

DATE: September 28, 2022

TO: Council Policies and Procedures Committee

FROM: Jennifer Logue, City Attorney

SUBJECT: Proposed Revisions to Council Policy A-13 and Council Code of Conduct

INTRODUCTION

On April 26, 2022, the City Council voted to have the Council Policies and Procedures Committee (CPPC) consider whether the provisions of Council Policy A-13 related to parliamentary procedure should be modified to align with Rosenberg's Rules of Order (Rosenberg's Rules), as opposed to Robert's Rules of Order (Robert's Rules). On that same date, the City Council also voted to have the CPPC consider whether a provision governing how Councilmembers may share information they obtain from attending regional board meetings should be added to Council Policy A-13. On September 13, 2022, the City Council voted to have the CPPC consider adding a provision to Council Policy A-13 governing Councilmember attendance at hybrid meetings.

Robert's Rules is a manual of parliamentary procedure. It is embodied in a small, but complex, box. Although Robert's Rules are widely referenced in the context of City Council meetings, its complexity has led many jurisdictions to rely on a more simplified manual of parliamentary procedure known as Rosenberg's Rules for guidance when a particular issue is not covered by local policy. The City of Mountain View has adopted Council Policy A-13, which contains a fairly comprehensive set of rules of parliamentary procedure. The City's rules as currently drafted are generally consistent with either Robert's Rules, Rosenberg's Rules, or both. Nevertheless, after comparing Robert's Rules and Rosenberg's Rules to Council Policy A-13 and the Council Code of Conduct, and considering some relevant State law, the City Attorney's Office has prepared a few amendments to both Council Policy A-13 and the Council Code of Conduct. The recommended amendments are described below and shown in redline on the attached Council Policy A-13 and Council Code of Conduct for the CPPC's consideration.

PROPOSED AMENDMENTS

A. Council Policy A-13

1. Section 1, Meetings, subsection b., Attendance

The City Attorney's Office has added language to this section for the CPPC's consideration, which requires that Councilmembers attend all Regular and Special Meetings of the City Council *in person*, unless they are absent with the consent of the Mayor or the City Council has elected to conduct a meeting by video conference with no physical meeting location, in accordance with State law. This language will ensure that Councilmembers are required to attend hybrid meetings in person in the absence of an applicable exception to the in-person meeting attendance requirement.

2. Section 8., Consideration and Debate of Matters by Council, subsection d., Second to Motion

Council Policy A-13 currently requires the Mayor receive a second to a motion before any discussion or comment can be made on the motion. However, in Section 10 of the Policy, there are a few motions that may proceed without a second. Section 8 and Section 10, as currently drafted, are consistent with both Robert's Rules and Rosenberg's Rules. Therefore, the City Attorney's Office is only recommending that the language in Section 8(d) be modified slightly to clarify that a second is required *unless otherwise stated in the Policy*.

3. Section 9, General Policies Regarding Meetings and Procedure, subsection b., Motions

The City Attorney's Office has added subsection b. governing motions generally to include language restricting the number of motions that can be pending on the floor at the same time. Robert's Rules allows up to 13 motions to be pending on the floor at the same time, but having that many motions pending at once can be unwieldy for the Chair, the City Clerk, the Councilmembers, and the public. Rosenberg's Rules restricts the number of pending motions to three to ensure orderly disposition of each motion. The City Attorney's Office recommends adopting Rosenberg's Rule with a slight modification to allow the Chair to accept a fourth motion as long as the fourth motion is a privileged motion (*e.g.*, motion to recess), which does not relate to pending business and always takes priority over all other motions. This new subsection also clarifies that the last motion made shall be the first motion voted on unless the Policy states otherwise (as noted above, privileged motions always take priority).

4. Section 9, General Policies Regarding Meetings and Procedure, subsection d., Motion to Amend

The section, as currently drafted, is consistent with both Robert's Rules and Rosenberg's Rules. Therefore, the City Attorney's Office recommends only minor clarifying edits to this section.

5. Section 9, General Policies Regarding Meetings and Procedure, subsection e., Friendly Amendments

Rosenberg's Rules allows for friendly amendments, but Robert's Rules do not. A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time, and avoids bogging a meeting down with numerous formal motions. Furthermore, the City Council already has a practice of making friendly amendments. Therefore, the City Attorney's Office recommends adding language to Council Policy A-13 to formally allow for friendly amendments.

