

**DATE:** September 28, 2022

**TO:** Council Policy and Procedures Committee

**FROM:** Heather Glaser, City Clerk

**SUBJECT:** **Amendments to the Council Code of Conduct and Council Policy K-2, Council Advisory Bodies, Related to Requirements for Service and Other Minor Amendments**

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### **BACKGROUND**

On August 24, 2021, the City Council referred to the Council Policies and Procedures Committee (Committee) an item to consider whether to add language to the Council Code of Conduct or another City Policy restricting advisory body member participation in meetings until a past-due Fair Political Practices Commission (FPPC) filing is completed.

Once appointed, advisory body members, with some exceptions, are required to: (1) sign and file Attachment 2 (Council Advisory Body Personal Code of Conduct) to the City Council Code of Conduct with the City Clerk; (2) take an oath of office before serving on the body to which they were appointed; (3) take two hours of ethics training within two months of assuming office and every two years thereafter (as required by Assembly Bill 1234); and (4) file an FPPC Statement of Economic Interests Form 700 within 30 days of assuming office (as required by the Political Reform Act, Government Code Sections 87200, *et seq.*) and annually thereafter.

The Council Code of Conduct outlines the requirement for City officials to take an oath of office (Preamble), take ethics training (Chapter 3.6), sign and file Attachment 2 (Council Advisory Body Personal Code of Conduct) with the City Clerk (Chapter 5.2.4), and reasons for admonishing, removing, or sanctioning an advisory body member, inclusive of "...violation of law such as the Political Reform Act..." (Chapter 5.5). Council Policy K-2, Council Advisory Bodies, establishes policies and procedures governing the appointment of City commission, board, and committee members (collectively, "Council advisory bodies"). If the Committee desires to recommend adding specific language restricting advisory body member participation in meetings until a past-due FPPC filing is completed, staff recommends adding the specific language to Council Policy K-2, Council Advisory Bodies, and amending Chapter 5.5 of the Council Code of Conduct to require specific compliance with Council Policy K-2, Council Advisory Bodies.

## **OTHER AMENDMENTS**

Staff recommends other amendments to Council Policy K-2, Council Advisory Bodies, including the:

1. Addition of language requiring advisory body members to attend Brown Act Training as provided by the City Attorney's Office.
2. Addition of language restating the requirements from the Council Code of Conduct for advisory body members to sign and file Attachment 2 (Council Advisory Body Personal Code of Conduct) with the City Clerk and the complete ethics training as necessary.
3. Removal of language referencing the ability for Council to appoint an alternate to fill a vacancy for unexpired terms. This provision is in direct conflict with the requirement on Page 7 requiring the posting of a special notice of vacancy when a vacancy occurs for any reason except for the expiration of a term and the requirements of Government Code Section 54974, which states that: "[f]inal appointment to the board, commission, or committee shall not be made by the legislative body for at least 10 working days after the posting of the notice in the clerk's office."

Additionally, staff recommends minor amendments to Council Code of Conduct Chapters 2.3.2 and 6.6.3 to more closely align with the most recent updates made to Council Policy A-13, City Council Meetings.

## **RECOMMENDATION**

Staff recommends amending the Council Code of Conduct as outlined in Attachment 1 to incorporate minor amendments and add specific reference to Council Policy K-2, Council Advisory Bodies, in Chapter 5.5. Additionally, staff recommends amending Council Policy K-2, Council Advisory Bodies, to incorporate requirements for ethics training, Brown Act training, compliance with the City's Conflict of Interest Code, and other minor amendments, as outlined in Attachment 2. Direction provided to staff will be taken to Council for adoption at the next meeting practicable.

HG/MAM/6/CLK  
430-09-28-22M-1

- Attachments:
1. Council Code of Conduct (redline)
  2. Council Policy K-2, Council Advisory Bodies (redline)

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

**ADOPTED  
NOVEMBER 19, 2002**

**REVISED  
~~JANUARY 3, 2019~~ \_\_\_\_\_**

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## CHAPTER 1—FORM OF GOVERNMENT

### 1.1 Form of Government

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

“Neither the Council nor any of its members shall interfere with the execution by the City Manager of the City Manager’s powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the department heads in the administrative service of the City, of any person to any office or employment, or that person’s removal therefrom. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.”

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

- 1.1.3.1 Prohibits interference by either the City Council or any of its members with the City Manager’s execution of ~~his or her~~ the City Manager’s powers or duties.
- 1.1.3.2 Neither the Council nor a member shall interfere with the appointment by the City Manager of any of the department heads or any person to any office or employment.
- 1.1.3.3 Neither the Council nor any of its members shall interfere with the City Manager’s power to remove any of those persons.
- 1.1.3.4 Except for purposes of inquiry (asking questions), the Council and its members shall deal only with the City Manager with respect to the administrative service of the City.

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

1.1.3.5 Neither the Council nor any of ~~its~~ the Council's members shall give orders to any subordinate of the City Manager, either publicly or privately.

1.1.4 Neither the City Council nor any of ~~its~~ the Council's members shall interfere with the administration of the City Attorney's or City Clerk's duties or give orders to the subordinates of the City Attorney or City Clerk.

