurement and requires little or no personal judgment by a public official as to the wisdom or manner of carrying out the project. These are projects identified as permitted by the zoning code and do not require environmental review. Non-discretionary projects do not require planning permits and are not subject to Planning Commission action. These projects do require a building permit that is reviewed administratively for compliance with all applicable legal requirements. For example, most single-family homes on legally standard lots are considered non-discretionary and only require a building permit. Because non-discretionary permits are not subject to decision by the Planning Commission, they are not subject to appeal to the City Council under the zoning code. Therefore, staff does not recommend that non-discretionary projects be included in the resolution pre-authorizing appeals.

2. Discretionary projects subject to Planning Commission approval

Most development projects in the City are discretionary projects subject to final approval by the Planning Commission. Some of these are permitted projects that are subject to architectural control pursuant to zoning code section 16.68.020 as the only discretionary element. For example, in the LS district, a life science use of any size is a permitted use, but is subject to architectural control; and in the O district, an office use is a permitted use at the base level up to 250,000, but is subject to architectural control. Architectural control requires the Planning Commission to make findings, including that the development will not be detrimental to the harmonious and orderly growth of the city that the development will not impair the desirability of investment or occupation in the neighborhood; and that the development is consistent with any applicable specific plan.

Discretionary projects subject to Planning Commission approval also include conditional uses, which are subject to the use permit process, and may also require architectural control. An example would be the approval of an office building over 250,000 square feet in the O district. Granting a use permit requires the Planning Commission to make findings regarding whether or not the project will be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood, and whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city (zoning code section 16.82.030).

These discretionary projects subject to final action by the Planning Commission may be appealed to the City Council by an applicant or member of the public or called up by the City Council as a whole or by an individual City Councilmember. Once appealed, the City Council is the final decision maker and the Planning Commission becomes the recommending body. This is true for all elements of the project, including adoption or certification of any environmental document. As will be discussed in more detail below, staff recommends that a subset of these discretionary projects approved by the Planning Commission be identified as large or impactful and pre-authorized for appeal to the City Council.

3. Discretionary projects subject to City Council approval

A small number of development projects are discretionary projects for which the City Council is the final decision maker. Typically, these projects involve a major subdivision, rezoning, General Plan amendment, or are master plan projects which require a Conditional Development Permit or Development Agreement. The Willow Village project is an example of a discretionary project subject to City Council approval. When the City Council is the final decision maker, there is no further appeal and the next step for a party seeking to challenge the decision is to file an action in court. Therefore, these types of projects are not included in the resolution as needing pre-authorization for appeal because the zoning code already requires review and final action by the City Council.

Nonresidential Projects for Pre-Authorization

In both the El Camino Real/Downtown Specific Plan and the Bayfront Area, the zoning code provides development standards for base and bonus level development. Bonus level development allows an applicant to provide community benefits or community amenities in exchange for the increased development intensity, which makes a bonus level project more impactful than base level development. These projects generally require a use permit and architectural control, both approved by the Planning Commission. Examples include projects such as 1350 Adams Court (approx. 260,000 square feet for life science uses) or the project at 1704 El Camino Real (68-room hotel), both of which are proposing bonus level development. Appealing these projects to the City Council would give the City Council an opportunity to weigh in on not only the appropriateness of the community amenities proposed to be provided in exchange for the increased development, but also on whether the developments themselves contextually fit within the community.

However, limiting the pre-authorization of projects to bonus level would not capture the full spectrum of projects that may be considered large or impactful. First, not all zoning districts include the concept of base and bonus, only the Specific Plan and the Bayfront Area. Second, base level projects may be of a size that the City Council would consider large or impactful and desire to review. For example, the 8.4-acre Stanford Middle Plaza project at 500 El Camino included approximately 10,286 square feet of retail, 142,840 square feet of office and 215 residential units as a base level project.¹ For comparison, in the O district, base level office projects are permitted at floor area ratio (FAR) of .45 and in the LS district base level projects have a .55 FAR. That means an 8-acre project could have a base level of development in the O or LS districts of approximately 156,816 square feet and 191,644 square feet respectively. If pre-authorized projects only included bonus level development, these size projects would not be included.

Staff recommends that for these types of projects, the City Council identify a citywide square footage threshold that it considers large or impactful and therefore should be subject to appeal pre-authorization. The areas that would be most impacted by a square footage threshold are the Sand Hill Road and Middlefield Road corridors as they fall outside the Specific Plan and Bayfront Areas and do not have base or bonus level zoning. Initially, staff looked at recommending projects over 10,000 net new non-residential square feet for appeal to the City Council. This is consistent with the threshold for when a project requires a Transportation Impact Analysis (TIA). Given the sensitivity of the community to transportation issues, this could be a reasonable threshold. However, this may be a fairly low threshold because projects of this size are exempt from environmental review under the California Environmental Quality Act.² In addition, base level projects in the Bayfront Area were studied in the certified Environmental Impact Report (EIR) for the General Plan update. The certified EIR requires base level projects to comply with identified mitigation measures. This may include conducting certain studies and incorporating additional measures into the project. If base level projects comply with all existing requirements and there are no project specific effects that were not examined a part of the certified EIR for the General Plan, no additional environmental review would be required. Thus, a higher threshold than 10,000 square feet may be appropriate.

Finally, given the City Council's ongoing work in other areas and the need to reserve City Council agenda time for other city business, the City Council should make sure the list of pre-authorized appeals is narrowly tailored to address the City Council's stated desires. The square footage threshold that the City Council

¹ Although a Development Agreement was utilized to create an enforceable right to collect the tunnel contribution, this was a base level project that could otherwise have been approved by the Planning Commission.

² There are exemptions identified in the CEQA Guidelines including additions to existing structures that will not result in an increase of more than 10,000 square feet (Section 15301); new construction of small structures which applies to up to four commercial buildings not exceeding 10,000 square feet on a site (Section 15303); and infill development consistent with the general plan and zoning (Section 15332).

deems large or impactful regardless of its location in the City should be identified and included in the resolution pre-authorizing appeals. Although 10,000 net new square feet may be too small for appeal pre-authorization, larger projects could be considered.

Hotels and other potential exemptions

Hotels in the Bayfront Area do not have base and bonus level development standards, but the Specific Plan does. Thus, under the criteria proposed above, hotels in the Bayfront Area would be automatically appealed to the City Council if they exceeded the net new square footage threshold, while hotels in the Specific Plan area would be automatically appealed to the City Council only if they contained bonus level development. To correct this disparity, the City Council may wish to consider exempting hotels in the Bayfront Area from the automatic square footage appeal trigger. Nevertheless, in the Bayfront Area, hotels that are not located in an area identified with an H designation on the zoning map are required to obtain a use permit and would therefore be subject to appeal under the standard procedure.

In addition, there may be projects at the bonus level or above the square footage threshold that the City Council does not want to include in the list of large or impactful projects preauthorized for appeal. Consider that an average grocery store is approximately 35,000 square feet. If the City Council selected a lower square foot threshold for automatic appeal, the City Council may nevertheless not want to appeal the Planning Commission's decision on such a retail use. Other examples would be child care centers, eating establishments, movie theaters and other retail. If the City Council wants to exempt certain categories of projects from the automatic appeal procedure, regardless of the square footage, the City Council should direct staff to include these exemptions in the resolution.

Residential and mixed-use projects for pre-authorization

City staff has heard the City Council express an interest in the development of housing and improving the jobs-housing balance in the City. Pre-authorizing an appeal of housing projects could act as a disincentive and result in lower production of housing units. Therefore, staff does not recommend that any fully residential project (even a bonus level project) be included in the resolution pre-authorizing appeals. Staff also does not recommend that mixed-use projects with 2/3 residential square footage or more be included. This amount of residential meets the definition of the Housing Accountability Act for a housing project and also represents a more significant percentage of housing in relationship to the whole project. However, staff does recommend that mixed-use projects at the bonus level with less than 2/3 residential square footage be included in the pre-authorization for appeal as staff is concerned that an applicant could include a nominal amount of housing to fall under the exemption. Regardless of which mixed-use projects are pre-authorized for appeal, if the City Council decided that it wanted to review a particular housing application acted on by the Planning Commission, it could do so through the City's normal appeal process.

From an administrative perspective, it is preferable to have a uniform policy throughout the City. However, understanding that there are concerns about the development of housing in District 1 with respect to potential displacement and affordability and traffic and air quality impacts, a different threshold could be established in District 1. For example, the City Council could be the final decision-making body for all bonus level housing or mixed-use projects in District 1. If the City Council elects this alternative, it should be noted that the City Council's discretion to reduce or deny the density of housing projects may be limited under the Housing Accountability Act. The Housing Accountability Act requires special findings when denying or reducing the density of a housing project that complies with applicable, objective general plan, zoning and criteria, including design review standards, in effect at the time that the housing development project's

application is determined to be complete.³ Thus, the downside in pre-authorizing appeals of bonus level housing projects in District 1 is that the community could be given a false expectation that the City Council has broad leeway to reduce or deny the project. If the City Council's policy direction is to reduce housing density in District 1, a more straightforward approach would be a re-zoning effort. A rezoning, however, would require significant more time, analysis and resources. Staff recommends this effort be folded into the District 1 subcommittee work, rather than establishing an automatic appeal process for bonus level housing projects in District 1.

Proposed resolution

Staff is proposing that all large or impactful projects that have undergone Planning Commission review and received a final decision beginning any time after July 16 be included as pre-authorized for City Council appeal. The project categories currently proposed in the resolution, which can be modified based on City Council direction provided during the public hearing, include:

1. Bonus level projects
2. Projects exceeding an identified square footage (e.g., 50,000 net new square feet), subject to certain exceptions (e.g., child care centers, retail, hotel, etc.)
3. Mixed-use projects with less than 2/3 residential

Note that staff is recommending that all residential project be exempt from the automatic appeal process, other than mixed use projects with less than 2/3 residential as noted above.

This automatic appeal process would allow the City Council to become the final decision-making body and exercise its policymaking influence on the direction proposed development takes in the City. Staff is proposing the resolution expire on November 30, 2020. This would allow the resolution to be in place during the period in which the City Council is exploring new policy direction relative to land use throughout the City. The resolution, however, could be renewed at the City Council's direction. The resolution also clarifies that the automatic appeal process does not impact the City Council or individual City Councilmember's ability to appeal any discretionary action taken by the Planning Commission not covered by the resolution.