6. Section 9, General Policies Regarding Meetings and Procedure, subsection f., Substitute Motion

Both Rosenberg's Rules and Robert's Rules allow for substitute motions. Currently, Council Policy A-13 does not authorize substitute motions. Substitute motions are different from motions to amend as they serve the practical purpose of allowing a Councilmember to replace a main motion with a completely new and different motion (*e.g.*, main motion to adopt staff's recommendation versus a substitute motion to reject staff's recommendation). Therefore, the City Attorney's Office recommends adding language to Council Policy A-13 to formally allow for substitute motions.

7. Section 10, Orders of Precedence of Items of Business

The City Attorney's Office is only recommending minor clarifying edits to this section. This section, as written, is consistent with Robert's Rules and helps staff determine which motions must be decided first in the event multiple motions from different categories are pending on the floor.

8. Section 11, Motions for Reconsideration

This section, as currently written, is not entirely consistent with either Rosenberg's Rules or Robert's Rules. In addition, the section is a little confusing as written. Therefore, the City's Attorney's Office is recommending revisions to this section to provide clarity regarding who can make a motion to reconsider a matter that has

already been voted on by Council, when the motion may be made, and when the matter can be discussed and debated anew if a motion to reconsider is passed.

9. Section 12, Decorum

The City Attorney's Office is recommending amendments to this section in light of the recent passage of Assembly Bill 1100 authorizing the removal of disruptive individuals from Council meetings and to authorize Council to clear the Council Chambers in accordance with existing State law in the event a group of persons is disrupting a meeting to the degree that it is impossible to proceed.

10. Section 18, Administrative Matters, subsection b., Written Materials

The proposed amendments to this section prohibit the exchange of written communication on matters of City business between a majority of Councilmembers without consulting the City Clerk or City Attorney and provides guidelines for sharing information or documents from regional boards in a manner that is consistent with the Brown Act.

11. Section 18, Administrative Matters, subsection (c)(3), Rules of Procedure In General

The City Attorney's Office is recommending that this section be amended to adopt Rosenberg's Rules as the guide to parliamentary procedure that should be followed on matters that are not covered by Council Policy A-13. Robert's Rules are modern, simplified rules of parliamentary procedure and are more consistent with Council's current procedures.

B. Council Code of Conduct

1. Sections 6.7 (Rules of Procedure) and 6.8 (Decorum)

The City Attorney's Office is recommending amendments to Sections 6.7 and 6.8 of the Council Code of Conduct that are consistent with the amendments made to Council Policy A-13.

JL/LK/4/ATY
011-09-28-22M

- Attachments:
1. Council Policy A-13 with redline revisions
 2. Council Code of Conduct with redline revisions

CITY COUNCIL POLICY

 SUBJECT: CITY COUNCIL MEETINGS
NO.: A-13

PURPOSE:

In accord with Section 512 of the City Charter, this ~~P~~olicy will set forth Rules of Procedure for the conduct of City business. The Council shall be governed by the Rules of Procedure as follows.

POLICY:1. Meetings

a. Time of Meetings

~~The r~~Regular and ~~s~~Special ~~m~~Meetings of the City Council shall be held at the time and place, and called in the manner as specified by ordinance adopted pursuant to Article 5, Section 507 of the City Charter. The Council shall adopt an annual schedule of meetings each year.

b. Attendance

(1) Members of the City Council shall attend all regular and special meetings of the City Council in person unless they are absent with the consent of the Mayor or the City Council has elected, by majority vote, to conduct a meeting by video conference, with no physical meeting location, in accordance with California Government Code Section 54953(e),¹ as may be amended from time to time.

(2) Pursuant to For purposes of subsection (b)(1) above and Section 503 of the City Charter, a Councilmember is absent with the consent of the Mayor ~~or on~~ order of the Council if any of the following apply:

The City Council consents to the absence ~~either~~ before, or at the meeting immediately after the absence, for the purpose of allowing a Councilmember to attend to official City business~~-duties of the City~~, including, but not limited to, representing the City at conferences or official functions;

The Councilmember is ill;

¹ California Government Code Section 54953(e) was enacted during the COVID-19 pandemic to allow legislative bodies to meet by teleconference with no physical meeting location. Section 54953(e) will be repealed as a matter of law on January 1, 2024, in the absence of State legislative action to extend its effective date.

The Councilmember is on family leave for the birth or adoption of a child;

The Councilmember is on bereavement leave due to the death of a family member which would qualify an employee for bereavement leave under the City's Employer/Employee Relations Resolution;

The meeting was not on the Council's formally adopted annual schedule of meetings.