## CHAPTER 2—COUNCIL POWERS AND RESPONSIBILITIES

### 2.1 City Council Generally

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

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

- 2.2.1 The selection of the Mayor and Vice Mayor occurs annually at the first Council meeting in January by majority vote of the City Council. City Council Policy A-6, Election of Mayor and Vice Mayor, sets forth nonbinding guidelines for the selection of the Mayor and Vice Mayor.
- 2.2.2 The Mayor is the presiding officer of the City Council. In the Mayor's absence, the Vice Mayor shall perform the duties of the Mayor.
- 2.2.3 The Mayor is the official head of the City for all ceremonial purposes.
- 2.2.4 The Mayor may perform such other duties consistent with the mayoral office as may be prescribed by the City Charter or as may be imposed by the Council.
- 2.2.5 The Mayor does not possess any power of veto.



- 2.2.6 The Mayor, or Council designee, coordinates with the City Manager in the development of agendas for meetings of the City Council. Once the agenda is published, the City Manager may withdraw an item; however, only the City Council may otherwise alter the agenda.
- 2.2.7 The Mayor and Vice Mayor serve at the pleasure of the Council and can be replaced at any time by a majority vote of the Council.

### **2.3 Council Actions**

- 2.3.1 Legislative actions by the City Council can be taken by means of ordinance, resolution, or minute action duly made and passed by the majority (unless otherwise provided).
- 2.3.2 Public actions of the Council are recorded in the minutes of the City Council meeting. The City Clerk is required to make a record only of business actually passed upon by a vote of the Council and is not required to record any remarks of Councilmembers or of any other person, except at the special request of a Councilmember, ~~with the consent of the Council.~~ In the case of items where no vote is taken, a brief summary of direction provided by the Council majority shall also be recorded.
- 2.3.3 Actions of the Council concerning confidential property, personnel, and/or legal matters of the City are to be reported consistent with State law.

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

- 2.4.1 The City Council may organize itself into standing and/or special/ad hoc committees of the Council to facilitate Council review and action regarding certain matters referred to them by the City Council or in accordance with City Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees.
- 2.4.2 All work undertaken by a Councilmember committee must originate with the Council or as permitted under City Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees, and all actions of committees shall be reported to the Council.
- 2.4.3 The Council may create or dissolve standing committees at any time by the affirmative vote of a majority of the Council.
- 2.4.4 The Mayor annually appoints members to standing committees.

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

## **2.5 Establishment and Appointment of Council Advisory Bodies**

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

## **2.6 Appointment by Council to Regional Boards**

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

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

## CHAPTER 3—LEGAL AND ETHICAL STANDARDS

### 3.1 Preamble

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

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

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

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

### 3.2 Public Interest

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

3.2.2 Councilmembers shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Mountain View City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

### 3.3 Conduct

- 3.3.1 Councilmembers shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff, or the public.
- 3.3.2 Councilmember duties shall be performed in accordance with the processes and rules of order established by the City Council.
- 3.3.3 Councilmembers shall inform themselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand.
- 3.3.4 Council decisions shall be based upon the merits and substance of the matter at hand.
- 3.3.5 It is the responsibility of Councilmembers to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Councilmembers and the public prior to taking action on the matter.
- 3.3.6 Appropriate City staff should be involved when Councilmembers meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff informed.
- 3.3.7 Councilmembers shall not attend internal staff meetings or meetings between City staff and third parties unless invited by City staff or directed by Council to do so.
- 3.3.8 Policy Role
  - 3.3.8.1 Councilmembers shall respect and adhere to the council-manager structure of Mountain View City government as provided in State law and the City Charter.
  - 3.3.8.2 Councilmembers shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.
- 3.3.9 Implementation
  - 3.3.9.1 Ethics standards shall be included in the regular orientations for City Council candidates. Councilmembers entering office and upon reelection to that office shall sign a City Council Personal Code of Conduct statement (Attachment 1) affirming they have read and understand this City of Mountain View City Council Code of Conduct.

### 3.4 Conflict of Interest

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

### 3.4.9 Mountain View City Charter Provisions

#### 3.4.9.1 Financial Interests in City Contracts Prohibited-

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

#### 3.4.9.2 Nepotism-

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

#### 3.4.9.3 Political Activities Prohibited; Discrimination-

This provision provides that:

1. No employee shall, while in uniform or during the employee's working hours, take an active part in any municipal or other political campaign.
2. No employee shall, while in uniform or during the employee's work hours, seek or accept contributions for or against a candidate or issue.
3. An employee may not seek or accept signatures to any petition for or against any such candidate or issue during ~~his or her~~the employee's work hours.
4. No person in the classified service shall be employed, promoted, demoted, or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief. (Section 1003) -(Also see Section 4.3.7)

5. For purposes of this section, the term “employee” shall include contract employees and consultants who function as City employees.

### 3.4.10 Mountain View City Code Provisions

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

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

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

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

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

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

### 3.4.11 California State Law Regarding Conflicts

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

#### 3.4.11.1 Constitutional ~~p~~Prohibitions

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

#### 3.4.11.2 Contractual ~~e~~Conflicts of ~~i~~Interest

This prohibition, found in Government Code Section 1090, mirrors the City’s Charter Provision Section 706 and applies to elected and appointed officials as well as other City staff members. It prohibits the City from entering into a contract if one of its members (i.e., a Councilmember) is financially interested in the contract. If the bar (or

prohibition) applies, the agency is prohibited from entering into the contract whether or not the official with the conflict participates or not. In some limited circumstances, officials are allowed to disqualify themselves from participation, and the agency may enter into the contract.

