



City of Mountain View

Agenda

Council Policy and Procedures Committee

Thursday, June 29, 2023

2:00 PM

Plaza Conference Room, 500 Castro St, Mountain View,
CA 94041

SPECIAL MEETING

This meeting is being conducted with a virtual component. Anyone wishing to address the Committee virtually may join the meeting online at: <https://mountainview.zoom.us/j/84754933805> or by dialing (669) 900-9128 and entering Webinar ID: 847 5493 3805. When the Chair announces the item on which you wish to speak, click the “raise hand” feature in Zoom or dial *9 on your phone. When the Chair calls your name to provide public comment, if you are participating via phone, please press *6 to unmute yourself.

1. CALL TO ORDER

2. ROLL CALL - Committee members Hicks, Ramirez, and Chair Matichak

3. APPROVE MINUTES

3.1 Approve Minutes for December 15, 2022

Recommendation: Approve the Council Policy and Procedures Committee meeting minutes of December 15, 2022 without modification.

Attachments: [CPPC Minutes - December 15, 2022](#)

4. ORAL COMMUNICATIONS FROM THE PUBLIC

5. DISCUSSION/ACTION ITEMS

5.1 Proposed Amendments to Council Policy A-6

Recommendation: City Council voted to have the Council Policies and Procedures Committee (CPPC) consider clarifying revisions to Council Policy A-6 governing the Mayor and Vice Mayor annual election process.

Attachments: [CPPC Memo with ATT 1](#)

5.2 Council Policy and Procedures Committee Topics Update

Recommendation: The Committee will receive an update on completed items for the current fiscal year and anticipated agenda items for the new fiscal year.

Attachments: [CPPC Topics Update](#)

6. COMMITTEE/STAFF COMMENTS, QUESTIONS, COMMITTEE REPORTS

7. ADJOURNMENT

AGENDAS FOR BOARDS, COMMISSIONS, AND COMMITTEES

The specific location of each meeting is noted on the agenda for each meeting which is posted at least 24 hours in advance of the meeting.

Questions and comments regarding the agenda may be directed to the City Manager's Office at 650-903-6301 or city.manager@mountainview.gov.

The agenda and staff reports may be viewed at the City Clerk's Office, 500 Castro Street, Third Floor, beginning the evening before each meeting. Agenda materials may be viewed online at mountainview.legistar.com.

SPECIAL NOTICE- Reference: Americans with Disabilities Act, 1990

Anyone who is planning to attend a meeting who is visually or hearing-impaired or has any disability that needs special assistance may call the City Manager's Office 650-903-6301 48 hours in advance of the meeting to arrange for assistance. Upon request, in advance, by a person with a disability, agendas and writings distributed during the meeting that are public records will be made available in the appropriate alternative format.

The Board, Commission, or Committee may take action on any matter noticed herein in any manner deemed appropriate by the Board, Commission, or Committee. Their consideration of the matters noticed herein is not limited by the recommendations indicated herein.

SPECIAL NOTICE—Any writings or documents provided to a majority of the Council Policy and Procedures Committee regarding any item on this agenda will be made available for public inspection in the City Clerk's Office, 500 Castro Street, during normal business hours and at the meeting location noted on the agenda during the meeting.

ADDRESSING THE COMMITTEE

Interested persons are entitled to speak on any item on the agenda and should make their interest known to the Chair.

Anyone wishing to address the Committee on a nonagenda item may do so during the "Oral Communications" part of the agenda. Speakers are allowed to speak once on any number of topics for up to three minutes.

MINUTES

SPECIAL MEETING – THURSDAY, DECEMBER 15, 2022
VIDEO CONFERENCE WITH NO PHYSICAL MEETING LOCATION
3:30 P.M.

1. CALL TO ORDER

The meeting was called to order at 3:34 p.m. with Chair Matichak presiding.

2. ROLL CALL

Present: Committee members Hicks, Ramirez, and Chair Matichak.

Absent: None.

Also Present: Kimberly S. Thomas, Assistant to the City Manager; Heather Glaser, City Clerk; and Kimbra McCarthy, City Manager.

3. MINUTES APPROVAL

Chair Matichak asked if the Committee had any comments on the Minutes, and no one spoke.

Chair Matichak opened the item up for public input.

Bruce England asked for a path forward on the items they raised at the September meeting.