2. Council Agenda

a. Preparation

The agenda and its supporting information is prepared by the City Manager and City Clerk.

b. Council Request for Agendizing

A Councilmember 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 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.

c. Items for Agenda

Any person may request the placement of a matter on the Council agenda by submitting a written request with the agreement of a sponsoring Councilmember. This may be done in advance through a written request identifying the sponsoring Councilmember, or by appearing at Oral Communications at a Council meeting. If the request is made during Oral Communications, the Mayor shall determine if any Councilmember is willing to sponsor the agenda item. The request must fully identify the person making the request and the action requested by the Council along with all pertinent background information. The City Manager and the Mayor shall reasonably determine when agenda requests will be placed on the agenda and how much meeting time shall be scheduled. Upon a majority vote of a Council advisory board, an item can be agendized requesting Council authorization of a work item, as provided for in Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees.

d. Order of Agenda Items

The City Manager or City Clerk may change the order of items on the written agenda from that normally followed in order to better facilitate the meeting. The Mayor, with consensus, or Council, by majority motion, may change the order of agenda items during the Council meeting.

3. Public Input

- a. An individual speaker shall have up to three minutes to address the Council. If requested in advance of the public input portion of the agenda item to the Mayor or City Clerk, a speaker who represents five or more members of the public in attendance who complete cards but elect not to speak may have up to 10 minutes to address the Council, if the Mayor determines that such extension will reduce the total number of speakers who planned to speak.

Public Input on Agendized Items and Nonagendized Items (Oral Communications section of the agenda): If there appears to be a large number of speakers, the Mayor may reduce speaking time to no less than 1.5 minutes per speaker unless there is an objection from Council, in which case majority vote shall decide the issue without debate.

Pursuant to Government Code Section 54954.3(b)(1), at least twice the allotted speaking time will be provided to a member of the public who utilizes a translator.

- b. An applicant and/or appellant for a zone change, precise plan, or quasi-judicial hearing or appeal to the Council shall have up to 10 minutes to address the Council and, with the consent of the Council, two minutes of rebuttal at the conclusion of all public speakers.
- c. The Mayor may extend the speaker time limits as deemed necessary if there is no objection from Council. If there is an objection, a majority vote shall decide the issue.
- d. Speaker Cards

Members of the public who wish to address the Council may complete a speaker card provided giving their name and city of residence. If the speaker wants further notification from the City, the speaker may include a mailing or e-mail address.

4. Order of Business

The Council shall conduct business in the following order, except as the order may be adjusted pursuant to Section 2(d) of this policy:

1. Call to Order/Pledge of Allegiance
2. Roll Call
3. Presentations
4. Consent Calendar

Items that have been reviewed by the staff and considered to be noncontroversial, requiring only routine action by the Council shall be listed on the "Consent Calendar." The presiding officer shall advise the audience that the Consent Calendar matters will be adopted by one motion unless any Councilmember or any individual or organization interested in one or more Consent Calendar matters has any question or wishes to make a statement. In that event, the remainder of the Consent Calendar may be approved and the presiding officer will open the items pulled from the Consent Calendar, unless the Council requests they be considered elsewhere on the Agenda.

5. Oral Communications from the Public on Nonagendized Items

Any person may address the Council on any matter within the City's subject matter jurisdiction that is not scheduled elsewhere on the agenda. Under State law, the Council may take no action on items raised under this item unless the item is then scheduled on a future agenda.

6. Public Hearings

Recess (10 minutes)

7. Unfinished Business

8. New Business

9. Items Initiated by Council

10. Council, Staff/Committee Reports

Councilmembers may provide a brief report on their activities, including reports on their committee activities, report on inquiries they received and 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 any 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

12. Adjournment

5. Minutes of the Meeting

a. Preparation

The minutes of the Council shall be kept by the City Clerk in ledgers provided for that purpose with a record of each particular type of business with proper subheads; and written minutes shall become the official records of the City of Mountain View provided that the City Clerk shall be required to make a record only of business actually passed upon by a vote of the Council and shall not be required to record any remarks of Councilmembers or of any other person except at the special request of a Councilmember. In the case of items where no vote is taken, a brief summary, as stated by the Mayor or Mayor's designee, of direction provided by the Council majority shall also be recorded. A record shall be made of the names and cities of residence of persons addressing the Council, if same are voluntarily provided, the title of the subject matter to which their remarks are related and whether they spoke in support of or in opposition to such matter. The City Clerk shall secure the necessary equipment for recording Council meetings and make recordings available in the current medium when determined to be practical by the City Clerk or as directed by the Council.