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

### 3.4.11.3 Political Reform Act—Conflicts of Interest

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

The ~~Act~~ PRA and the regulations are complex and are continuously subjected to official interpretation. The following synopsis of key parts of the ~~Act~~ PRA will be helpful in spotting issues; however, the FPPC and/or City Attorney should be consulted for further advice and clarification.

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

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

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



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

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

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

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

- Preparing or presenting any report, analysis, or opinion orally or in writing which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision.

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

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

3.4.11.3.4 Political Reform Act—Gifts, etc.

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

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

(e.g., wedding gifts); however, the obligation to report the gift typically does apply.

- A gift is a payment made by any person of anything of value, whether tangible or intangible, real or personal property, a good or service that provides a personal benefit to an official when the public official does not provide goods or services of equal or greater value. It can include forgiveness of a debt, a rebate or discount unless the rebate or discount is made through the regular course of business to members of the public.
- There are exceptions to gifts for informational material, gifts that are returned unused, gifts from relatives—close family, campaign contributions, home hospitality, benefits commonly exchanged, reciprocal exchanges, acts of neighborliness, bona fide dating relationship, acts of human compassion, ceremonial role, etc.
- There are specific regulations for how gifts are valued, particularly with the value of tickets and passes and attendance at dinners and events.
- Gifts can be given to the public agency and they are not charged as gifts to an individual who may use the gift (e.g., tickets) provided the express terms of the appropriate regulation are satisfied.

#### 3.4.11.3.4.1 Travel Reimbursements

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

#### 3.4.11.3.4.2 Honoraria

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

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

#### 3.4.11.3.4.3 Political Reform Act—Mass Mailings

A mass mailing is defined as 200 or more substantially similar pieces of mail sent at

public or private expense by a public official within a calendar month.

- Sent at Private Expense—If sent for a political purpose, sender must place the name and address on the outside of the envelope.
- Sent at Public Expense—These mailings are subject to strict limitations. For example, the mailing may not contain the name or pictures of elected officials except as part of the standard letterhead, and within the confines of that regulation they cannot be of different size or otherwise emblazoned on the mailing. Because the rules are complex, staff should be consulted for assistance.

#### 3.4.11.3.4.4 Political Reform Act—Enforcement

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

#### 3.4.11.5 Common Law Conflicts of Interest

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

#### 3.4.11.6 Appearance of Impropriety

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

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

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

### 3.5 Compliance and Enforcement—All Rules

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

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

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

- 3.5.1.2 If the Mayor, City Manager, and City Attorney do not agree that the violation or alleged violation is minor (see Section 3.5.1.1) in nature, then the Mayor shall convene a special ad hoc committee of the Mayor (who will serve as Chair), Vice Mayor, and most recent Mayor (the “Ethics Committee”) who will meet with the City Manager and City Attorney and appropriate staff and/or witnesses to determine how the matter may proceed, be resolved, or be reported to the appropriate authorities (Protocol 2).
- 3.5.1.3 In implementing the provisions of this section, the Ethics Committee will be authorized to conduct all inquiries and investigations as necessary to fulfill their obligation.
- 3.5.1.4 For purposes of Sections 3.5.1.1 and 3.5.1.2, the incident or violation is not minor if it involves the injury or potential injury to any person (e.g., physical, emotional, defamation, harassment, etc.), significant exposure to the City Treasury, or the probability for a repeat occurrence.
- 3.5.2 Councilmembers wishing to report a suspected violation by a staff member should report it to both the City Manager and City Attorney.
- 3.5.3 In the event any Councilmember with a role in this policy is the subject of the inquiry, the role of that official shall be assumed by the next ranking official in the chain. For example, if the Mayor is the subject of the inquiry, the Ethics Committee shall be comprised of the Vice Mayor (who will serve as Chair) and the two (2) most recent former Mayors. If the City Manager or City Attorney is the subject, the Ethics Committee will exclude that individual.

If there is no recent former Mayor available to fill the appropriate seat(s) on the Ethics Committee, the Mayor or chair will select a member of the Council to serve—selection to be based on seniority as outlined in Policy and Procedure No. A-6.
- 3.5.4 The term “committee” or “Ethics Committee” is used for ease of reference only as it is not intended by this policy to create a permanent or standing committee but, rather, to assemble the officials necessary to review complaints should the need arise.
- 3.5.5 This policy and the protocols set forth are alternatives to any remedy that might otherwise be available or prudent. In order to ensure good government, any individual, including the City Manager and City Attorney, who believes a violation may have occurred is hereby authorized to report the violation to other appropriate authorities.

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

### 3.6 **Assembly Bill 1234—Required Ethics Training**

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

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

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

#### 3.6.1 **Enforcement**

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



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

## CHAPTER 4—COMMUNICATIONS

### 4.1 Written Communications

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

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

### 4.2 Request for Staff Resources

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

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

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

### 4.3 Relationship/Communications with Staff

Staff serves the City Council as a whole; ~~it~~ therefore:

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

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

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

#### **4.4 Council Relationship/Communication with Council Advisory Bodies**

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

#### **4.5 Handling of Litigation and Other Confidential Information**

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

- 4.5.1.2 Confidential materials provided to Councilmembers outside of Closed Sessions must be destroyed, deleted, or returned to staff within ~~thirty~~ ~~(30)~~ days of their receipt.
- 4.5.1.3 Councilmembers may not request confidential written information from staff that has not been provided to all Councilmembers.