Other alternatives

If the City Council would like to consider appealing additional Planning Commission decisions, it may want to discuss a process for receiving advance notice of pending Planning Commission decisions. Having advance notice of the Planning Commission's calendar would provide the City Council with more leeway to file a timely appeal within the 15-day appeal period currently authorized by the Code. This could be accomplished through regular information items which would require Planning Division staff time to prepare.

The City Council may wish to examine lowering the thresholds for base level development or use permits in certain zoning districts. It may also want to consider requiring more projects be identified in the zoning code as requiring a Conditional Development Permit rather than a use permit so a decision of the City Council is required. This type of policy change would require a zoning code amendment (and possibly a General Plan amendment) which would take considerably more time than the approach recommended in this staff report. This type of policy shift could be discussed as part of the subcommittee work.

Impact on City Resources

Pre-authorizing certain appeals to the City Council will result in additional workload for Community

³ Proposed legislation, including SB 50, SB 330 (Skinner) and AB 592 (Wiener's new bill) make further amendments to the Housing Accountability Act which would make it even more difficult to disapprove housing projects that are zoning compliant. It is not entirely clear whether bonus level development would be considered zoning compliant.

Development, Public Works and City Attorney personnel. Adding this additional layer of review would increase Planning Division staff's workload in reviewing any changes made or additional input received between the Planning Commission decision and City Council appeal hearing, as well as drafting additional staff reports, conditions, resolutions or other related items. At present there are not enough consultants, staff or contract staff to manage the additional workload anticipated with the approval of the attached Resolution No. 6512 authorizing appeals as a matter of course. To manage the work, the City may need to hire additional consultants and/or staff to assist with this planning effort or to backfill current senior staff to work on preparing City Council appeals. This reallocation of staff resources could also impact staff review of other City Council priority projects such as amendments to the El Camino Real/Downtown Specific Plan and reviews of land use policies and regulations in the Bayfront area. Finally, this decision will require additional City Council meeting time and possibly more meetings.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines Sections 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Resolution No. 6512 regarding City Council review of development projects

Report prepared by:

Mark Muenzer, Community Development Director

William M. McClure, City Attorney

Cara E. Silver, Assistant City Attorney

Leigh F. Prince, Assistant City Attorney

RESOLUTION NO. 6512**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
IDENTIFYING THOSE DISCRETIONARY PROJECTS APPROVED BY
THE PLANNING COMMISSION THAT WILL BE APPEALED BY THE CITY
COUNCIL TO THE CITY COUNCIL AS A MATTER OF COURSE**

WHEREAS, at the public meeting on June 11, 2019, the City Council of the City of Menlo Park discussed a development moratorium proposed by Mayor Pro Tem Taylor and City Councilmember Nash;

WHEREAS, along with identifying two subcommittees, one for District 1 and another for Districts 2 through 5, to develop a proposed work plan relative to reviewing development potential in the city, the City Council suggested that staff consider taking steps to ensure that large and impactful projects are reviewed by the City Council;

WHEREAS, the majority of development projects that require discretionary approvals (e.g. use permits), with the exception of projects including a Conditional Development Permit or Development Agreement that are approved by the City Council, are finally approved by the Planning Commission;

WHEREAS, the City Council, pursuant to Menlo Park Municipal Code Section 16.86.025 may take an appeal from any final action of the Planning Commission by passing a motion to that effect within 15 days after the action of the Planning Commission;

WHEREAS, although the City Council may appeal any decision of the Planning Commission, the City Council desires to identify those large and impactful projects it intends to appeal as a matter of course; and

WHEREAS, at the public meeting on July 16, 2019, the City Council reviewed the list of discretionary projects in each zoning district that are subject to Planning Commission approval and appeal by the City Council and identified those large and impactful projects to be appealed as a matter of course.

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore does hereby resolve:

1. The City Council hereby pre-authorizes the appeal, without necessity of further City Council action, of the following development projects approved or conditionally approved by the Planning Commission after July 16, 2019:

A. Bonus Level Development Trigger. In the El Camino Real/Downtown Area and Bayfront Area, where zoning provides development standards for base and bonus level development, any project exercising bonus level development.

B. Square Footage Trigger. Projects exceeding _____ net new square feet). [City Council input needed for square footage trigger.]

C. Exemption for Residential Projects. Notwithstanding the above bonus level and square footage triggers, residential projects are not subject to the automatic appeal process.

D. Residential Mixed Use Projects. Mixed-use projects that meet the definition of housing project as defined in the Housing Accountability Act (i.e. must have 2/3 residential square footage or more) are not subject to the automatic appeal process. If the residential square footage is less than 2/3 of the total project square footage, then the bonus level mixed use project would trigger automatic City Council review under this resolution.

E. Other Exempt Projects. Notwithstanding the above bonus level and square footage triggers, the following types of projects are not subject to the automatic appeal process: [For City Council discussion].

2. This resolution shall not affect the City Council or any individual City Council member from otherwise appealing any permit under Section 16.86.025.

3. This resolution shall expire on November 30, 2020, unless rescinded or renewed by the City Council.

4. This resolution is exempt from the California Environmental Quality Act (CEQA) Guidelines Sections 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council resolution was duly and regularly passed and adopted at a meeting by said City Council on the fifteenth day of July, 2019, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this fifteenth day of July, 2019.

Judi A. Herren, City Clerk

THIS PAGE INTENTIONALLY LEFT BLANK



STAFF REPORT

City Council

Meeting Date:

7/15/2019

Staff Report Number:

19-150-CC

Regular Business:

Establish a City Council subcommittee to review current City Council procedures and recommend updates

Recommendation

The recommendation is that the City Council appoint a subcommittee of members to review current City Council procedures and recommend updates.

Policy Issues

The City Council establishes procedures, as necessary, to promote transparency in the City Council's operations and ensure efficient staff operations.

Background

For the past several years, the City Council has taken the opportunity to review, amend as necessary, and adopt its Procedures Manual (Attachment A) on an annual basis during its goal-setting session. For 2019, the City Council did not take formal action on the Procedures Manual and added it to future study sessions for further discussion.

Analysis

While City Council procedures are considered essential tools in transparent operations and most cities have posted their procedures to their agency website, there is little guidance about what should be included in a City Council procedures manual. In its broadest senses, a procedures manual should encompass all City Council adopted procedures to ensure that everyone has access to the full range of generally accepted procedures as established by the City Council. The current procedures manual falls short of this endeavor due to the omission of several City Council adopted procedures such as public input and outreach regarding labor negotiations (CC-11-0001); commissions/committees policies and procedures, roles and responsibilities (CC-19-004); and travel, meal and lodging policy (CC-19-002), as examples.

The recommendation to establish a subcommittee provides the opportunity for two City Councilmembers to explore the various policy options available to the City Council and present their findings to the whole city council for consideration. Over the next several months, the subcommittee will evaluate current procedures, similar procedures in other cities, best practices to the extent best practice is available, and consider staff recommendations to update all City Council adopted procedures. When their work is complete on a specific procedure, the subcommittee may then present their findings to the full City Council for discussion and eventual adoption. All City Council adopted procedures will then be compiled on a public webpage for access to anyone interested in Menlo Park's procedures.

To better demonstrate the deliverable anticipated as a result of the subcommittee's work, staff has transferred the existing procedures manual chapters into standalone procedures using the City's procedure template (Attachment B). The first chapter, "City Council Powers and Responsibilities," has been updated to provide a sample of potential reorganization, additions, deleting, and appropriate references to the Menlo Park Municipal Code. Attachment B is not intended to replace the current procedure. However, the subcommittee may review the sample, make amendments, and recommend City Council adoption as soon as the subcommittee is ready.

The work to update City Council procedures will begin as soon as the subcommittee is available with a goal of completing the subcommittee's work by the end of 2019.

Impact on City Resources

There are sufficient resources in the City Manager's Office to support the subcommittee's work.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Menlo Park City Council Procedures Manual, approved February 2, 2018
- B. Sample replacement procedure format

Report prepared by:
Nick Pegueros, Assistant City Manager

Menlo Park City Council Procedures Manual

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.

C O N T E N T S

Chapter 1

Introduction

Purpose5
Overview of city documents5
Orientation of new councilmembers6

Chapter 2

City Council: Powers and Responsibilities

City Council generally7
Role of Mayor and Mayor Pro Tempore7
Appointment of City Manager, City Attorney8
Role during a disaster8
Appointment of advisory bodies9
City Council relationship with advisory bodies9
Role of commission liaisons.9

Chapter 3

City Council Meetings

General procedures11
Meeting schedule11
Special meetings11
Agenda development.....12
Placing items on the agenda12
Notification and advertising.....13
Order of business13
Discussion rules16
Voting procedures17
Other guidelines17
Open meeting laws (the “Brown Act”).....18

Chapter 4

City Council Communications

Overview21
Councilmember correspondence21
Speaking for “The City”21
Local ballot measures22
State legislation, propositions22
Proclamations22

Chapter 5

Interaction with City Staff

Overview23
Council-Manager form of government23
Council-Manager relationship23
City Manager code of ethics24
City Council-City Attorney relationship24
Roles and information flow24
Information distribution25
Magnitude of information requests25
Staff relationship with advisory bodies26
Restrictions on political involvement by staff26

Chapter 6

Support Provided to City Council

Staff support28
Office equipment28
Meeting rooms29
Mail and deliveries29

Chapter 7

Financial Matters

City Council compensation30
Expenditure allowance30
Expenditure guidelines30

Chapter 8

Conflicts and Liability

Conflict of interest31
City Attorney advice31
Conflict of interest forms32
Liability32

Chapter 9

Additional Training and Resource Materials

League of California Cities33
Local Government Commission33
International City Management Association (ICMA)33
Institute for Local Government (ILG)33

Appendix

- A. Reference Guide to Motions
- B. Legislative Policy Guide
- C. List of City Council Policies
- D. City Manager Code of Ethics

Introduction

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

Purpose of the Procedures Manual

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

Overview of city documents

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

Municipal Code: The Municipal Code contains local laws and regulations adopted by ordinances. The administrative chapter of the Municipal Code addresses the role of the City Council, Mayor and 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 on the City's website.

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

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 a legal document, required by the California Government Code, which serves as the City of Menlo Park's "constitution" for the development and the use of its land. It is a comprehensive, long-term document, detailing proposals for the physical development of the city, and of any land outside its boundaries but within its designated "sphere of influence."

Orientation of new councilmembers

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

City Council: Powers and Responsibilities

City Council generally

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

It is important to note that the City 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 councilmembers are equal. It is also important to note that policy is established by at least a majority vote of the City Council. While individual councilmembers may disagree with decisions of the majority, a decision of the majority does bind the City Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the City Council is upheld. Actions of staff to pursue the policy direction established by a majority of the City Council do not reflect any bias against councilmembers 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's city councils have chosen to not take positions on issues outside of their immediate authority to effect, such as issues of international concern. The propensity of the City Council to involve itself in such issues reflects the personalities and outlooks of the councilmembers who make up the two-year City Council sessions.