As soon as possible after each Council meeting, the City Clerk shall provide Council with a copy of the draft minutes in the agenda packet for approval at the next regularly scheduled Council meeting.

b. Reading of Minutes

Unless the reading of the minutes of a Council meeting is requested by a Councilmember, the minutes may be approved without reading if the City Clerk has previously furnished each member a copy.

6. Presiding Officer

a. Mayor/Vice Mayor; Substitutions

The presiding officer of the Council shall be the Mayor, and in ~~his/her~~the Mayor's absence, the Vice Mayor, as provided in Article 5, Section 505 of the City Charter. In the absence of the Mayor and Vice Mayor, the City Clerk shall call the Council meeting to order. Upon the arrival of the Mayor or Vice Mayor, the temporary Mayor Pro Tempore shall immediately relinquish the Chair upon the conclusion of the matter of business then before the Council. The Council has usually handled this by the most tenured Councilmember taking the chair as temporary Mayor Pro Tempore.

7. Conduct of Business

At the time fixed for public hearings or when any subject or question is presented to the Council, and before any motion is made, any persons present who desire to speak to the subject will be permitted to address the Council, and may voluntarily state ~~his/her~~the ~~person's~~ name and city of residence to the Clerk and upon addressing the Honorable Mayor and members of the City Council. All remarks shall be addressed to the Council as a body and not to any member thereof, except with the permission of the presiding officer. Discussion of a subject may be limited by the presiding officer to a reasonable time, for the expedience of Council business.

Members of the Council desiring to address another member of the Council, or a member of the public, shall only do so upon recognition by the Chair.

8. Consideration and Debate of Matters by Council

Except as otherwise provided, after a public hearing or any other matter has been closed to public input, the Council may debate the matter. During such time, no member of the audience may speak on the subject, except upon being asked a question by a member of the Council through the presiding officer. During such debate, a member of the Council desiring to speak or to address another member of the Council shall address the Chair and, upon recognition by the Chair, may speak or address other members of the Council but shall be confined to the question under debate.

a. Subject of Discussion

The Mayor may stop any discussion which does not relate to a specific agenda item or the motion made and may also stop the discussion of the matter if the Council has previously agreed to limit the time for discussion and the allotted time has been used.

b. Council Discussion; Motion

Councilmembers discuss the item and move to dispose of any item.

- (1) Councilmembers shall address the Mayor for recognition.
- (2) The Mayor shall recognize the Councilmember next in turn.
- (3) The Mayor shall endeavor to allow each member a chance to speak once before calling on a member to speak a second time.
- (4) The Mayor shall not speak on the item until all members wishing to speak have had a chance to speak at least once.
- (5) Councilmembers may ask clarifying questions of a member of the public following ~~his/her~~ the member of the public's comments to the Council; however, Councilmembers shall not join in a debate or discussion with members of the audience.
- (6) Councilmembers may make a motion at any time.

c. Motion Contents

The motion shall clearly set out the action to be taken and omit supporting reasons or discussion.

d. Second to Motion

All motions ~~The Mayor~~ must receive a second ~~to the motion~~ before ~~any discussion or comment may be made on the motion~~ it may be discussed or debated unless otherwise stated herein.

e. Restatement of Motion

After discussion and just prior to the vote, the maker of the motion may be asked by the Mayor to restate the motion. If the motion is before the Council in writing, the maker of the motion need state only the main points of the motion and any change in the written recommendation.

f. Conflicting Out

Any Councilmember who is disqualified from voting because of a conflict or potential conflict of interest shall inform the Council of the conflict or potential conflict prior to the consideration of the item. After a member so advises, the Council ~~he/she~~ the member shall exit the Council meeting room prior to consideration of the item, except as permitted under the Political Reform Act.

g. Tie Votes

Any motion receiving a tie vote fails, and the status quo prevails as though the motion were not made. A majority of the Council may continue a tie vote item to the next ~~Regular or adjourned regular m~~ Special Meeting at which it is anticipated that a full Council will be present. Such an item may be similarly continued again by the presiding officer if the full Council does not attend.

9. General Policies Regarding Meetings and Procedure

a. Starting of Meeting

The Council meeting will start at the published time, or as soon thereafter as a quorum is present.

b. Motions

(1) Generally, there shall be no more than three motions pending on the floor at the same time.