#### **4.6 Representing an Official City Position**

- 4.6.1 ~~City~~ Councilmembers may use their title only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority.
- 4.6.2 Once the City Council has taken a position on an issue, all official City correspondence regarding that issue will reflect the Council's adopted position.
- 4.6.3 In most instances, the Council will authorize the Mayor to send letters stating the City's official position to appropriate legislators.
- 4.6.4 If a member of the City Council appears before another governmental agency organization to give a statement on an issue affecting the City, the Councilmember should indicate the majority position and opinion of the Council.
- 4.6.5 Personal opinions and comments may be expressed only if the Councilmember clarifies that these statements do not reflect the official position of the City Council.

#### **4.7 Quasi-Judicial Role/*Ex Parte* Contacts**

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

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

##### **4.7.1 Ex Parte Contacts/Fair Hearings.**

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

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

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

#### **4.8 No Attorney-Client Relationship**

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

## CHAPTER 5—COUNCIL ADVISORY BODIES AND RENTAL HOUSING COMMITTEE

### 5.1 Boards, Commissions, and Committees Generally

5.1.1 The Mountain View City Charter establishes the following boards and commissions to advise the City Council:

- Planning Commission (now known as the Environmental Planning Commission). (Section 906)
- Recreation and Parks Commission (now known as the Parks and Recreation Commission). (Section 909)
- Board of Library Trustees (now known as the Library Board). (Section 911)

5.1.2 The City Charter authorizes the City Council to establish additional advisory boards and commissions to assist the Council in its policy decisions. The City Council has the inherent power to create committees.

5.1.3 City boards, commissions, and committees (collectively “Council advisory bodies”) do not set or establish City policy or administrative direction to City staff, except as provided in City Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees.

5.1.4 Appointments to boards, commissions, and committees are made by adoption of a resolution of the majority of the Council after the review and consideration of the recommendation(s) of the Council Appointments Review Committee. Appointees to Council advisory bodies serve at the pleasure of the City Council.

5.1.5 The terms “board” and “commission” can be used interchangeably. Boards and commissions typically have broader policy and advisory responsibilities than committees which typically have much more focused advisory roles to the Council.

5.1.6 The Mountain View City Charter establishes a Rental Housing Committee to be appointed by the City Council. (Section 1709).

### 5.2 Board, Commission, and Committee Organization and Conduct

5.2.1 Annually, each board, commission, and committee elects one of their members to serve as the presiding officer or chair.

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

### 5.3 Board, Commission, and Committee Appointments

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

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

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

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

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

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

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

#### 5.4 Boards, Commissions, and Committees—Vacancy of Office

- 5.4.1 The City Charter provides that if “a member of a board or commission is absent from three regular meetings of such board or commission, consecutively or within a calendar quarter, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector and resident of the City, that office shall become vacant upon the declaration of Council. The Council may, for good cause, determine that a vacancy has not been created.”
- 5.4.2 Resignations may be submitted at any time to the City Council either directly or through the board, commission, or committee chair. Resignations are effective upon submittal.
- 5.4.3 Upon notice of a vacancy, the Council Appointments Review Committee shall initiate the appointment procedure detailed in City Council Policy ~~\_K--2, Board, Commission, and Committee Appointments~~ Council Advisory Bodies, leading to a recommendation to the City Council for a successor of such vacancy and the successor will be appointed to serve only to the date of the unexpired term pursuant to Section 905 of the City Charter.

#### 5.5 Advisory Bodies and Rental Housing Committee—Admonition, Sanction, and Removal

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

##### 5.5.2 Definitions

###### 5.5.2.1 Admonishment

The first level of action is a public reminder or warning typically directed to all members of the advisory body or the RHC that a particular type of behavior is in violation of law, City policy, or Code of Conduct, and that, if the behavior continues, a member of the advisory body or the RHC could be subject to removal. An admonition may be issued by the City Council prior to any findings of fact regarding allegations of wrongdoing. Since an admonition is a warning or reminder and not punishment or discipline, an investigation or separate hearing is not necessarily required.

###### 5.5.2.2 Removal

The act of removing a member of the advisory body or the RHC from ~~his or her~~ the member’s seat so that the seat is vacant. Removal is a punitive action. The suspension of rights of the member is the penalty



imposed for wrongdoing. Removal is reserved for cases in which the Council determines the violation of law or policy is a serious offense warranting the removal of a member from the advisory body or the RHC.

#### 5.5.2.3 Sanction

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

- 5.5.3 Grounds for admonition, sanction, or removal include, but are not limited to, absenteeism, failure to meet eligibility requirements, incapacity, violation of law such as the Political Reform Act, violation of the Code of Conduct, or City policy, including, but not limited to, the requirements outlined in City Council Policy K-2, Council Advisory Bodies.
- 5.5.4 The request for admonition, sanction, or removal may be initiated by two Councilmembers. The request shall be forwarded to the Mayor, who will meet with the City Manager and City Attorney to determine whether the complaint can be resolved informally or if the alleged violation(s) requires further investigation. The request shall also be sent to the subject member of the advisory body or the RHC within five ~~(5)~~ business days of receipt.
- 5.5.5 If the complaint is minor in nature and is deemed to not require further investigation, the Mayor and either the City Manager or City Attorney may contact the individual members of the advisory body or the RHC and advise the member of the concern and seek to resolve the matter.
- 5.5.6 If the Mayor, City Manager, and City Attorney conclude that the alleged violation warrants further action, the Mayor shall convene a special ad hoc committee consisting of the Mayor (who shall serve as Chair), Vice Mayor, and most recent Mayor, who will meet with the City Manager and City Attorney and appropriate staff and/or witness(es) to determine how the matter may proceed. If necessary,

the ad hoc committee may select an independent investigator to assist in conducting the investigation.