A councilmember may not simultaneously hold two public offices that are incompatible. Offices are incompatible, if any significant clash of duties exists between the two offices, if the dual office holdings would be improper for reasons of public policy, or if either officer exercises a supervisory, auditory or removal power over the other. Councilmembers are encouraged to and often participate and provide leadership in regional and state programs and meetings. Councilmembers are strongly encouraged to report to the City Council on matters discussed at subcommittees and other regional or state board/agency/group activities in which they have been involved.

Role of Mayor and 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 City Council or by vote of the people. The Mayor does not possess any power of veto. As presiding officer of the City Council, the Mayor is to faithfully communicate the will of the City Council majority in matters of policy. The Mayor is also recognized as the official head of the city for all ceremonial purposes.

The Mayor, unless unavailable, shall sign all ordinances, and other documents that have been adopted by the City Council and require an official signature; except when the City Manager has been authorized by City Council action to sign documents. In the event the Mayor is unavailable, the 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 City Council or the introduction of new items not otherwise part of the City 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" City Council agenda item 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. The Mayor Pro Tempore shall serve in this capacity at the pleasure of the City Council.

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 during a 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 City Council may be directed by the City Manager/ Emergency Services Director to assemble in the City's Emergency Operations Center (EOC), located within the Police Department, 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 City Council. When necessary, the Incident Commander of the City EOC or Disaster Coordinator may request the activation of a MAC (Multi-Agency Coordination Center). One possible location of a MAC could be the Menlo Park Fire District's USAR Building located in Menlo Park.

The City Council also has the responsibility to declare a local emergency. Emergency proclamations are normally made when there is an actual incident or threat of disaster or extreme peril to the safety of persons and property caused by natural or man-made situations. The local proclamation is the first step toward a State and Federal declaration which would then activate eligible State and Federal disaster relief programs to provide financial relief to both local government and the public.

Appointment of advisory bodies

The city has a number of standing advisory bodies. City Council Policy #CC-01-004, Commissions/Committees Policies and Procedures and Role, contains guidelines 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 the City Council for a specific task. City Council subcommittees, when used, are to help the City Council do its job. Committees ordinarily will assist the City Council by preparing policy alternatives and implications for City Council deliberation. City Council subcommittees will normally not have direct dealings with staff operations. City Council subcommittees may not speak or act for the City Council. Subcommittees will be used sparingly and ordinarily in an ad hoc capacity. This policy applies to any group that is formed by City 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 City Council may assign, and specify the role of, one or two councilmembers to the task force (if more, it becomes a defacto City Council meeting). Unless otherwise specified, councilmembers 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.

City Council relationship with advisory bodies

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

Councilmembers choosing to attend commission or committee meetings should be sensitive to the fact that they are not participating members of the body. Councilmembers 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 liaisons

Councilmembers 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 City Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, councilmembers 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.

Councilmembers 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, councilmembers are to reflect the views of

the City 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 City Council term in December. The Mayor will ask councilmembers which liaison assignments they desire and will submit recommendations to the full Council regarding the various committees, boards, and commissions which councilmembers will represent as a liaison. In the rare instance where more than one councilmember wishes to be the appointed liaison to a particular commission, a vote of the City 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 City Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro Tempore serves as presiding officer.

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

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

Meeting schedule

The City 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. A Capital Improvement Plan is reviewed in February for the following fiscal year, in order to reflect the commitment of resources required. Other City Council priorities are overlaid on the calendar as time permits.

Regular meetings are usually held in the City Council Chambers, 701 Laurel St., on Tuesdays at 7 p.m., 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 City Council meeting will be held in alternative locations such as the Senior Center. No City Council meeting will typically be held in the event that a regular meeting of the City Council falls on a legal holiday or the day after a holiday. Other meetings throughout the year may be canceled as well. Councilmembers should inform the City Manager's assistant as soon as possible if they intend to be out of town on a set meeting date. In recognition of the personal and professional obligations which may conflict with attending City Council meetings, Councilmembers are not compelled to participate in routine Council meetings remotely as it can present a hardship due to technological limitations, noticing compliance and time zone differences.

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 before 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; action minutes of the meeting are taken by the City Clerk or designee and made available for public inspection.

Agenda development

The City Council adopts a yearly meeting calendar identifying meeting dates and cancellations to aid councilmembers and staff with planning and scheduling. A medium-range “tentative” City 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 before the meeting. Staff is required to submit reports for a Tuesday City Council meeting to the City Clerk by noon on the Thursday of the week preceding the meeting. All agenda materials are available Thursday evening before the Tuesday City Council meeting. Website posting includes a tentative City Council calendar that shows City Council meeting dates and planned agenda items 3-5 weeks in advance.

Given this agenda development schedule, it is usually extremely difficult when councilmembers request at a Tuesday meeting that a report be prepared for consideration the following meeting. For this reason, it will usually require at least one week for the preparation of a report requested by the City Council. Complex reports 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 the agenda

City Council: A councilmember 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. Councilmembers 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 City 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 councilmembers. Upon approval of a majority of the City Council, the item will be agenda item and a staff report may be prepared. The City Manager will inform the City 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-Agenda items: Emergency and non-agenda 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 City Council would like to act on. Non-agendized items may be added to the agenda only if the City 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 four-fifths vote; if less than five members of the City 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 – (This section was reordered as directed on January 23, 2018, to more closely follow our current agenda listing.)

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; 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 before 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 before the closed session unless the City 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; City 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. Councilmembers, 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 City 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 before 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 City Council to adjourn to a closed session on the advice of the City Attorney.

2. **Study Session:** From time to time, the City Council will hold study sessions. These meetings are normally scheduled before the regular session. The purpose of study sessions is to give the City Council a less formal and more interactive forum to discuss issues in advance of any official action to be taken. Staff often presents policy alternatives and is more directly engaged in the dialogue. Meetings are open to the public and are broadcast and videotaped when held in the City Council Chambers and at the direction of the City Council. While general direction may be given to staff or the proponent behind the topic of discussion, no formal action by the City Council is taken in a study session.
3. **Public Comment:** The City Council receives 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 City 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 before Public Comment.

Comments should focus on a specific matter within the City 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 City Council.

Videos, PowerPoint presentations or similar display requests may accompany in-person testimony but are subject to the same speaking time limits. Prior notice and coordination with the City Clerk is 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 councilmembers and applicant comments as necessary and appropriate. Typically, applicants or appellants are limited to a maximum of 10 minutes. The City Council will then hear public comment.

4. **Commission Reports:** Commission reports provide an opportunity for designated members of appointed boards to address the City Council on matters of importance or to update the City Council and community on studies that are underway.
5. **Consent Calendar:** Those items on the City Council agenda that are considered to be of a routine and noncontroversial nature by the City Manager are placed on the "Consent Calendar." These items shall be approved, adopted, accepted, etc., by one motion of the City Council. Typical consent calendar items include the final reading and adoption of ordinances, various resolutions approving agreements, awards of contracts, minor budgetary adjustments, meeting minutes, status reports, and reports of routine city operations.

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

Councilmembers are encouraged to contact the City Manager's office before Noon on the day of a City Council meeting day to provide notification of items to be removed from the Consent Calendar. This practice allows the City Manager to notify staff that may need to be present to respond to removed items. Equally important, it also allows the 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.

6. **Public Hearing:** In the case of public hearings, once the City Council has voted to close the hearing, no member of the public shall be permitted to address the City Council or the staff from the audience, except at the discretion of the presiding officer (Mayor).
7. **Regular Business Items:** Regular items are shown on the agenda and are normally taken in the order listed.
8. **Informational Items:** Informational items may contain a status update, background report or a preview of a larger item coming before the City Council at a future meeting.
9. **Councilmember Reports:** Provides councilmembers an opportunity to introduce matters not currently before the City 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 agendaize future items, or announcements of interest to the public.

State law provides that the City 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.

10. Written Communications: The City Council has established a practice of placing written communication between councilmembers requesting items to be agendized and select letters sent by agencies to councilmembers 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 councilmembers' positions on the dais.

Discussion Rules

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

- 1. Obtaining the floor:** A councilmember 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 City Council. Cross-exchange between councilmembers and public should be avoided.
- 2. Questions to staff:** A councilmember shall, after recognition by the Mayor, address questions to the City Manager, City Attorney, department head or designated staff member. Councilmembers with questions on an agenda item should preferably contact staff before the meeting in order to allow staff time to research a response for the meeting.
- 3. Interruptions:**
 - a. Once recognized, a councilmember is considered to have the floor, and another councilmember may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the councilmember holding the floor shall cease speaking until the point of order or privilege is resolved.
 - b. Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.
- 4. Discussion:** A councilmember should not speak more than once on a particular subject until every other councilmember has had the opportunity to speak. Councilmembers 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 councilmember 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 councilmember may move to “call for the question” on an item which is being considered. The motion requires a second, is not debatable and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable and the City Council must vote on it.
- 8. Conducting business at a late hour.** According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a two-thirds, three-fourths, or four-fifths (based on the number of Councilmembers present) vote taken by 11:00 p.m. to extend the meeting. The motion to extend is to include the title of the items to be considered after 11:00 p.m. and a new ending time for the meeting. The City Clerk will alert the City Council at or before 11:00 p.m. New items of business will not be discussed after 11:00 p.m. unless the motion to consider such item(s) was passed

Voting procedures

When present, all councilmembers are to vote (affirmative, dissenting, abstention). Failure of a seated councilmember to 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 councilmember will step down from the dais and leave the City Council Chambers.

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

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

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

Reconsideration: Reconsideration of an item shall be allowed in accordance with the following City Council guideline: A councilmember of the prevailing majority when the previous vote was taken must make a motion for reconsideration. The City Council has determined that any motion for reconsideration should be made at the meeting immediately following that at which the action was taken. 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 City Council are conducted in a civil and professional manner. Councilmembers and staff shall:

1. Work to preserve appropriate order and decorum during all meetings.
2. Discourage side conversations, disruptions, interruptions or delaying efforts.

3. Inform the Mayor before departing from a meeting.
4. Limit disruptive behavior. The Mayor will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the Mayor may call a recess, request the removal of such person(s) from the City Council Chambers, adjourn the meeting, or take such other appropriate action. The City 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 City Council or staff tables.
6. Limit breaks of the City Council to 5-10 minutes. The City 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 nine minutes is usually imposed or as otherwise allowed in the discretion of the presiding officer. After the time limit, the City 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
5. Members of the public are advised to treat all public speakers with due respect and to refrain from verbal expressions in support of or opposition to (such as clapping or booing) any public speakers' comments.