(2) The Presiding Officer shall have the discretion to accept the following motions as a fourth motion:

(a) Motion to Adjourn

(b) Motion to Fix the Time to Adjourn

(c) Motion to Recess

(d) Motion to Table or Postpone

(e) Motion to Limit or End Debate

(3) The last motion made shall be voted on first, unless otherwise stated herein.

b.c. Disposition of Main Motions

A main motion is disposed of:

(1) By no action when it fails to get a second.

(2) By adopting or rejecting it.

(3) By adopting a subsidiary motion such as:

(a) To postpone to a specific date (continue).

(b) To refer to committee.

(c) To table the item.

ed. ~~Amendments to Motion~~ Motion to Amend

(1) Amendments to main motions are in order during discussion. An amendment may:

(a) Add to the main motion.

(b) Subtract from the main motion.

(c) Both add and subtract from the main motion.

(2) ~~An amendment~~ motion to amend may not totally negate the intent of the main motion or change its general purpose.

- (3) A motion to amend must be voted on before a main motion. If the motion to amend passes, the amended motion becomes the main motion which can then be discussed further, amended again, and voted upon.
- (4) A modification of a motion can be made by the maker of the original motion if there is no objection by any other member. (If there is an objection, a formal motion to amend is in order.)

e. Friendly Amendment

A member of the body may suggest a friendly amendment to the main motion. If the maker and seconder of the main motion accept the friendly amendment, the amended motion shall become the pending motion on the floor. If the maker or seconder rejects the friendly amendment, a formal motion to amend (discussed above) is in order.

f. Substitute Motion

- (1) If a member of the body seeks to replace the main motion with a completely new and different motion, a substitute motion is in order.
- (2) A substitute motion must receive a second before it can be discussed or debated. If it does not receive a second, the substitute motion fails.
- (3) A substitute motion must be voted on before the main motion.

g. Straw Motions

- (1) On complex matters or matters with several component parts, the Council may make “straw” or “trial” motions in an effort to build consensus. These motions are not official motions.

CITY COUNCIL POLICY

SUBJECT: CITY COUNCIL MEETINGS

NO.: A-13

10. Order of Precedence of Items of Business

- a. Privileged Motions (~~Recess or Adjourn~~ do not relate to pending business and take priority over all other motions).

	<u>2nd</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
(1) Fixed time to adjourn	Yes	Yes	No	M
(2) Adjourn	Yes	No	No	M
(3) Take recess	Yes	No	No	M

- b. Incidental Motions (~~Information or Question of Procedure~~ question of procedure that arise out of other motions and must be considered before the other motions)

	<u>2nd</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
(1) Preliminary questions	No	No	No	C
(2) Request for information	No	No	No	C
(3) Point of order	No	No	No	C
(4) Suspension of the rules	Yes	Yes	No	M

CITY COUNCIL POLICY

SUBJECT: CITY COUNCIL MEETINGS

NO.: A-13

- c. Subsidiary Motions (change or affect the main motion and must be voted on before the main motion~~Procedural Action to Dispose of Other Motions~~)

	<u>2nd</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
(1) Table/postpone indefinitely	Yes	Yes	No	M
(2) Call for the question (end debate)	Yes	No	No	2/3 of M
(3) Limit or extend debate	Yes	No	Yes	2/3 of M
(4) Postpone to a certain time	Yes	Yes	Yes	M
(5) Amend	Yes	Yes	Yes	M
<u>(6) Substitute</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>M</u>
(67) Reconsider	Yes	Yes	No	M†
(78) Change order of agenda items	Yes	Yes	No	M
(89) Adding new items to agenda	Yes	Yes	No	**
(a) Emergency situation	Yes	Yes	Yes	M
(b) Immediate action necessary arising after agenda posting	Yes	Yes	Yes	2/3 of M
(c) Item continued from meeting <u>5</u> -days earlier	No	No	No	None

CITY COUNCIL POLICY

SUBJECT: CITY COUNCIL MEETINGS

NO.: A-13

- d. Main Motion (~~introduces item of business for discussion and debate~~) Principal Motions on Substantive Items for Council Consideration

	<u>2nd</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
(1) Main motion	Yes	Yes	Yes	M
(a) Introduce ordinance	Yes	Yes	Yes	M
(b) Adopt ordinance or resolution	Yes	Yes	Yes	4
(c) Adopt emergency ordinance	Yes	Yes	Yes	5
(2) Main motion allocating unbudgeted funds or amending the a Adopted b Budget	Yes	Yes	Yes	5

- M = Majority of members present.
 2/3 of M = Two-thirds of members present, i.e., three out of four; four out of five or six; five out of seven.
 C = Chair, or Mayor.
 † = Motion must be made by person on the prevailing side of previous motion. Four votes are required to change action or item previously adopted.
 ** = See Ralph M. Brown Act, Government Code § 54950, *et seq.*, § 54954(b).