- 5.5.7 The ad hoc committee, after meeting and investigating the matter if necessary, shall make a recommendation to the City Council regarding whether an admonishment, sanction, or removal is warranted or if no further action should be taken.
- 5.5.8 Once the ad hoc committee has reached a recommendation, the ad hoc committee's written recommendation shall be placed on a future public meeting agenda. The report of the ad hoc committee shall also be sent to the subject member of the advisory body or the RHC within five ~~(5)~~ business days of completion of the written recommendation. If a sanction is proposed, the subject member of the advisory body or the RHC will have the opportunity to provide a written response for the Council's consideration at the scheduled meeting. During such meeting, the City Council will receive the recommendation of the ad hoc committee and decide, by a majority vote, whether or not to proceed with the recommended action or take no further action. If an admonition or sanction is agreed upon, such admonition or sanction shall be based on a review of the written record and any information provided as part of the Council meeting, including any written response to the request of sanction. The Council may issue such admonition or sanction in the form of a letter at the same meeting.
- 5.5.9 If, after receiving the ad hoc committee's report, the Council determines that a removal may be warranted, a removal hearing shall be placed on a public meeting agenda at least ~~fourteen (14)~~ days from the meeting at which the Council received the ad hoc committee's recommendation in order to give the subject member of the advisory body or the RHC adequate time to review the allegations and evidence against ~~him or her~~ the subject member and to prepare for the hearing.
- 5.5.10 At the removal hearing, the subject member of the advisory body or the RHC will be provided the opportunity to present evidence, including making opening and closing statements and calling witnesses on ~~his or her~~ the subject member's behalf. The hearing is informal, and the rules of evidence and judicial procedures do not apply. At a removal hearing, the member of the advisory body or the RHC could question witnesses. Any questioning or cross-questioning of witnesses may be reasonably limited by the Mayor.
- 5.5.11 After the removal hearing, the City Council will determine the action to be taken by an affirmative vote of at least four ~~(4)~~ members. The City Council may remove the member of the advisory body or the RHC if it finds substantial evidence supports the allegations of misconduct giving rise to the removal. The decision to either remove a member of the advisory body or the RHC shall be memorialized

by findings adopted in a resolution. The City Council may also determine a lesser action is warranted as provided in this procedure.

## CHAPTER 6—MEETINGS

### 6.1. Ralph M. Brown Act

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

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

### 6.2 Regular Meetings

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

All ~~regular~~ Council mRegular MMeetings are open to the public.

### 6.3 Study Sessions

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

### 6.4 Closed Sessions

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

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

## 6.5 Special and Emergency Meetings

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

## 6.6 Meeting Agendas

### 6.6.1 Preparation of Agendas

- 6.6.1.1 Council agendas and supporting information are prepared by the City Manager and City Clerk.
- 6.6.1.2 For Council advisory bodies and Councilmember committees, agendas and supporting information are prepared by the supporting City department to the Council advisory body or Councilmember committee as directed by the City Manager.

### 6.6.2 Placing Items on Agendas

#### 6.6.2.1 Council Agendas

- 6.6.2.1.1 The City Manager determines, in consultation with the Mayor, which items are placed on the agenda and the timing for scheduling such items.
- 6.6.2.1.2 A Councilmember’s request for an item to be agendized will be done as an action item with support work of up to one hour by staff. If more than one hour of work is required, then the item will be agendized to ask Council if

time should be spent on preparing a full report on the proposed agenda item.

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

#### 6.6.2.2 Council Advisory Body and Councilmember Committee Agendas

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

### 6.6.3 Order of Agenda Items

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

1. Call to Order/Pledge of Allegiance

2. Roll Call

~~2A3. Proclamations/~~Presentations

~~3. Minutes Approval~~

4. Consent Calendar

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

5. Oral Communications from the Public

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

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

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

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

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

#### 6. Public Hearings

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

#### 7. Unfinished Business

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

#### 8. New Business

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

## 9. Items Initiated by Council

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

## 10. Council, Staff/Committee Reports

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

## 11. Closed Session Report

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

## 12. Adjournment

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

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

## 6.7 Rules of Procedure

6.7.1 City Council Policy A-13, City Council Meetings, provides general guidance for the conduct of Council meetings. From time to time, the Council may depart from its specific requirements for the convenience of the public, Council consideration, and debate, or to expedite the processing of business. The Council, by majority vote, however, may at any time reinvoke Council Policy A-13's specific requirements.

6.7.2 In instances not addressed by the rules provided in City Council Policy A-13, City Council Meetings, *The Modern Edition of Robert's Rules of Order* may be used for reference and/or guidance.