Enforcement of order: The Police Chief or his designee acts as the Sergeant-At-Arms. Any councilmember may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

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 §54950 et seq. 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 the City Council and all commissions, boards and City Council-appointed subcommittees (except if comprised entirely of two councilmembers) and task forces that advise the City 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 City Council contacts more than one other member of the City Council or any city staff member contacts more than two councilmembers 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 all councilmembers. Correspondence that merely takes a position on an issue is acceptable. Note that the Brown Act applies to City councilmembers immediately after their election and before 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 exists (determined by a majority of the City Council).
2. The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by a two-thirds vote of the City Council; or if less than two-thirds are present, by unanimous vote).
3. The item was continued to another meeting that was scheduled and posted within five 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 periods may be established by the Mayor or the City 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 City Council with strict notification requirements for delivery to the media and the City 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 Brown Act provides many other restrictions and requirements; this chapter is intended merely as a City Council summary and overview, 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.

City Council Communications

Overview

Perhaps the most fundamental role of a councilmember 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 councilmember. Equally important, when members are expressing personal views and not those of the City Council, the public should be so advised.

Councilmember correspondence

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 City Council is placed on official City letterhead and is signed by the Mayor or City Manager. Individual members of the City Council may prepare letters to constituents in response to inquiries or to provide requested information. Individualized councilmember letterhead can be made available for this purpose, and staff can assist in the preparation of such correspondence. Councilmembers are required to provide copies of any correspondence on City letterhead to every councilmember and the City Manager.

On occasion, members may wish to transmit correspondence on an issue upon which the City Council has yet to take a position or about an issue for which the City Council has no position. In these circumstances, 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 the City 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 City 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.

councilmembers may be asked to prepare letters of recommendation for students and others seeking appointment. It is appropriate for individual councilmembers to utilize City letterhead and their City Council titles for such letters. No review by the full City 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 City Council’s position on an issue, the response should reflect the

position of the City Council as a whole. Of course, a councilmember 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 councilmember.

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 councilmember 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 councilmembers 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 before 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 councilmembers do not issue proclamations. Proclamations can be sent to the requester or presented at a City Council meeting as arranged with the requesting body and at the Mayor’s discretion.

Interactions 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 councilmembers and city 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 laws, direct the daily operations of city government, and prepare and monitor the municipal budget. The Municipal Code specifies roles and responsibilities and requires that councilmembers work through the City Manager in dealing with City staff unless simply requesting information from department heads or other staff members. The City Manager is responsible to the City Council as a body rather than to individual councilmembers.

Council-Manager relationship

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

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

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

City Manager code of ethics

The City Manager is subject to a professional code of ethics that binds the City Manager to certain practices that are designed to ensure 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 adviser for the City Council, City Manager and departments. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual councilmembers, but the City Council as a whole.

Roles and information flow

Objectives: It is the intent of staff to ensure councilmembers 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 councilmembers 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 councilmembers, and to allow staff to execute the priorities given by management and the City Council as a whole without fear of reprisal.

City Council roles: The full City Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, workloads and schedules, departmental priorities, and the performance of City business. Councilmembers who wish to influence the actions, decisions, recommendations, workloads, work schedule and priorities of staff, must receive support from a majority of the City Council to do so as a matter of City Council policy.

Should a councilmember become dissatisfied about a department, he/she should always talk it over with the City Manager. Concerns about a department head must be taken to the City Manager only.

Access to information: Individual councilmembers as well as the City 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, councilmembers are asked to "cc" both the department head and the City Manager on all correspondence with staff.

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 councilmembers. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to councilmembers.

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

Staff roles: The City Council recognizes the primary functions of staff as serving the community, executing City Council policy and actions and in keeping the City Council informed. Staff is obligated to take guidance and direction only from the City Council as a whole or from the appropriate management supervisors through the City Manager. Staff is directed to report to the City Manager any attempts by individual councilmembers 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 councilmembers 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. Requests from an individual councilmember determined by the City Manager to take one hour or more of staff time to complete, may be included on the formal City Council agenda for full City Council discussion.

Information distribution

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

Magnitude of information requests

Any information, service-related request, or revised policy position perceived as necessary by individual councilmembers, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual councilmember in writing to the City Council as a whole. When raised at a City Council meeting, the full City Council can decide whether and when to agendaize the request for further consideration. The City Manager will seek necessary clarification as to whether the City 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 the 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 take 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 City 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 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. Each Commission establishes a 2-year work plan that is in line with the City Council's goals, which guides the commissions' activities and projects.

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 City 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, fundraisers 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 councilmember 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 councilmembers. 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 councilmembers is provided through the City Manager's Office. Administrative services including scheduling of appointments and receipt of telephone messages are available as needed. 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/technology

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

Councilmembers may be connected from their home to the City's computer network. Information Technology 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. Each councilmember is provided the use of a tablet device. When individual councilmembers have completed their term of office, any technology must be returned to the City.

These technologies facilitate efficient communication by councilmembers. However, their use also raises important legal issues to which councilmembers must pay special attention. First, the Brown Act prohibits elected officials from using "technological devices" to develop a concurrence by a majority regarding an action to be taken by the legislative body. "Technological devices" under the Brown Act include phones, faxes, computer email, public access cable TV and video. Councilmembers should not use email, faxes or phones for communicating with other councilmembers in order to develop a majority position on any particular issue that may come before the full City 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 councilmembers, certain staff and to the local newspapers.

Second, be aware that most emails sent by councilmembers 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 backup 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 councilmembers. Councilmembers can also reserve larger meeting space for use by contacting the City Manager's Office staff.

Mail and deliveries

Councilmembers 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 councilmember. Meeting agenda materials are available for pick up Thursday evenings and are posted on the City's website. Councilmembers are encouraged to return unwanted binders, reports and documents to staff.

Financial Matters

City Council compensation

State law and the Municipal Code provide for modest compensation to councilmembers. State law limits an increase in City Council salaries to 5 percent per year, effective only following the next election after adoption. Currently, councilmembers receive a stipend of \$640 per month. Councilmembers are also eligible for participation in group insurance benefits including retirement, medical, dental, vision, and life insurance plans available at the level provided to management employees.

Expenditure allowance

The annual city budget includes limited funding for members to undertake official City business. 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 councilmembers. Available funds are disbursed on a first come first served basis, with the Mayor and City Manager monitoring expenses during the year. City Council Policy #CC-91-0002 pertains 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 and Liability

Conflict of interest

State laws are in place to prevent an action by a councilmember 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 councilmember 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 councilmember'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 councilmembers 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 councilmember 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 councilmember believes that he or she may have any financial interest in a contract that will be before the City Council, the councilmember should immediately seek advice from the City Attorney or the councilmember's personal attorney.

There are a number of other restrictions placed on City 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 councilmembers.

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). Individual councilmembers or the full City 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 councilmembers, but the City Council as a whole.

Conflict of interest forms

Annual disclosure statements are required of all councilmembers, designated commissioners and senior staff which indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Councilmembers 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 councilmembers may result in that councilmember being personally liable for damages that would not be covered by the City's insurance. Examples may include discrimination, harassment or fraud.

Additional Training and 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 City of Menlo Park participates in League activities through the Peninsula Division.

The League of California Cities produces a number of publications on substantive issues in city and local government. These publications are available for purchase from the League.

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.

Institute for Local Government (ILG)

The Institute for Local Government also produces publications. For ILG publications please go to www.ca-ilg.org/publications.

APPENDIX A – Reference Guide to Motions

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

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

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

- 1 Limit of three substitute motions.
- 2 May only be made by a person who voted on prevailing side; not applicable to “table” motions. Must be made within two meetings of original action.
- 3 If prior motion was debatable.
- 4 Except for request for later action.
- 5 Highest subsidiary motion – takes precedence over all motions except adjourn and privilege.
- 6 Must be voted unless there is no objection.
- 7 Requires 4/5 vote.
- 8 Requires 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	Commission/Committees Policies and Procedures and Roles and Responsibilities
CC 02-0003	Veteran's Preference Policy

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 June 2017. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2017.

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:

Tenet 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.

Tenet 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.

Tenet 3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Influence. Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

Credentials. A member's resume for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a position should show professional respect for persons formerly holding the position, successors 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.

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

Confidentiality. Members shall 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 that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

Relationships in the Workplace. Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization.

This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

Tenet 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.

Tenet 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.

Tenet 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.

COPYRIGHT © 2017 BY THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION. ALL RIGHTS RESERVED.

Tenet 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 participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate 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, or accept appointment to an 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. 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 relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 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.

Tenet 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.

Tenet 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.

Tenet 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.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term "Gift" includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member's official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member's official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full

COPYRIGHT © 2017 BY THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION. ALL RIGHTS RESERVED.

disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in, or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

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, marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may 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.

City Council Powers and Responsibilities

City Council Procedure #CC-19-XXX

Adopted X XX, 2019

Resolution No. XXXX



Purpose

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

It is important to note that the City Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tempore have some additional ceremonial and administrative responsibilities as described below, in the establishment execution of policies and procedures, all councilmembers are equal.

It is also important to note that policy is established by at least a majority vote of the City Council. While individual councilmembers may disagree with decisions of the majority, a decision of the majority does bind the City Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the City Council is upheld. Actions of staff to pursue the policy direction established by a majority of the City Council do not reflect any bias against councilmembers who held a minority opinion on an issue.

Appointment of City Council Officers and City Council Subcommittees

Selection of Mayor and Mayor Pro Tempore

The city council shall meet in December of each year to choose one of its members as mayor and one as mayor pro tempore.¹

Mayor

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

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

The Mayor also consults and coordinates with the City Manager in the development of agendas for meetings of the City Council. The mayor shall appoint members of the Planning Commission, with the approval of the City Council², and the mayor has additional roles and responsibilities in the event of a declared disaster including serving as chairperson of the disaster council³.

¹ MPMC Section [2.04.120](#)

² MPMC Section [2.12.020](#)

³ MPMC Section [2.44.040](#)

Mayor Pro Tempore

The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence, at the pleasure of the City Council.