(time stamp—3:35 p.m.)

Motion—M/S Ramirez/Hicks—Carried 3-0—To approve the minutes for the September 28, 2022 meeting without modification.

4. ORAL COMMUNICATIONS FROM THE PUBLIC

(time stamp—3:36 p.m.)

Bruce England offered to send an email listing items they have raised in the hopes of receiving information on how to move forward.

5. DISCUSSION/ACTION ITEMS

5.1 AMENDMENTS TO THE COUNCIL CODE OF CONDUCT AND COUNCIL POLICY K-2, COUNCIL ADVISORY BODIES, RELATED TO REQUIREMENTS FOR SERVICE AND OTHER MINOR AMENDMENTS (CONTINUED FROM SEPTEMBER 28, 2022)

(time stamp—3:37 p.m.)

City Clerk Heather Glaser presented a brief verbal summary of the item.

The Committee discussed the staff-recommended changes with input from Ms. Glaser and City Manager Kimbra McCarthy.

(time stamp—3:51 p.m.)

Chair Matichak opened the meeting up for public input. No one from the public spoke.

The Committee made comments regarding the recommendation with input from Ms. Glaser and Ms. McCarthy.

(time stamp—4:04 p.m.)

Motion—M/S Ramirez/Matichak—Carried 3-0—To approve the staff recommendation with the below modifications:

- Removal of the following terms:
 - Page 2 of 9 of Council Policy K-2: “Five months”
 - Page 3 of 9 of Council Policy K-2: “Four months” and “Two to three months”
- Adding to the end of the first paragraph of Section b. (Page 3 of 9 of Council Policy K-2), “The deadline for applications should be set as near as practicable to the date interviews will be held by the recommending body.”

Recommendation: Staff recommends amending the Council Code of Conduct as outlined in Attachment 1 to incorporate minor amendments and add specific reference to Council Policy K-2, Council Advisory Bodies, in Chapter 5.5. Additionally, staff recommends amending Council Policy K-2, Council Advisory Bodies, to

incorporate requirements for ethics training, Brown Act training, compliance with the City's Conflict of Interest Code, and other minor amendments, as outlined in Attachment 2. Direction provided to staff will be taken to Council for adoption at the next meeting practicable.

Modifications to Recommendation.

5.2 COUNCIL POLICY AND PROCEDURES AGENDA TOPICS UPDATE

(time stamp—4:05 p.m.)

Kimberly Thomas, Assistant to the City Manager, presented this item.

The Committee discussed the upcoming agenda items and possible additions with input from Ms. McCarthy.

(time stamp—4:14 p.m.)

Chair Matichak opened the meeting up for public input.

Bruce England commented on the advisory body handbook and some requested updates.

Chair Matichak closed the public comment portion. No additional comments were made.

6. COMMITTEE/STAFF COMMENTS, QUESTIONS, COMMITTEE REPORTS—None.

7. ADJOURNMENT

The meeting was adjourned at 4:17 p.m.

These Minutes are hereby submitted for approval by Michal Schultz, Recording Secretary.

Approved on _____.



DATE: June 23, 2023

TO: Council Policies and Procedures Committee

FROM: Jennifer Logue, City Attorney

SUBJECT: **Proposed Amendments to Council Policy A-6**

City Council voted to have the Council Policies and Procedures Committee (CPPC) consider clarifying revisions to Council Policy A-6 governing the Mayor and Vice Mayor annual election process. Attached are redline revisions to Council Policy A-6 for the CPPC's consideration based on feedback provided by CPPC Chair Matichak.

Attachments: 1. Council Policy A-6 with redline revisions

CITY COUNCIL POLICY

SUBJECT: ELECTION OF MAYOR AND VICE MAYOR AND DAIS SEATING
ORDER

NO.: A-6

PURPOSE:

To establish a Council Procedure for the annual election of Mayor and Vice Mayor and the Councilmember seating arrangement at the dais.

DEFINITIONS:

For purpose of this policy, councilmember rank and seniority shall be determined as follows:

The “Highest Ranking Member” shall mean the member who has served on City Council for the greatest number of consecutive days in the immediately preceding ten (10)¹ years. For purposes of determining the number of consecutive days served, the first day of service shall be the date the councilmember was *first* sworn in as a councilmember in the immediately preceding ten (10) years.