## 6.8 Decorum

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

## 6.9 Time of Adjournment

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

## 6.10 Agenda Packets

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

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

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

## CHAPTER 7—COUNCIL FINANCIAL MATTERS

### 7.1 Compensation

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

### 7.2 Benefits

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

### 7.3 City Council Budget and Expenses

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

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

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

**PREAMBLE**

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

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

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

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

1. Act in the Public Interest

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

2. Comply with the Law

Councilmembers shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Mountain View City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Members

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

4. Respect for Process

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

5. Conduct of Public Meetings

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

6. Decisions Based on Merit

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

7. Communication

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

8. Coordination with City Staff

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

9. Disclosure of Corruption

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

10. Conflict of Interest

In order to assure their independence and impartiality on behalf of the public good, Councilmembers shall not use their official positions to influence government decisions in

which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

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

11. Gifts and Favors

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

12. Confidential Information

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

13. Use of Public Resources

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

14. Representation of Private Interests

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

15. Advocacy

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

16. Improper Influence

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

17. Policy Role of Members

Councilmembers shall respect and adhere to the ~~E~~council-~~M~~anager structure of Mountain View City government as provided in State law and the City Charter.

18. Positive Work Environment

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

19. Implementation

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

20. Compliance and Enforcement

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**CITY OF MOUNTAIN VIEW  
COUNCIL ADVISORY BODY  
PERSONAL CODE OF CONDUCT**

**PREAMBLE**

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

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

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

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

1. Act in the Public Interest

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

2. Comply with the Law

Council advisory body members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties. These laws include, but

are not limited to: the United States and California Constitutions; the Mountain View City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Council Advisory Body Members

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

4. Respect for Process

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

5. Conduct of Public Meetings

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

6. Decisions Based on Merit

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

7. Communication

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

8. Coordination with City Staff

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

9. Disclosure of Corruption

All City officials shall take an oath upon assuming office, pledging to uphold the Constitution and laws of the City, the State, and the Federal government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior



or activity that may qualify as corruption, abuse, fraud, bribery, or other violation of the law.

10. Conflict of Interest

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

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

11. Gifts and Favors

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

12. Confidential Information

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

13. Use of Public Resources

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

14. Representation of Private Interests

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

15. Advocacy

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

16. Improper Influence

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

17. Policy Role of Members

Council advisory body members shall respect and adhere to the ~~c~~Council-~~M~~m~~a~~anager structure of Mountain View City government as provided in State law and the City Charter.

18. Positive Work Environment

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

19. Implementation

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

20. Compliance and Enforcement

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

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

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

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Signature

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Date

## CITY COUNCIL POLICY

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SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

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PURPOSE:

To establish policies and procedures governing the appointment of City commission, board, and committee members (collectively, “Council advisory bodies”).

POLICY:

1. The Mayor shall appoint three Councilmembers to the Council Appointments Review Committee, one of whom shall be designated as Chair. The responsibility of the Council Appointments Review Committee is to systematically screen candidates and make recommendations to the entire City Council.
2. Per the City Charter, it is the policy of the City Council to appoint qualified electors (i.e., registered voters) of the City to the Environmental Planning Commission, ~~Library~~ Board of ~~Library~~ Trustees, Parks and Recreation Commission, and Rental Housing Committee. For all other non-Charter advisory bodies, members are not required to be registered voters and may serve regardless of immigration status. It is also the policy of the City Council to appoint members to all advisory bodies who will provide, as nearly as possible, a representative balance of the broad population of the City. Appointees to Council advisory bodies serve at the pleasure of the City Council.

Charter Section 900 prohibits members of any board or commission established by the City Charter (the Environmental Planning Commission, ~~Library~~ Board of ~~Library~~ Trustees, Parks and Recreation Commission, and Rental Housing Committee) from holding any employment in the City government. For all other non-Charter advisory bodies, appointments may include individuals employed by the City of Mountain View if there is no conflict between the duties, functions, or responsibilities of the Council advisory body position and the roles and duties of the City employment position, and if the individual is also a resident of the City of Mountain View.

The overriding criterion for appointment, however, must be the City Council’s belief that the person appointed can bring skill, integrity, knowledge, interest, and especially an understanding of the basic obligation to evaluate issues in the broad context of the public interest.

Appointed persons shall be limited to two consecutive terms prior to reappointment on a given advisory body, with the exception of the Downtown Committee. However, where the City Council expressly determines it to be in the best interest of the community or in the

## CITY COUNCIL POLICY

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SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

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event an insufficient number of new applications are received, the City Council may reappoint beyond this limit.

3. A person appointed to an advisory body can only serve on one advisory body at a time. Unless appointed to an unexpired term of less than two years caused by resignation or other such vacancy, the term of office for each advisory body member shall normally be four years or until a successor is appointed and shall, where possible, commence on the first day of January.
4. The City Clerk shall provide application forms and shall maintain a composite listing of all applications on file which have been received. The names of applicants on file in the City Clerk's Office shall be available to the public. An application may be submitted at any time, but must be renewed every year.
5. Persons being considered for appointment (or reappointment) must be interviewed at least once to qualify for appointment.
6. Each Council advisory body shall adopt an annual schedule of meetings each year.

### PROCEDURES:

1. Appointments/Reappointments
  - a. Five months prior to term expirations, the City Clerk shall poll all incumbents eligible for reappointment regarding their interest in being reappointed.
    - (1) Incumbents must update their applications.
    - (2) In NO case shall automatic reappointment of an incumbent be assumed.
    - (3) The Council Appointments Review Committee will consider the actual performance, contribution, and record of incumbents in determining whether the person should be reappointed.
    - (4) The City Clerk will provide the Council Appointments Review Committee Chair with a listing of all eligible incumbents interested in being reappointed.