Appointment of City Council subcommittees

City Council subcommittees, when used, are to help the City Council do its job. Subcommittees ordinarily will assist the City Council by preparing policy alternatives and implications for City Council deliberation. City Council subcommittees may not speak or act for the City Council. Subcommittees will be used sparingly and ordinarily in an ad hoc capacity. This policy applies to any group that is formed by City Council action, whether or not it is called a subcommittee. Unless otherwise stated, a subcommittee is deemed to be ad hoc and ceases to exist as soon as its task is complete. Standing subcommittees are City Council subcommittees with regular responsibilities as assigned by the City Council generally spanning more than a single year or project. Standing subcommittees are subject to the Open Meetings Act (Brown Act).

2019 Standing City Council subcommittee	2019 Ad Hoc City Council subcommittee
Community grant funding	Belle Haven Branch Library
Rail	District 1 Planning and Zoning
	District 2-5 Planning and Zoning
	Stanford General Use Permit
	Willow Road/U.S. 101 Interchange

Appointment of City Councilmembers to Outside Boards and Organizations

Typically, appointments to outside boards and organizations are made at the beginning of a City Council term in December. The Mayor will ask councilmembers which appointments they desire and will submit recommendations to the full Council regarding the various outside appointments. Certain appointments are reserved for the incumbent Mayor and Mayor Pro Tempore as primary and alternate members, respectively. Alternates shall also be appointed to ensure participation in the decision making processes of outside boards and organizations. In the instance where more than one councilmember wishes to be appointed to an outside board or organization, a vote of the City Council will be taken to confirm appointment of the primary and alternate appointees. Outside boards and organization appointments are as follows:

2019 Outside Boards	Notes
Association of Bay Area Government (ABAG)	Incumbent Mayor and Mayor Pro Tempore
Bay Area Water Conservation Agency (BAWSCA)	4-year appointment
City/County Association of Governments (C/CAG)	
Emergency Services Council	
Peninsula Clean Energy Authority (PCE)	
San Francisquito Creek Joint Powers Authority	
South Bayside Waste Management Authority	

2019 Outside Organizations	Notes
Airport Community Roundtable	
Caltrain Modernization Local Policy Maker Group	
County of Santa Clara Community Resources Group for Stanford University	
Facebook Local Community Fund	
Grand Boulevard Taskforce	
League of California Cities (League/LCC), including LCC Peninsula Division	Incumbent Mayor and Mayor Pro Tempore
Menlo Park Chamber of Commerce	Incumbent Mayor and Mayor Pro Tempore

San Mateo County Council of Cities City Selection Committee	Incumbent Mayor and Mayor Pro Tempore
---	---------------------------------------

As a City Council appointee to an outside board or organization, the appointee shall represent the policy set by the majority of the City Council at a public meeting. If the appointee is unclear as to the position of the City Council on a particular business item scheduled for vote at the outside board or organization, the appointee shall consult the full City Council under “Councilmember reports” section of the public meeting agenda or, if sufficient time is not available, consult the City Manager.

As a member of an outside board or organization, appointees must attend all regular scheduled meetings of the outside board or organization to ensure that Menlo Park’s has a voice on matters of significance to the community. If an appointee is not available, s/he shall coordinate with the alternate to ensure Menlo Park representation.

Appointment of Advisory Bodies and Advisory Body Liaisons

Advisory Bodies

The City Council has formed several commissions, committees, and taskforces, collectively referred to as “advisory bodies”. The City Council shall adopt a City Council procedure to provide guidelines on the appointment, roles and responsibilities⁴ of the various advisory bodies excluding the Planning Commission which is established by Municipal Code⁵ and is vested with statutory duties.

2019 Commissions	2019 Committees/Taskforces ⁶
Complete Streets Commission	Belle Haven Neighborhood Library Advisory Committee
Environmental Quality Commission	Finance and Audit Committee
Housing Commission	Heritage Tree Taskforce
Library Commission	Sister City Committee
Parks & Recreation Commission	Transportation Master Plan Oversight and Outreach Committee
Planning Commission	

Liaisons to City Council advisory bodies

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

Assignment of Liaisons

Typically, advisory body liaison assignments are made at the beginning of a City Council term in December. The Mayor will ask councilmembers which liaison assignments they desire and will submit recommendations to the full Council regarding the assignments. In the instance where more than one councilmembers wishes to be the appointed liaison to a City Council advisory body, a vote of the City Council will be taken to confirm assignments.

Councilmembers should be sensitive to the fact that they are not participating members of the advisory body, but are there rather to create a linkage between the City Council and advisory body. In interacting with advisory

⁴ MPMC Section [2.04.200](#)

⁵ MPMC Section [2.12.040](#)

⁶ 2019 Committees and taskforces all have City Councilmembers serving as voting members and no liaison is required.

bodies, councilmembers are to reflect the views of the City Council as a body. Being an advisory body liaison bestows no special right with respect to advisory body business.

City Council relationship with advisory bodies

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

Councilmembers choosing to attend advisory body meetings should be sensitive to the fact that they are not participating members of the body. Councilmembers have the rights, and only the rights, of ordinary citizens with respect to advisory bodies – including the right to write to and speak to the advisory body during public comment periods.

Appointment of City Manager and 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 current City Attorney is a part-time employee, and a partner in a local law firm that has served the City for many years.

Appointment of City Manager

The city manager shall be appointed by the City Council solely on the basis of his or her executive and administrative qualifications and ability. He or she shall hold office at and during the pleasure of the City Council⁷. The city manager shall receive such compensation as the City Council from time to time determines and fixes by resolution and such compensation shall be a proper charge against such funds of the city that the City Council designates⁸.

The city manager shall be the administrative head of the city government under the direction and control of the city council, except as otherwise provided in the Municipal Code. He or she shall be responsible for the efficient administration of all the affairs of the city which are under his or her control. In addition to his or her general powers as administrative head, and not as a limitation thereon, it shall be his or her duty and he or she shall have the power⁹:

- (1) Enforcement of Laws. To see that all laws and ordinances of the city are duly enforced, and that all franchises, permits and privileges granted by the city are faithfully observed;
- (2) To Direct, etc., Officers and Employees. To control, order and give directions to all heads of departments, subordinate officers, and employees of the city, except the city attorney; and to transfer employees from one (1) department to another, and to consolidate or combine offices, positions, departments or units under his or her direction;
- (3) Appointment and Removal of Officers and Employees. To appoint and remove any officers and employees of the city except the city attorney, subject to the rules relating to personnel management;
- (4) Control of Departments and Officers and Employees. To exercise control over all departments of the city government and over all appointive officers and employees thereof, except the city attorney;

⁷ MPMC Section [2.08.010](#)

⁸ MPMC Section [2.08.060](#)

⁹ MPMC Section [2.08.080](#)

- (5) Attendance at City Council Meetings. To attend all meetings of the city council unless excused therefrom by the city council, except when his or her removal is under consideration by the city council;
- (6) Recommendation of Ordinances. To recommend to the city council for adoption such measures and ordinances as he or she deems necessary or expedient;
- (7) Fiscal Advice. To keep the city council at all times fully advised as to the financial conditions and needs of the city;
- (8) Preparation of Budget. To prepare and submit to the city council the annual budget;
- (9) Purchases and Expenditures. To purchase all supplies for all of the departments or divisions of the city. No expenditure shall be submitted or recommended to the city council, except on report or approval of the city manager;
- (10) Investigation of City Affairs. To make investigations into the affairs of the city, and any department or division thereof, and any contract, or the proper performance of any obligations running to the city;
- (11) Investigation of Complaints. To investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city, and to see that all franchises, permits and privileges granted by the city are faithfully performed and observed;
- (12) Supervision of Public Buildings. To exercise general supervision over all public buildings, public parks and other public property which are under the control and jurisdiction of the city council and not specifically delegated to a particular board or officer;
- (13) Approval of Plans and Designs. To exercise directly or through his or her designee discretionary approval of plans, designs and any design amendments or addenda for public improvement projects for which the city council has delegated authority to the city manager or which are within the city manager's discretionary authority. The city manager or his or her designee shall sign the plans and designs indicating approval;
- (14) Devotion of Entire Time to Duties. To devote his or her entire time to the duties of his or her office and the interests of the city;
- (15) Leadership in Civic Movements. To provide leadership for civic movements designed to benefit the residents of the city when so authorized by the city council;
- (16) Additional Duties. To perform such other duties and exercise such other powers as may be delegated to him or her from time to time by ordinance or resolution of the city council.

The City Council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the City Council nor any members thereof shall give orders to any subordinates of the city manager¹⁰.

Appointment to Vacancies on the City Council

If a vacancy occurs in the office of a member of the City Council, an election shall be held to fill the vacancy. The person elected shall hold office for the unexpired term of the former incumbent. The election

¹⁰ MPMC Section [2.08.100](#)

shall be held at the next regularly scheduled election held at least eighty-nine days after the vacancy is created.¹¹

The council member elected to represent a district must reside in that district and be a registered voter in that district. Termination of residency in a district by a council member shall create an immediate vacancy for that city council district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.¹²

Procedure history

Action	Date	Notes

¹¹ MPMC Section [2.04.190](#)

¹² MPMC Section [2.04.220](#)

City Council Meetings

City Council Procedure #CC-19-XXX

Adopted X XX, 2019

Resolution No. XXXX



Purpose

<<Insert Purpose>>

General procedures

Roberts Rules of Order. 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 City Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro Tempore serves as presiding officer.

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

Quorum. Three-fifths of the councilmembers constitute a quorum for the transaction of business..

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; action minutes of the meeting are taken by the City Clerk or designee and made available for public inspection.

City Council meetings and meetings schedule

Regular meetings

City Council regular meetings are scheduled in advance through the annual adoption of the City Council meeting calendar. All regular meetings are on Tuesdays, commencing at seven p.m.¹. Typically meetings are held at the civic center, 701 Laurel St.² in the City Council Chamber. Study sessions and closed sessions, if necessary, are generally convened prior to seven p.m. or at the end of the meeting at the conclusion of public business.

Special meetings

Special meetings are those meeting beginning before seven p.m., held on a day other than one adopted as part of the annual City Council meeting calendar, or convened at a location other than the civic center. Special meetings may be called by the Mayor, through the City Manager, and written notice must be given to the City Councilmembers and to the media 24 hours before the special meeting. No business other than that officially noticed may be discussed. Study sessions and closed sessions, if necessary are generally convened prior to the meeting start time or at the end of the meeting at the conclusion of public business.

Annual Meeting Calendar

¹ MPMC Section [2.04.010](#)

² MPMC Section [2.04.020](#)

In December of each year, the City Council shall adopt their annual meeting calendar for the upcoming calendar year. The annual meeting calendar confirms which Tuesdays will be scheduled as regular meetings, which Tuesday will be cancelled as regular meetings, and which special meetings, if any, are planned. The annual meeting calendar will strive to avoid conflict with school mid-year breaks, religious observances, legal holidays, known City Councilmember travel plans, and a winter and summer recess.