If two or more councilmembers have served for the same number of consecutive days in the immediately preceding ten (10) years, the “Highest Ranking Member” shall mean the member who has served on City Council for the greatest number of consecutive days in the immediately preceding ten (10) years *and* received the highest number of votes in the election that initiated their current consecutive years of service.

For purposes of this policy, “Seniority” shall be determined by number of consecutive days of service in the immediately preceding ten (10) years and, if necessary to break a tie, then by the number of votes received in the election that initiated the councilmembers’ current consecutive years of service.

POLICY:

1. Election Process

- a. Pursuant to ~~Sections~~ Section 500 and 505 of the City Charter, the Council shall elect one ~~of its~~ members to serve as Mayor and one member to serve as Vice Mayor, both

¹ Ten (10) years rather than eight (8) years has been used to account for the fact the Charter Section 500 permits councilmembers who have been appointed or elected to fill an unexpired term of not more than two years in length to serve two additional consecutive four-year terms, and, therefore, a councilmember appointed to fill a vacancy may serve up to ten (10) consecutive years.

CITY COUNCIL POLICY

SUBJECT: ELECTION OF MAYOR AND VICE MAYOR

NO.: A-6

for one-year terms, at the first Council meeting in January of each year. The elections shall be listed ~~jointly consecutively~~ on the agenda.

- b. After the Mayor or City Clerk opens the agenda item, the Mayor shall open the floor ~~to~~ for public comment ~~as to~~ on both positions.
- c. At the close of the public comment period, the floor shall be open for nomination(s) for Mayor. The Mayor shall recognize any Councilmember who wants to make a nomination.
- d. ~~A motion and second is not in order for this process. At the close of the nominations, a vote will be in order and a member of the Council selected for Mayor each Councilmember shall name the member they are voting for to serve as the next Mayor. The member who receives majority vote of the members present is elected to serve as Mayor. If no member receives a majority vote of the members present, the voting process shall be repeated until a member receives majority vote. a second vote will be taken or, The Council shall have the discretion to re-open the nomination process described in subsection c. above at any time prior to subsequent rounds of voting. at the discretion of the Council, the nomination process repeated.~~ At the close of the nominations, a motion and second is not in order for this process. Each Councilmember shall name the member they are voting for to serve as the next Mayor. The member who receives majority vote of the members present is elected to serve as Mayor. If no member receives a majority vote of the members present, the voting process shall be repeated until a member receives majority vote. A second vote will be taken or, The Council shall have the discretion to re-open the nomination process described in subsection c. above at any time prior to subsequent rounds of voting. at the discretion of the Council, the nomination process repeated.
- e. After the election of Mayor, the ~~same process shall be used procedure will be repeated~~ for the election of Vice Mayor, beginning with the nomination process described in subsection c. above. ~~Step c above.~~
- f. The Council may, by majority vote, utilize another procedure for the election of Mayor and Vice Mayor provided the public participation in the process is not diminished.

2. Informal Rotation

- a. The following will provide historical guidance for the rotation of the seats of Mayor and Vice Mayor in the City of Mountain View. The rotation system outlined is not mandatory. Rather, it is designed to provide guidance to the Council in selecting the Mayor and Vice Mayor.
- b. The Vice Mayor succeeds to the Mayor's position.
- c. The ~~most senior member~~ Highest Ranking Member of the Council who has not yet served as Mayor in their current consecutive years of service ~~would~~ rotates into the position of Vice Mayor.

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SUBJECT: ELECTION OF MAYOR AND VICE MAYOR