## CITY COUNCIL POLICY

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SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

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- b. Four months prior to term expirations, the City Clerk shall, in coordination with the Council Appointments Review Committee Chair, be responsible for ensuring that there is suitable advertisement of upcoming appointments. This shall include appropriate display ads in local newspapers, as well as other special ads where possible, including a suitable ad (e.g., one-half page in *The View*) providing informative descriptions of the various advisory bodies, their responsibilities, etc.; and other possible methods, such as cable television announcements, a special, reusable television production on commission membership, etc.

Additionally, the City Clerk shall send all current applicants a new application form and a brief synopsis of this City Council Policy. In the event an insufficient number of new applications for Council advisory body vacancy(ies) or seats with expiring term(s) are not received by the end of the advertised application period, the City Clerk shall provide an application form to incumbents serving a second term.

- c. ~~Two to three~~ Two to three months prior to term expirations, the City Clerk shall provide the Council Appointments Review Committee with copies of applications received for all advisory body openings. Prior to term expirations, or when a vacancy occurs, the Council Appointments Review Committee shall interview all applicants, except for applicants for the Environmental Planning Commission, Rental Housing Committee, and Public Safety Advisory Board, which shall be interviewed by the entire City Council.

~~Additionally, the City Clerk shall coordinate with the Council Appointments Review Committee Chair to schedule interviews with all applicants for each advisory body opening.~~

- ~~d. Two to three months prior to term expirations, or when a vacancy occurs, the Council Appointments Review Committee shall interview all applicants, with the exception of the Environmental Planning Commission, Rental Housing Committee, and Public Safety Advisory Board applicants, which will be interviewed by the entire City Council. At the conclusion of the interviews, the City Council shall determine their appointment recommendations and take final action at its next Regular Meeting.~~

~~At the conclusion of the interviews, the Council Appointments Review Committee shall determine its appointment recommendations. The Appointments Review Committee (or City Council for Environmental Planning Commission, Rental Housing~~

## CITY COUNCIL POLICY

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SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

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~~Committee, and Public Safety Advisory Board appointments) may appoint alternates to fill vacancies, for any reason, for unexpired terms.~~

In the event an insufficient number of applications are received for a Council advisory body with expiring terms, an incumbent may be recommended for appointment by the Council Appointments Review Committee without being interviewed again. If a majority of the Council Appointments Review Committee determines that a sufficient number of or cross-section of suitable applicants was not available to be considered, no recommendation need be made. In this case, the opening(s) shall be readvertised and recommended qualified appointments forwarded to the City Council at the earliest possible date.

- de. The Council Appointments Review Committee shall make a written recommendation to the City Council at a City Council meeting preceding term expirations, or when a vacancy occurs, at which time appointments shall be made. At the conclusion of interviews held by the entire City Council, appointments shall be made at the next meeting practicable.

In the event of a delay or other inability to make a prompt appointment, the departing incumbent may, unless otherwise directed by the City Council, continue to serve until replaced.

- ef. Upon City Council adoption of the resolution of appointment, the Council Appointments Review Committee Chair shall notify each appointee in writing and include a statement concerning the legal requirements that the appointee must meet. A copy of the notice of appointment shall be sent to the staff liaison of the appropriate advisory body.

- fg. All persons appointed to an advisory body must sign and file a Council Advisory Body Personal Code of Conduct statement (Attachment 2 to the City Council Code of Conduct) with the City Clerk. ~~take either the loyalty oath required by the State Constitution as set forth in Attachment A or, if they are not a U.S. citizen, the alternative oath in Attachment B. The City Clerk shall administer and file the oath of office and determine that all other legal requirements have been met and shall then notify the staff liaison of the advisory body that the appointee is ready to act in official capacity.~~

## CITY COUNCIL POLICY

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SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

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- g. All persons appointed to an advisory body must take either the loyalty oath required by the State Constitution as set forth in Attachment A or, if they are not a U.S. citizen, the alternative oath in Attachment B to this Policy. The City Clerk shall administer and file the oath of office and determine that all other legal requirements have been met and shall then notify the staff liaison of the advisory body that the appointee is ready to act in official capacity.
- h. All persons appointed to an advisory body shall attend Brown Act training as provided by the City Attorney's Office upon joining the advisory body and every two years thereafter for the duration of service on the advisory body.
- i. Assembly Bill 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to take two hours of training in ethics principles and laws every two years. It is the City's policy to emphasize the importance of ethics in government and, therefore, requires all advisory body members, except for the Youth Advisory Committee, to adhere to the same requirements. The training must occur within two months of assuming office and be renewed within two months of the expiration of the current training certificate.
- j. The City's Conflict of Interest Code as adopted by resolution of the City Council requires that certain advisory body members shall, within 30 days after assuming the office and annually thereafter, file a statement disclosing the person's investments and the person's interests in real property held on the date of assuming office and income received during the 12 months before assuming office. The City Clerk will provide access to the Fair Political Practices Commission form to be filed and the deadline by which the form must be filed. In the event the required form is not filed by the deadline specified, the advisory body member shall be immediately suspended from further participation on the body to which they were appointed until the form is properly filed. Absences from meetings of that body due to the suspension will be unexcused, and the provisions of Section 3 of this Policy will apply.