City Council members should inform the City Manager as soon as possible if they intend to be out of town on a set meeting date. In recognition of the personal and professional obligations which may conflict with attending City Council meetings, Councilmembers are not compelled to participate in routine Council meetings remotely as it can present a hardship due to technological limitations, noticing compliance and time zone differences.

City Council meeting agenda development

As provided in City Council Procedure # CC-19-XXX, the Mayor and City Manager develop City Council meeting agendas to balance City Council priorities, legal requirements, operational needs, staff work capacity, and meeting duration. A copy of the draft agenda is transmitted to the Mayor for review on the Monday one-week before the meeting.

Placing items on the agenda

City Councilmembers A councilmember 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. Councilmembers may make this request verbally during a meeting or may submit written requests to the Mayor with a copy to the City Manager. Normally, the process involves two steps: initial consideration of the request by the full City 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 councilmembers. Upon approval of a majority of the City Council, the item will be agendized and a staff report may be prepared. The City Manager will inform the City 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 City Council would like to act on. Non-agendized items may be added to the agenda only if the City Council makes findings that: (a) the need to consider the item arose after the posting of the agenda, and; (b) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a four-fifths vote; if less than five members of the City Council are present, the findings require a unanimous vote of those present.

Staff is required to submit reports for a Tuesday City Council meeting to the City Clerk by noon on the Thursday of the week preceding the meeting. All agenda materials are available Thursday evening before the Tuesday City Council meeting. Website posting includes a tentative City Council calendar that shows City Council meeting dates and planned agenda items 3-5 weeks in advance. Given this agenda development schedule, it is usually extremely difficult when councilmembers request at a Tuesday meeting that a report be prepared for consideration the following meeting. For this reason, it will usually require at least one week for the preparation of a report requested by the City Council. Complex reports 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.

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; written communications; information items; adjournment. The following section describes the various types of meeting components.

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 before 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 before the closed session unless the City 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; City 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. Councilmembers, 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 City 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 before 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 City Council to adjourn to a closed session on the advice of the City Attorney.

Study Session

From time to time, the City Council will hold study sessions. These meetings are normally scheduled before the regular session. The purpose of study sessions is to give the City Council a less formal and more interactive forum to discuss issues in advance of any official action to be taken. Staff often presents policy alternatives and is more directly engaged in the dialogue. Meetings are open to the public and are broadcast and videotaped when held in the City Council Chambers and at the direction of the City Council. While general direction may be given to staff or the proponent behind the topic of discussion, no formal action by the City Council is taken in a study session.

Public Comment

The City Council receives 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 City 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 before Public Comment.

Comments should focus on a specific matter within the City 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 City Council.

Videos, PowerPoint presentations or similar display requests may accompany in-person testimony but are subject to the same speaking time limits. Prior notice and coordination with the City Clerk is 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 councilmembers and applicant comments as necessary and appropriate. Typically, applicants or appellants are limited to a maximum of 10 minutes. The City Council will then hear public comment.

Commission Reports

Commission reports provide an opportunity for designated members of appointed boards to address the City Council on matters of importance or to update the City Council and community on studies that are underway.

Consent Calendar

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

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

Councilmembers are encouraged to contact the City Manager's office before Noon on the day of a City Council meeting day to provide notification of items to be removed from the Consent Calendar. This practice allows the City Manager to notify staff that may need to be present to respond to removed items. Equally important, it also allows the 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.

Public Hearing

In the case of public hearings, once the City Council has voted to close the hearing, no member of the public shall be permitted to address the City Council or the staff from the audience, except at the discretion of the presiding officer (Mayor).

Regular Business Items

Regular items are shown on the agenda and are normally taken in the order listed.

Informational Items

Informational items may contain a status update, background report or a preview of a larger item coming before the City Council at a future meeting.

Councilmember Reports

Provides councilmembers an opportunity to introduce matters not currently before the City 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 agendaize future items, or announcements of interest to the public.

State law provides that the City 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-agendaized items is not allowed, and such items should be placed on the agenda of the next available regular meeting.

Written Communications

The City Council has established a practice of placing written communication between councilmembers requesting items to be agendaized and select letters sent by agencies to councilmembers 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 councilmembers' positions on the dais.

Discussion rules

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

Obtaining the floor

A councilmember 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 City Council. Cross-exchange between councilmembers and public should be avoided.

Questions to staff

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

Interruptions

Once recognized, a councilmember is considered to have the floor, and another councilmember may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the councilmember holding the floor shall cease speaking until the point of order or privilege is resolved.

Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.

Discussion

A councilmember should not speak more than once on a particular subject until every other councilmember has had the opportunity to speak. Councilmembers 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.

Tabling procedure

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

Right of protest

A councilmember is not required to state reasons for a dissenting vote.

Calling for the question

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

Conducting business at a late hour

According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a two-thirds, three-fourths, or four-fifths (based on the number of Councilmembers present) vote taken by 11:00 p.m. to extend the meeting. The motion to extend is to include the title of the items to be considered after 11:00 p.m. and a new ending time for the meeting. The City Clerk will alert the City Council at or before 11:00 p.m. New items of business will not be discussed after 11:00 p.m. unless the motion to consider such item(s) was passed

Voting procedures

When present, all councilmembers are to vote (affirmative, dissenting, abstention). Failure of a seated councilmember to 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 councilmember will step down from the dais and leave the City Council Chambers.

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

Tie vote

A tie vote is equivalent to a motion that has failed. The presiding officer may publicly explain the effect of the tie vote for the audience or may direct a member of the staff to do so.

Motions

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

Reconsideration

Reconsideration of an item shall be allowed in accordance with the following City Council guideline: A councilmember of the prevailing majority when the previous vote was taken must make a motion for reconsideration. The City Council has determined that any motion for reconsideration should be made at the meeting immediately following that at which the action was taken. 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 City Council are conducted in a civil and professional manner. Councilmembers and staff shall:

1. Work to preserve appropriate order and decorum during all meetings.
2. Discourage side conversations, disruptions, interruptions or delaying efforts.
3. Inform the Mayor before departing from a meeting.
4. Limit disruptive behavior.
The Mayor will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the Mayor may call a recess, request the removal of such person(s) from the City Council Chambers, adjourn the meeting, or take such other appropriate action. The City 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 City Council or staff tables.
6. Limit breaks of the City Council to 5-10 minutes. The City 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 nine minutes is usually imposed or as otherwise allowed in the discretion of the presiding officer. After the time limit, the City 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
5. Members of the public are advised to treat all public speakers with due respect and to refrain from verbal expressions in support of or opposition to (such as clapping or booing) any public speakers' comments.

Enforcement of order

The Police Chief or his designee acts as the Sergeant-At-Arms. Any councilmember may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

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 §54950 et seq. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings.

1. Applicability

The Act applies to the City Council and all commissions, boards and City Council-appointed subcommittees (except if comprised entirely of two councilmembers) and task forces that advise the City Council. Staff cannot promote actions that would violate the Act.

2. 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 City Council contacts more than one other member of the City Council or any city staff member contacts more than two councilmembers 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 all councilmembers. Correspondence that merely takes a position on an issue is acceptable. Note that the Brown Act

applies to City councilmembers immediately after their election and before their swearing-in ceremony.

3. Agendas

Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.

4. Actions

No action can be taken on any item not appearing on the posted agenda. Exceptions:

- a. An emergency exists (determined by a majority of the City Council).
- b. The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by a two-thirds vote of the City Council; or if less than two-thirds are present, by unanimous vote).
- c. The item was continued to another meeting that was scheduled and posted within five days of the original agenda.

5. 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 periods may be established by the Mayor or the City Council.

6. 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.

7. Correspondence

All writings distributed for discussion or consideration at a public meeting are public records.

8. Special meetings

Special meetings may be called by the Mayor or a majority of the City Council with strict notification requirements for delivery to the media and the City Council 24 hours before the time of the meeting.

9. 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.

10. Other provisions

The Brown Act provides many other restrictions and requirements; this chapter is intended merely as a City Council summary and overview, 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.

Procedure history

Action	Date	Notes

City Council Communications

City Council Procedure #CC-19-XXX

Adopted X XX, 2019

Resolution No. XXXX



Purpose

Perhaps the most fundamental role of a councilmember 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 councilmember. Equally important, when members are expressing personal views and not those of the City Council, the public should be so advised.

Councilmember correspondence

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 City Council is placed on official City letterhead and is signed by the Mayor or City Manager. Individual members of the City Council may prepare letters to constituents in response to inquiries or to provide requested information. Individualized councilmember letterhead can be made available for this purpose, and staff can assist in the preparation of such correspondence. Councilmembers are required to provide copies of any correspondence on City letterhead to every councilmember and the City Manager.

On occasion, members may wish to transmit correspondence on an issue upon which the City Council has yet to take a position or about an issue for which the City Council has no position. In these circumstances, 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 the City 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 City 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.

Councilmembers may be asked to prepare letters of recommendation for students and others seeking appointment. It is appropriate for individual councilmembers to utilize City letterhead and their City Council titles for such letters. No review by the full City 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 City Council's position on an issue, the response should reflect the position of the City Council as a whole. Of course, a councilmember 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 councilmember.

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 councilmember 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 councilmembers 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 before 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 councilmembers do not issue proclamations. Proclamations can be sent to the requester or presented at a City Council meeting as arranged with the requesting body and at the Mayor's discretion.

Procedure history

Action	Date	Notes

City Council Interactions with City Staff

City Council Procedure #CC-19-XXX

Adopted X XX, 2019

Resolution No. XXXX



Purpose

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 councilmembers and city staff. To maintain these effective relationships it is important that roles are clearly recognized.

City Manager

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 laws, direct the daily operations of city government, and prepare and monitor the municipal budget. The Municipal Code specifies roles and responsibilities and requires that councilmembers work through the City Manager in dealing with City staff unless simply requesting information from department heads or other staff members. The City Manager is responsible to the City Council as a body rather than to individual councilmembers.

Council-Manager relationship

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

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

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

City Manager code of ethics

The City Manager is subject to a professional code of ethics that binds the City Manager to certain practices that are designed to ensure 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 Attorney

The City Attorney is the legal adviser for the City Council, City Manager and departments. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual councilmembers, but the City Council as a whole.

Roles and information Flow

Objectives

It is the intent of staff to ensure councilmembers 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 councilmembers 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 councilmembers, and to allow staff to execute the priorities given by management and the City Council as a whole without fear of reprisal.