11. Reconsideration

- a. A ~~motion-matter~~ acted upon by a majority of the members voting may be reconsidered upon motion of a person who voted on the prevailing side.
- b. Any member of the body may second a motion to reconsider.
- c. A motion to reconsider a matter must be made at the meeting where the matter was first voted on ~~of the prior motion at the same time or at the next~~ ~~Regular or adjourned regular~~ ~~m~~Special Meeting. A motion for reconsideration made later is untimely.

- d. After the deadline for seeking reconsideration has passed, a matter that was acted on by the body shall not be placed on the agenda again for consideration within one year after it was acted on except upon request of two or more Councilmembers, at least one of whom voted on the prevailing side.
- e. If a motion for reconsideration passes, the matter originally acted upon is back before the body and a new main motion is in order. The matter may be discussed and debated immediately after the motion for reconsideration passes if all members who originally voted on the matter are present and Brown Act noticing requirements have been met. If all members are not present or the matter needs to be renoticed under the Brown Act, that matter shall be placed on a subsequent agenda for consideration.
- f. Matters for which finality is required as a matter of law shall not be reconsidered.

~~of the prior motion at the same time or at the next regular or adjourned regular meeting. The motion for reconsideration may be made by any person who voted in the affirmative on a motion which was adopted, or any person who voted in the negative when the motion was defeated. Any member may second. The question of reconsideration may be voted upon immediately after the motion is made and, if successful, the main question shall be acted upon at the meeting where action was taken or at the next meeting. Reconsideration may be acted upon at the same meeting at which the original action was taken if all parties appearing for the matter in question remain present. After the normal time for reconsideration, a matter which has been acted upon shall not again be placed on the agenda within one year except upon the request by two or more Councilmembers, with one of them being a member who voted in the majority when the item was last considered. Matters for which finality is required in order to meet the requirements of law shall not be reconsidered.~~

12. Decorum

While the Council is in session, all persons shall conduct themselves with reasonable decorum.

The presiding officer may remove or cause the removal of any individual(s) for disrupting a meeting in accordance with California Government Code Section 54957.95, as may be amended from time to time. Any person who is so disorderly or who so persistently disrupts the business meeting so as to interfere with the proper conduct of the business may be ordered removed from the meeting place. At such time, the Mayor/presiding officer will/shall call a recess until such time as the individual(s) have been removed and the meeting can resume without disruption.

~~In accordance with California Government Code Section 54957.9, as may be amended from time to time, the Council may order a meeting room cleared and continue in session in the event a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting impossible, and order cannot be restored by the removal of individuals who are disrupting the meeting. Any person who is so disorderly or who so persistently disrupts the business meeting so as to interfere with the proper conduct of the business may be ordered removed from the meeting place. At such time, the Mayor will call a recess.~~

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 the Council meetings.

13. Rules of Procedure

The presiding officer: (a) shall maintain strict order and decorum at all meetings of the Council; (b) shall announce the decision of the Council on all subjects and decide all questions of order; subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order.

14. Study Sessions

From time to time, the Council may meet in a Study Session at a time and place to be designated by the Mayor. Such Study Sessions shall be noticed and will be open to the public as provided by law and may be conducted as part of an agenda for a meeting at which action will be taken. Study Sessions shall be devoted to matters regarding the exchange of information preliminary to consideration of an item at a ~~r~~Regular or ~~s~~Special ~~m~~Meeting. No official action or formal vote shall be taken at such Study Session on any matter under discussion; provided, however, that the Councilmembers in attendance shall be entitled to express opinions on any matter under discussion and provide direction to staff for further investigation or development of the item.

15. Time of Adjournment of Council Meetings

It is the policy of the Council that all evening meetings of the Council, including Study Sessions, be adjourned not 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 Council after the normal time unless the Council has determined by majority vote to set aside this ~~p~~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 or adjourned regular m~~ Meeting unless the Council shall otherwise direct.