### 2. Selection Process

- a. Interviews conducted by the City Council and interviews conducted by the Council Appointments Review Committee shall be performed within equal time limits for each candidate.
- b. Core interview questions shall be selected by the interviewing body.



## CITY COUNCIL POLICY

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SUBJECT: COUNCIL ADVISORY BODIES

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- c. Candidates will be asked the same question all at once in a panel format, with answers provided in turn by each candidate in a randomized round-robin order. Each question may start and end with a different candidate.
- d. Within the time limits of each interview, the interviewing body may ask a limited number of clarifying questions as a follow-up to a candidate's answers to the core interview questions in the event a candidate's answer was unclear or otherwise not understood. Clarifying questions should not be used to allow a candidate an additional opportunity to expand on the original response.
- e. Each member of the interviewing body shall vote for as many candidates as there are open seats (e.g., if three seats are available, vote for no more than three; if three seats plus one alternate seat are available, vote for no more than four). In the case that a variety of terms are open, the candidate(s) with the highest number of votes shall be granted the longest term(s). In the event there is a tie vote, each member of the interviewing body shall revote for the candidate(s) of their choice and the candidate with the highest number of votes wins. The interviewing body may choose another voting method by majority vote.

### 3. Vacancies

- a. The staff liaison of each advisory body shall notify the City Clerk promptly in the event that any advisory body member is absent without excuse for three regularly scheduled meetings consecutively or within a calendar quarter.
- b. The City Charter requires an office to become vacant if an advisory body member has been absent from three regular consecutive meetings without a qualified excuse. A qualified excuse occurs if any of the following apply:
  - The advisory body consents to the absence either before, or at the meeting immediately after the absence, for the advisory ~~board-body~~ member to attend to official duties of the City, including, but not limited to, representing the City at conferences or official functions;
  - The advisory ~~board-body~~ member is ill;

## CITY COUNCIL POLICY

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SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

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- The advisory ~~board~~body member is on family leave for the birth or adoption of a child;
  - The advisory ~~board~~body member is on bereavement leave due to the death of a family member as defined in the City's Personnel Rules and Regulations; or
  - The meeting was not on the advisory ~~board~~body member's formally adopted annual schedule of meetings.
- c. The expectation shall be specified that members are expected to attend all meetings on the adopted annual schedule of meetings.
- d. When an advisory body member knows in advance that the member will be absent from a meeting, the member shall give advance notice to the Chair and/or staff liaison.
- e. Except as set forth in Section 1.j. ~~The~~ advisory body Chair, in consultation with the staff liaison, shall propose that each absence be defined as "excused" or "unexcused" at the meeting at which the advisory body member is absent. Each advisory body will then determine by general consent (or, failing to achieve general consent, by majority vote) the status of the absence as excused or unexcused and include that record in the meeting minutes.
- f. It shall be specified that failure to inform the chair or the staff liaison of an absence prior to the meeting will result in an unexcused absence, unless extenuating circumstances prevent advance notice.
- g. The City Council will take into consideration attendance records when evaluating the overall performance of advisory body members.
- h. Staff will submit annual attendance reports to the City Council.
- i. In the ~~event~~ or if the an advisory body member is convicted of a crime involving moral turpitude or ceases to be eligible, the City Clerk shall notify the City Council, who shall then declare that such office is vacant.
- j. Resignations may be submitted at any time to the City Council, either directly or through the advisory body chair.

## CITY COUNCIL POLICY

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SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

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- k. Whenever a vacancy occurs for any reason except for the expiration of the term, the City Clerk shall post a special notice of vacancy in the City Clerk's Office, City Hall bulletin board, Library bulletin board, and other places as directed by the City Council no earlier than ~~twenty (20)~~ days before or later than ~~twenty (20)~~ days after the occurrence of the vacancy. The City Council shall not make a final appointment to an advisory body for at least 10 working days after the posting of the notice of vacancy. (Government Code § 54974)
- l. Upon notice of the vacancy, the City Clerk's Office shall ~~initiate Steps 1.d and 1.e, take the appropriate steps from this Policy~~ leading to a recommendation to the City Council for a successor to such vacancy. ~~, and a~~ successor shall be appointed to serve only to the date of the unexpired term pursuant to Section ~~\_~~905 of the City Charter.
- ~~m. Notwithstanding the foregoing, the City Council shall not make a final appointment to an advisory body for at least ten (10) working days after the posting of the notice of vacancy in the City Clerk's Office, City Hall bulletin board, Library bulletin board, and other places as directed by the City Council. However, upon a finding that an emergency exists, the City Council may fill the unscheduled vacancy immediately with a person appointed to serve only on an acting basis until the final appointment to the advisory body is made.~~

## CITY COUNCIL POLICY

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SUBJECT: COUNCIL ADVISORY BODIES

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### 4. Removal

An advisory body member is subject to removal by motion of the City Council adopted by at least four affirmative votes.

#### Revised:

Revised: December 14, 2021, Resolution No. 18634

Revised: June 22, 2021, Resolution No. 18574

Revised: January 26, 2021, Resolution No. 18534

Revised: February 27, 2018

Revised: December 13, 2016

Revised: March 3, 2015, Resolution No. 17945

Revised: January 14, 2014, Resolution No. 17832

Revised: November 17, 2009, Resolution No. 17441

Revised: October 28, 1997

Effective Date: January 26, 1976

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