City Council roles

The full City Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, workloads and schedules, departmental priorities, and the performance of City business. Councilmembers who wish to influence the actions, decisions, recommendations, workloads, work schedule and priorities of staff, must receive support from a majority of the City Council to do so as a matter of City Council policy.

Should a councilmember become dissatisfied about a department, he/she should always talk it over with the City Manager. Concerns about a department head must be taken to the City Manager only.

Access to information

Individual councilmembers as well as the City 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, councilmembers are asked to "cc" both the department head and the City Manager on all correspondence with staff.

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 councilmembers. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to councilmembers.

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

Staff roles

The City Council recognizes the primary functions of staff as serving the community, executing City Council policy and actions and in keeping the City Council informed. Staff is obligated to take guidance and direction only from the City Council as a whole or from the appropriate management supervisors through the City Manager. Staff is directed to report to the City Manager any attempts by individual councilmembers 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 councilmembers 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. Requests from an individual councilmember determined by the City Manager to take one hour or more of staff time to complete, may be included on the formal City Council agenda for full City Council discussion.

Information distribution

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

Magnitude of information requests

Any information, service-related request, or revised policy position perceived as necessary by individual councilmembers, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual councilmember in writing to the City Council as a whole. When raised at a City Council meeting, the full City Council can decide whether and when to agendize the request for further consideration. The City Manager will seek necessary clarification as to whether the City 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 the 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 take 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 City 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 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. Each Commission establishes a 2-year work plan that is in line with the City Council's goals, which guides the commissions' activities and projects.

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 City 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, fundraisers 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 councilmember 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 councilmembers. The City Manager specifically prohibits any political involvement in local campaigns by department heads.

Procedure history

Action	Date	Notes

City Council Resources and Finances

City Council Procedure #CC-19-XXX

Adopted X XX, 2019

Resolution No. XXXX



Purpose

<<Insert purpose>>

Resources

Staff support

General administrative support to councilmembers is provided through the City Manager's Office. Administrative services including scheduling of appointments and receipt of telephone messages are available as needed. 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/technology

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

Councilmembers may be connected from their home to the City's computer network. Information Technology 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. Each councilmember is provided the use of a tablet device. When individual councilmembers have completed their term of office, any technology must be returned to the City.

These technologies facilitate efficient communication by councilmembers. However, their use also raises important legal issues to which councilmembers must pay special attention. First, the Brown Act prohibits elected officials from using "technological devices" to develop a concurrence by a majority regarding an action to be taken by the legislative body. "Technological devices" under the Brown Act include phones, faxes, computer email, public access cable TV and video. Councilmembers should not use email, faxes or phones for communicating with other councilmembers in order to develop a majority position on any particular issue that may come before the full City 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 councilmembers, certain staff and to the local newspapers.

Second, be aware that most emails sent by councilmembers 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 backup 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 councilmembers. Councilmembers can also reserve larger meeting space for use by contacting the City Manager's Office staff.

Mail and deliveries

Councilmembers 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 councilmember. Meeting agenda materials are available for pick up Thursday evenings and are posted on the City's website. Councilmembers are encouraged to return unwanted binders, reports and documents to staff.

Finances

City Council compensation

State law and the Municipal Code provide for modest compensation to councilmembers. State law limits an increase in City Council salaries to 5 percent per year, effective only following the next election after adoption. Currently, councilmembers receive a stipend of \$640 per month. Councilmembers are also eligible for participation in group insurance benefits including retirement, medical, dental, vision, and life insurance plans available at the level provided to management employees.

Expenditure allowance

The annual city budget includes limited funding for members to undertake official City business. 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 councilmembers. Available funds are disbursed on a first come first served basis, with the Mayor and City Manager monitoring expenses during the year. City Council Policy #CC-91-0002 pertains 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.

Procedure history

Action	Date	Notes

City Council Conflicts and Liability

City Council Procedure #CC-19-XXX

Adopted X XX, 2019

Resolution No. XXXX



Purpose

<<Insert purpose>>

Conflicts of Interest

State laws are in place to prevent an action by a councilmember 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 councilmember 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 councilmember'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 councilmembers 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 councilmember 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 councilmember believes that he or she may have any financial interest in a contract that will be before the City Council, the councilmember should immediately seek advice from the City Attorney or the councilmember's personal attorney.

There are a number of other restrictions placed on City 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 councilmembers.

Conflict of interest forms

Annual disclosure statements are required of all councilmembers, designated commissioners and senior staff which indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Councilmembers 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.

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). Individual councilmembers or the full City 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 councilmembers, but the City Council as a whole.

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 councilmembers may result in that councilmember being personally liable for damages that would not be covered by the City's insurance. Examples may include discrimination, harassment or fraud.

Procedure history

Action	Date	Notes



SPECIAL MEETING AGENDA

Date: 7/15/2019
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

STAFF REPORT RELEASE NOTICE

Due to early release of the City Council agenda packet, the staff report will be available by 5 p.m. on July 11, 2019.

City Council adopted 2019-20 priorities and work plan quarterly update, ConnectMenlo study session follow up, and El Camino Real/Downtown specific plan biennial review update (Staff Report #19-155-CC)

Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting the City Clerk's Office at 650-330-6620. (Posted 7/2/2019.)

THIS PAGE INTENTIONALLY LEFT BLANK



STAFF REPORT

City Council

Meeting Date:

7/15/2019

Staff Report Number:

19-139-CC

Informational Item:

Belle Haven Child Development Center self-evaluation report for fiscal year 2018-19

Recommendation

This is an informational item and does not require City Council action.

Policy Issues

Review of the annual report by the Belle Haven Child Development Center governing board (City Council) is a State requirement for continued State grant funding.

Background

The California Department of Education requires Title 5 State preschool programs to conduct an annual self-evaluation and submit these findings to the State and the school's governing board at the close of each fiscal year. The Belle Haven Child Development Center is a Title 5 State preschool program; the City Council is the governing board and the city manager is the authorized representative responsible for signing the annual report completed by the BHCDC program coordinator.

Analysis

The fiscal year 2018-19 program self-evaluation report includes the Summary of Program Self-Evaluation Year 2018-19 (State form EESD 400).

Impact on City Resources

The total revenue estimate for fiscal year 2018-19 is \$1,064,861 while the expenditure estimate is \$1,464,666. The total net impact to the general fund is estimated to be \$399,805.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Belle Haven Child Development Center Self-Evaluation Report for fiscal year 2018-19
- B. Summary of findings DRDP
- C. Parent survey summary of findings
- D. Summary of findings ERS

Report prepared by:
Natalya Jones, Recreation Supervisor

Report reviewed by:
Derek Schweigart, Community Services Director



Program Self-Evaluation Fiscal Year 2018–19

1. **Contractor Legal Name** (Full Spelling of Legal Name required. Acronyms or site names not accepted):
City of Menlo Park Belle Haven Child Development Center
2. **Four-Digit Vendor Number:**
2184
3. **Program Director Name** (as listed in the Child Development Management Information System [CDMIS]):
Carmen Lo
4. **Program Director Phone Number:**
650-330-2272
5. **Program Director Email:**
cklo@menlopark.org

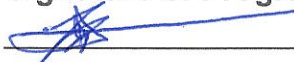
6. **Statement of Completion:**

I certify that an annual plan has been developed and implemented for the Program Self-Evaluation (PSE) that includes the use of the Program Review Instrument (PRI), age appropriate Environment Rating Scales, Desired Results Parent Survey, Alternative Payment and/or Resource and Referral Parent Survey, and the Desired Results Development Profile for all applicable contract types, per *California Code of Regulations*, Title 5 (5 CCR), Section 18279. I also certify that all documents required as part of the PSE have been completed and are available for review and/or for submittal upon request.

Program Review Instrument (<https://www.cde.ca.gov/ta/cr/proginst201819.asp>) **includes:**

- Desired Results Developmental Profile (PRI Item 8)
- Desired Results Parent Survey (Center-based Contracts, PRI Item 9)
- Parent Survey (Alternative Payment and/or Resource and Referral Contracts, PRI Item 9)
- Age Appropriate Environment Rating Scales (PRI Item 18)

7. **Signature of Program Director**, as listed in the CDMIS (Wet signature):



8. **Date of Signature:**
05/30/19
9. **Name and Title of contact person completing the PSE:**
Carmen Lo,
10. **Contact Person Telephone number:**
650-330-2272
11. **Contact Person Email Address:**
cklo@menlopark.org
12. **NOTE: See instructions for submission of the PSE.**

13. In accordance with Title 5 California Code of Regulations (5 CCR), Section 18279(b)(3), provide an assessment, in narrative format, summarizing the:

A) Staff and

B) Board member participation, in the PSE process.

Answers are not limited to space provided. Attach additional (Word document) sheets as necessary.

As the new director of Belle Haven CDC, this was my first year learning about the PSE process. I reached out to the Early Learning and Support Services department at the San Mateo County Office of Education. Once I understood the purpose and structure of the report, I began the planning process. Between October 2018 to April 2019, all four classrooms received the ERS assessment. This information was shared with lead staff during a monthly lead teacher's meeting in December. In doing so, leads were also provided a time frame to complete classroom related ERS purchases by April of 2019 to further support continued compliance and improvements. The program director along with QRIS coach made weekly visits to each of the four classrooms to assess and continue support where necessary.

Upon the year-round enrollment that began in July of 2018, classroom staff were provided a color coded excel print out, highlighting the upcoming 60-day Desired Results Developmental Profile (DRDP) due dates in preparation for the new fiscal year. This excel print out was created with the help of the QRIS coach to be sure the dates for the fiscal year was projected in a timely manner. During the months of September-October, DRDP's were completed and entered into the new DRDP online database. In conjunction with DRDP assessment results and continuous observation and documentation, the director met with the QRIS coach biweekly from October through May to assess and review the selected program goals. The coach visited program two times a week to follow up at the classroom level based on information shared and exchanged in our bi-weekly discussions.

In addition to continuous monitoring and assessment at a classroom level, in September of 2018, a new parent education and engagement plan was created. The Parent Advisory Committee process also began and continue on a monthly basis. In January of 2019, the desired results parent survey was given to each family. The surveys were scheduled for return by mid-February. The surveys were reviewed and results were compiled for analysis thereafter. A completed summary overview was available by end of February. The director reviewed each item and survey comment in the process to determine the programs strengths, improvements, and areas of support.

Upon completion of the annual Program Self Evaluation (PSE), all compiled documentation along with the report was shared with the recreation supervisor and presented to the City Council. During the PSE process, the program director, QRIS coach, lead teachers, classroom staff, and administrative data personnel were all a part of the staggered process with the 18-19 fiscal year. Through the completion of the PSE process, I, as the new director learned

a lot regarding State compliance, best practices, and the programs potential to continue quality services for communities in need.