16. Councilmember Committees

All actions of the Councilmember committees shall be reported to the Council.

a. Standing Committees

1. Creation. The Council may create or dissolve standing committees at any time by the affirmative vote of a majority of the Council.
2. Appointment. The Mayor shall annually appoint members to the standing committees.

b. Special or Ad Hoc Committees

1. Creation and Dissolution. Special or ad hoc committees may be created by the Mayor or a majority vote of Council. A special or ad hoc committee may be dissolved by the Council.
2. Appointment. The Mayor shall appoint members to special or ad hoc committees.

c. Attendance by Other Members

To the extent permitted by the Ralph M. Brown Act, other members of the Council not assigned to a Councilmember committee may attend meetings of a committee, as an observer, and shall be seated with the audience and may not participate in any manner or address the committee.

d. Appointment of Alternates

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 will comply with the Brown Act. The term for service by the alternate member shall be the term designated in the appointment, or for one meeting, if no term is specified.

e. Work Items

Generally, work items will be specific and direct referrals from the City Council, except as provided for in City Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees.

17. Ordinances, Resolutions, Motions, and Contracts

a. Preparation of Ordinances

All ordinances shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, or requested in writing by the City Manager, or prepared and initiated by the City Attorney.

b. Approval by Administrative Staff

All ordinances, resolutions, and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or authorized representative and shall have been examined and approved for administration by the Finance and Administrative Services Director or authorized representative or by the City Manager or authorized representative, where there are substantive matters of administration involved. If the City Manager does not agree with the proposed ordinance, ~~he/she~~ the City Manager shall advise the Council in writing and give the reasons for withholding approval.

18. Administrative Matters

a. Agenda Packets

- (1) Agenda packets are to be made available at the City Clerk's Office, the Library, the City's website, and at the Council meeting.
- (2) Agenda packets are to be delivered to Councilmembers on the Thursday prior to (Tuesday) Council meetings. Councilmembers are encouraged to reduce time taken at Council meetings by contacting staff in advance for answers to questions.
- (3) Agenda packets may be released to the press or members of the public directly after release to Council.

b. Written Communications

(1) Written communications addressed to the City Council are to be referred to the City Clerk for: (a) forwarding to the Council with their agenda packet; (b) placing on agenda with or without a staff report; or (c) direct response to citizen with copy of communication and staff letter to Council.

(2) ~~Written communication on matters of City business between a majority of Councilmembers is prohibited under the Brown Act. If a Councilmember wishes to send written communication on matters of City business to other Councilmembers, the Councilmember shall consult with the City Attorney and the City Clerk to determine whether and how such communication can be shared with other Councilmembers without violating the Brown Act. Written communication from one Councilmember to the other Councilmembers on agenda items is not encouraged. If a Councilmember wishes to send such a memo, he or she should consider the Brown Act implications and consult the City Manager and City Attorney. If a Councilmember wishes to send such a memo following this consideration and consultation, the memo shall be provided to the City Clerk in time for forwarding to the Council with their agenda packet and electronic posting of the agenda packet.~~

~~(3) Councilmembers wishing to distribute information or documents from regional boards upon which they serve to other Councilmembers may send the information or documents to the City Clerk for distribution to the entire Council. Councilmembers may not modify, summarize, or comment on the information or documents to be distributed to the entire Council, such information or documents must be shared in its original form only to avoid Brown Act violations.~~

c. Rules of Procedure: In General

(1) This ~~p~~Policy is to provide general guidance for the preparation of the agenda and 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 this ~~p~~Policy's specific requirements.

(2) Formal written amendments to this policy may be adopted by a majority vote of the Council. The proposed change must be placed on an agenda and adopted as part of the regular business of the City Council.

CITY COUNCIL POLICY

SUBJECT: CITY COUNCIL MEETINGS

NO.: A-13

(3) In situations not addressed by these rules, ~~The Modern Edition of Robert's Rules of Order-Rosenberg's Rules of Order~~ may be used for reference and/or guidance. ~~To the extent that these rules of procedure conflict with any previously adopted, these rules shall prevail.~~

(4) The provisions of this Policy are designed to comply with and implement the Ralph M. Brown Act. In the event of conflict between the provisions of this Policy and the provision of Ralph M. Brown Act, the provisions of the Ralph M. Brown Act shall prevail. ~~The Act shall prevail over this policy to the extent of any inconsistencies, amendments or judicial determinations.~~

d. Titles of Staff and Members of the Council

Members of the City Council shall be referred to individually as "Councilmember" and collectively as "Councilmembers." Staff members shall be referred to by title and last name.