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- d. One year of ~~prior~~ service as a past or present member of the Mountain View City Council ~~on the Council~~ is recommended to be eligible for the position of Mayor.
- e. If ~~there is no senior member of the~~ all current Council councilmembers have ~~who has~~ ~~not~~ served as Mayor in their current consecutive years of service, then any incoming (newly elected or appointed) councilmember ~~will be~~ is eligible for election to the Vice Mayor position. If there is more than one incoming councilmember, they will rotate in as Vice Mayor and then Mayor based on Seniority. ~~determined by the current number of consecutive years served the number of votes they received in the election which initiated the first of their current consecutive terms. This ranking establishes the members' seniority for purposes of this policy.~~ Once a councilmember's position in the Mayor/Vice Mayor rotation is established, it does not change regardless of whether a newly elected councilmember receives more votes than a councilmember reelected to a consecutive term. A councilmember who returns to City Council after a break in service of any duration starts over for purposes of determining Seniority.
- ~~f. If a newly elected Councilmember has not served as Vice Mayor or Mayor in their first term and is reelected without a break in service, they will be considered a current Councilmember for purposes of rotation into the Vice Mayor seat. This means that a Councilmember who is reelected and did not serve as the Vice Mayor or Mayor during their first term would have seniority over a newly elected person, notwithstanding that the newly elected Councilmember received more votes than the returning Councilmember.~~
- gf. If the Mayor or Vice Mayor seat becomes vacant during the one-year term for that office, the Council will determine the eligibility for filling the vacancy, taking into consideration the length of time remaining in the term and the wishes of the members in the rotation ~~in line~~ to fill the vacancy.
- ~~h. For the purposes of this policy, "senior member," or seniority in general, refer to the current set of two terms (and any partial term) permitted by the City Charter. For purposes of this policy, the term "senior member" is used to distinguish that member from a "newly elected" member.~~
- ig. Councilmembers elected or appointed to a term of less than four (4) years shall be placed in rotation immediately behind members previously elected or appointed and those elected to a full term at the same election. If more than one member is elected

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or appointed, they shall be placed in the rotation according to the length of term and number of votes, as applicable.

3. Dais Seating Order

- a. After the meeting at which selection of Mayor and Vice Mayor took place, the newly elected Mayor shall be seated in the middle position the dais. The Vice Mayor shall be seated to the Mayor’s right, and the Immediate Past Mayor shall be seated to the Mayor’s left. The remaining Councilmembers shall be seated according to their seniority with the next most senior member sitting to the Vice Mayor’s right, second most senior member sitting to the Immediate Past Mayor’s left and so on.

Audience						
4th Senior	2nd Senior	Past Mayor	Mayor	Vice Mayor	1st Senior	3rd Senior

Revised: _____

Revised: January 3, 2019, Resolution No. 18291

Revised: November 19, 2002, Resolution No. 16749

Effective Date: November 23, 1999, Resolution No. 16428

DATE: June 29, 2023

TO: Council Policy and Procedures Committee

FROM: Kimberly S. Thomas, Deputy City Manager

SUBJECT: **Council Policy and Procedures Committee Agenda Topics Update**

For the Council Policy and Procedures Committee's (CPPC) reference, the table below provides a summary of the topics discussed for Fiscal Year 2022-23 and a preview for Fiscal Year 2023-24.

CPPC MEETING UPDATES/AMENDMENTS/NEW POLICY	
Fiscal Year 2022-23, Fall 2022 Meeting: September 28, 2022—COMPLETED	
1.	Council Policy A-13, City Council Meetings
2.	Council Code of Conduct
3.	Council Policy for Recognition of Individuals, Organizations, and/or Events
4.	Downtown Committee Bylaws Composition
5.	City Council Policy D-13, Mountain View Employee Homebuyer and Relocation Assistance Program
6.	Council Policy and Procedures Agenda Topics Update (Routine Item)
Fiscal Year 2022-23, Added Winter Meeting: December 15, 2022—COMPLETED	
1.	Amendments to the Council Code of Conduct and Council Policy K-2, Council Advisory Bodies (Deferred from September 28, 2022)
2.	Cost-Recovery Policy
3.	Council Policy and Procedures Agenda Topics Update (Routine Item)
Fiscal Year 2022-23, Spring/Summer Meeting: June 29, 2023—IN PROGRESS	
1.	Council Policy A-6, Election of Mayor and Vice Mayor, appointment process amendments.
2.	Council Policy and Procedures Agenda Topics Update (Routine Item)

CPPC MEETING UPDATES/AMENDMENTS/NEW POLICY

Fiscal Year 2023-24, To Be Scheduled

1. Public Works Pilot status, if needed, after the summer recess with Council to ratify the items when they return in September 2023
2. Update Council Policy A-15, Shoreline Tickets
3. Update Council Policy A-11, Financial and Budgetary Policy
4. Low-priority clean-up matter for Council Policy A-10, Authorization to Execute City Contracts and Agreements and Increase Certain Limited Appropriations

* A proposed new/add to existing policy a procedure for doing appointments to outside boards needs definition or full Council direction.

KST/MS/6/MGR

625-06-29-23M