14. In accordance with 5 CCR, Section 18279(b)(5), provide a summary of the program areas that:

A) Did not meet standards and

B) A list of tasks needed to improve those areas.

Summary is to include all contract types for your agency. Answers are not limited to space provided. Attach additional (Word document) sheets as necessary.

As the City of Menlo Park Belle Haven Child Development program continues to adhere to Title V regulations and compliance, through the PSE process, the following areas were identified for improvement. Per our DRDP program trends, we have identified science as an appropriate area of improvement. With science, technology, engineering, art, and math (S.T.E.A.M) continuing to present an upward trend in the field of Education, the need to align with current practices is important and necessary to support the success of our future leaders. To improve this area, the QRIS coach will transition into scaffolding science related activities during her classroom visits. Activities within teacher's curriculum will continue to embed portions of math, cooking, and science for continuous skill building in the Social-Emotional Development. Through the center's Big Lift grant, a portion of the grant will be allotted for instructional science material enhancement. Moreover, the director will plan to have teachers visit other Early Childhood programs and attend available related training to gain new visions and ideas in expanding science and other related areas of knowledge.

Per our Desired Results Parent Survey Overview, 10% of the center's parents reported that they would have liked to receive more information regarding additional services offered in the community. As a result of the low-income (at risk) population that the program serves in the community, we understand the necessity to collaborate with other community base partners (CBO) in order to meet the needs of families in a wholesome and well-rounded lens. Moving into a new fiscal year, the center will continue to place an emphasis around family support and community engagement. To do so, the following tasks will take place.

- Develop a comprehensive parent education plan with parent engagement specialist to include CBO information and participation. For instance, local food banks, insurance application support, district referral supports.
- Inform families of program's community collaborations through newsletter, parent orientation, and flyers
- Survey parents regarding best point of communication for additional resources and type of resources desired.
- Reconvene with parents and PAC throughout the year for follow through and reflective analysis.

Lastly, the City of Menlo Park Belle Haven Child Development program's ERS reflected language-reasoning as an area of improvement within the center. While many of the children

served are second language learners, the assessments suggested that children need more opportunities to learn various levels of concepts and extend learning during adult and child interaction in their activities. As the program looks to increase children's skills and raise the total score in the language-reasoning area, the program will plan and implement the following.

- The QRIS coach and/or external trainer will offer a training on building language development revolving around a rich language environment such as self-talk modeling and parallel talk. The training will also build on supporting rich vocabulary building and the use of open-ended questions and prediction to increase language reasoning. This process will be planned out throughout the year so teachers can have time to be trained, coached and practice.
- Throughout the year, the program director will conduct walk-throughs to monitor and offer support as needed amongst all classrooms.
- Program staff will utilize the first DRDP assessment period data to gauge growth between July – October and make any necessary adjustment before proceeding with the training calendar.
- In partnership with the QRIS coach, a Quality Improvement plan (QIP) to address the need for improved child directed speech, advance vocabulary, appropriate syntax, and parallel talk will be created.

In accordance with 5 CCR, Section 18279(b)(6), provide a summary of program areas that:

A) Met standards and B) Explains the procedures for ongoing monitoring to ensure that those areas

continue to meet standards. Summary is to include all contract types for your agency. Answers are not limited to space provided. Attach additional (Word document) sheets as necessary.

In the 2018-19 fiscal year, the City of Menlo Park Belle Haven Child Development center meet standards in the following:

- The center's QRIS rating increased from tier 3 to 4.
- This fiscal year's parent meeting engagement increase 2-3 times in participation consistently throughout the year.
- PAC team participation and support increased with additional support and projects completed.
- 100% of the families who completed the parent survey stated they feel that their child(ren) is safe in this program.
- All pertinent areas within question three of the parent survey rated above the 90 percentile.
- The QRIS coach in conjunction with the director successfully implemented a more comprehensive curriculum template for teachers.
- Teachers have modeled scaffolding offered by the coach and continue to offer more 3D art related activities to children.
- With the support of the family engagement specialist funded by the Big Lift, we successfully restructured the center's PAC team and parent engagement timeline.
- Through the support of the Early childhood consultant, teachers are supported social emotionally to actively engage and implement necessary support systems and techniques for challenging children and their families.

In order for sustainable quality of the above areas to continue, the director will maintain the level of support and expectations for the staff and center while analyzing and identifying any possible gaps. In doing so, the hope is that the quality of the above areas are not only maintained but continue to thrive. The director and teaching team will continue to work closely with the QRIS coach in classroom environments and adult child interaction. The director will work with San Mateo County of Education personnel to request increase coaching hours and participate in the CSEFEL training. QRIS coach and director will continue to meet on a consistent basis to cross check and monitor maintenance and improvements throughout the year. We will conduct a program review to brainstorm. The program director will engage staff in the program review process and seek ideas for continual monitoring and improvement of the tiered process. By engaging the whole came, we expect that program quality continue to increase.

California Department of Education
Early Education and Support Division
March 2017

**Desired Results Developmental Profile – Summary of Findings
Program Action Plan Educational Goal**

Contractor Legal Name City of Menlo Park Belle Haven Child Development Center	
Contract Type CSPP	Age Group (Infant/Toddler, Preschool, School-Age) Preschool
Planning Date April 2019	Lead Planner Name and Position Carmen Lo, Program Coordinator Leticia Gutierrez, Lead Teacher Stephanie Enriquez, Lead Teacher Maria Lopez, Lead Teacher Elaine Chan, Lead Teacher
<p>Review the Desired Results Developmental Profile Summary of Findings at the Program or Network level and plan on the areas that your agency will focus on. Each contract type should have a program level plan and action steps. Include this information in the response boxes below.</p> <p style="text-align: center;">This form can be expanded and is not limited to a single page.</p>	
<p>Key Findings by Domain from Developmental Profiles</p> <p>Ask: Where is the program now?</p>	<p>Based on the center’s group progress report, the following was found:</p> <p>45% of the total retrieved data reflected in building earlier under the science domain</p> <p>34% of the total retrieved data reflected at the end of building earlier in the Language and Literacy domain</p>

<p>Educational Program Goal(s)</p> <p>Ask: Where does the program want to go?</p>	<p>As a program, we would like to see an increase in the children’s development within the science and language and literacy domains. The program strives to move into building middle. The children will be offered more science related curricula and exploration.</p>
<p>Action Steps (i.e. address activity planning, curriculum modifications, materials required, staff or program schedules, child-staff interactions, classroom use of space, professional development, parent education, and/or community outreach)</p> <p>Ask: How does the program get there?</p>	<p>In order to address the education goals above, the following will take place</p> <ul style="list-style-type: none"> -QRIS coach will scaffold science related activities during her weekly classroom visits -The center will enhance instructional science material to support curricula -Lead teachers will increase the variety and occurrence of S.T.E.A.M related activities for continuous skill building -Program director will plan to coordinate with other CDC’s for classroom exchanges to extend knowledge and new visions.
<p>Expected Completion Date and/or Ongoing Implementation and Persons Responsible</p> <p>Ask: By when?</p>	<p>The above action steps will be ongoing throughout the fiscal year beginning in July of 2019. Instructional material will be ordered in the summer to support the remaining action steps moving forward.</p> <p>Program coordinator, lead teachers, teachers, senior program assistant, and QRIS coach will all be part of the above process.</p>

California Department of Education
Early Education and Support Division
March 2017

Parent Survey Summary of Findings

Contractor Legal Name City of Menlo Park Belle Haven Child Development Center	Contract Type and/or FCCHEN CCSP
Planning Date February 2019	Lead Planner Name and Position Carmen Lo, Program Coordinator
Follow-up Date(s) Fall of 2019	Lead Planner Name and Position Katalina Tameilau, Family Engagement Specialist

This form can be expanded and is not limited to a single page.

Key Findings from Parent Surveys	Action Steps (Including communication, training, schedule, space, instructional materials, and supervision changes)	Expected Completion Date and/or Ongoing Implementation and Persons Responsible	Follow-Up and Reflection (Changes made, date completed, time extended)
10% of parents would have liked to receive more information regarding additional services available in the surrounding community	<ul style="list-style-type: none"> -Develop a parent education plan to include CBO information and partnership with center. -Increase the advertisement of community collaborations through newsletter, parent orientation, parent emails, and flyers. -Survey parents regarding best communication/contact method regarding community resources and events -Connect with the center's Parent Advisory Committee with the process and identify possible areas of improvement through a reflective process 	<ul style="list-style-type: none"> July-Sept 2019 (Program coordinator & family engagement specialist) Ongoing throughout school year (Family engagement specialist, senior program assistant, office assistant, and teachers) Summer through Fall of 2019 (Program coordinator, family engagement specialist, senior program assistant, teachers) Continuous on quarterly basis during PAC meetings. 	

California Department of Education
Early Education and Support Division
March 2017

Environment Rating Scale – Summary of Findings

Contractor Legal Name: City of Menlo Park Belle Haven Child Development Center	
Contract Type and/or FCCHEN CCSP	Age Group (Infant/Toddler, Preschool, School Age) 3-5
Planning Date March 2019	Lead Planner Name and Position Carmen Lo; Program Director
Follow-up Date(s) July 2019-Jan 2020	Lead Planner Name and Position

This form can be expanded and is not limited to a single page

Subscales and Average Scores	Key Findings from Environment Rating Scale (ERS Items)	Action Steps (Include instructional materials, training needs, change to schedules, space, and supervision.)	Expected Completion Date and Persons Responsible	Follow-Up and Reflection (Changes made, date completed, and time extended.)
Language Reasoning Avg:4.56	Children need an increase of opportunities to learn various levels of concepts during interactions and activities.	Review findings in Lead teachers' meeting.	April 2019 Program Coordinator	
		Identify and purchase the necessary instructional materials in support of key finding and subscale.	April-June 2019 Program coordinator, lead teachers, office assistant	

		A Quality Improvement plan(QIP) will be created to address the need	June-October, 2019 Program coordinator and QRIS coach.	
		Staff will utilize first set of DRDP assessment period data to gauge progress and make any necessary adjustments for the remainder of the fiscal year	November-December 2019 Program coordinator, lead teachers, teachers, QRIS coach	
		Training and scaffolding will be provided to staff related to parallel talk, open-end questions, vocabulary building.	January 2020 QRIS coach, trainer, staff.	

THIS PAGE INTENTIONALLY LEFT BLANK