Revised: _____, Resolution No. _____

Revised: December 14, 2021, Resolution No. 18634

Revised: April 2, 2019, Resolution No. 18305

Revised: January 3, 2019, Resolution No. 18293

Revised: November 20, 2012, Resolution No. 17733

Revised: May 8, 2012, Resolution No. 17685

Revised: March 22, 2011, Resolution No. 17592

Revised: June 23, 2009, Resolution No. 17421

Effective Date: June 10, 1974, Resolution Nos. 10093, 10094, and 10095

CNL POL

A13-014CP-so (ATY)

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

**ADOPTED
NOVEMBER 19, 2002**

**REVISED
~~JANUARY 3, 2019~~ _____**

TABLE OF CONTENTS

	<u>Page</u>
CHAPTER 1—FORM OF GOVERNMENT	
1.1 Form of Government	1
CHAPTER 2—COUNCIL POWERS AND RESPONSIBILITIES	
2.1 City Council Generally	3
2.2 Mayor and Vice Mayor—Appointment, Power, and Duties.....	3
2.3 Council Actions.....	4
2.4 Councilmember Committees	4
2.5 Establishment and Appointment of Council Advisory Bodies	5
2.6 Appointment by Council to Regional Boards.....	5
CHAPTER 3—LEGAL AND ETHICAL STANDARDS	
3.1 Preamble	6
3.2 Public Interest	6
3.3 Conduct	7
3.4 Conflict of Interest	8
3.5 Compliance and Enforcement—All Rules	17
3.6 Assembly Bill 1234—Required Ethics Training	19
CHAPTER 4—COMMUNICATIONS	
4.1 Written Communications.....	21
4.2 Request for Staff Resources.....	21
4.3 Relationship/Communications with Staff.....	21
4.4 Council Relationship/Communication with Council Advisory Bodies	22
4.5 Handling of Litigation and Other Confidential Information	22
4.6 Representing an Official City Position.....	23
4.7 Quasi-Judicial Role/ <i>Ex Parte</i> Contacts	23
4.8 No Attorney-Client Relationship.....	24
CHAPTER 5—COUNCIL ADVISORY BODIES AND RENTAL HOUSING COMMITTEE	
5.1 Boards, Commissions, and Committees Generally	25
5.2 Board, Commission, and Committee Organization and Conduct.....	25
5.3 Board, Commission, and Committee Appointments	26
5.4 Boards, Commissions, and Committees—Vacancy of Office	27
5.5 Advisory Bodies and Rental Housing Committee—Admonition, Sanction, and Removal	27

CHAPTER 6—MEETINGS

6.1.	Ralph M. Brown Act	30
6.2	Regular Meetings	30
6.3	Study Sessions.....	30
6.4	Closed Sessions	30
6.5	Special and Emergency Meetings	31
6.6	Meeting Agendas	31
6.7	Rules of Procedure.....	34
6.8	Decorum.....	35
6.9	Time of Adjournment.....	35
6.10	Agenda Packets	35

CHAPTER 7—COUNCIL FINANCIAL MATTERS

7.1	Compensation	37
7.2	Benefits	37
7.3	City Council Budget and Expenses.....	37

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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.

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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.
- 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 [ActPRA](#).

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

* - 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 [ActPRA](#). 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~~ 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 eCommittee, 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.

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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;
- 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 agendized 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; 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.
- 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, 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.
- 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 ~~meetings~~ 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 ~~meetings~~ Regular Meetings 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
- 2A. Proclamations/Presentations
3. Minutes Approval
4. Consent Calendar

The Consent Calendar includes all matters of a routine or noncontroversial nature. All items on the Consent 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 Consent 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~~ Rosenberg's Rules or 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 ~~The presiding officer may remove or cause the removal of any individual(s) for disrupting a meeting in accordance with California Government Code Section 54957.95, as may be amended from time to time. The presiding officer shall call a recess until such time as the individual(s) have been removed and the meeting can resume without disruption. 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 ~~In accordance with California Government Code Section 54957.9, as may be amended from time to time, the Council may order a meeting room cleared and continue in session in the event a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting impossible and order cannot be restored by the removal of individuals who are disrupting the meeting.~~
- 6.8.4 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 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), 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.

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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 ~~Council-Manager~~ 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.

Signature

Date