

AGENDA

NOTICE AND AGENDA

SPECIAL MEETING – WEDNESDAY, SEPTEMBER 28, 2022
VIDEO CONFERENCE WITH NO PHYSICAL MEETING LOCATION
2:00 P.M.

During this declared State of Emergency, this meeting will be conducted in accordance with California Government Code Section 54953(e), as authorized by resolution. Please contact city.clerk@mountainview.gov to obtain a copy of the applicable resolution. All members of the Council Policy and Procedures Committee will participate in the meeting by video conference, with no physical meeting location. Members of the public wishing to observe the live meeting may do so at <https://mountainview.gov/meeting> or <https://mountainview.legistar.com>.

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

1. Email comments to city.manager@mountainview.gov by 12:00 noon on the meeting date. Emails will be received directly by the Council Policy and Procedures Committee. Please identify the Agenda Item number in the subject line of your email.
2. Provide oral public comments in open session and/or during the meeting.
 - **Online:** You may join the Zoom Webinar using this link: <https://mountainview.zoom.us/j/84432991184> and entering Webinar ID: 844 3299 1184. You may be asked to enter an email address and a name. Your email address will not be disclosed to the public.

When the Chair announces the item on which you wish to speak, click the “raise hand” feature in Zoom. Speakers will be notified of their turn shortly before they are called on to speak.

- **By phone:** Dial: 669-900-9128 and enter Webinar ID: 844 3299 1184. When the Chair announces the item on which you wish to speak, dial *9. Phone participants will be called on by the last two digits of their phone number. When the Chair calls your name to provide public comment, if you are participating via phone, please press *6 to unmute yourself.

For instructions on using the “raise hand” feature in Zoom, visit <https://mountainview.gov/raise-hand>. When called to speak, please limit your comments to the time allotted (up to three minutes, at the discretion of the Chair).

1. **CALL TO ORDER**

2. **ROLL CALL**—Committee members Alison Hicks, Lucas Ramirez, and Chair Lisa Matichak.

3. **MINUTES APPROVAL**

Minutes for the November 30, 2021 meeting have been delivered to Committee members and copies posted on the City Hall bulletin board. If there are no corrections or additions, a motion is in order to approve these minutes.

4. **ORAL COMMUNICATIONS FROM THE PUBLIC**

This portion of the meeting is reserved for persons wishing to address the Committee on any matter not on the agenda. Speakers are limited to three minutes. State law prohibits the Committee from acting on nonagenda items.

5. **DISCUSSION/ACTION ITEMS**

5.1 **CONSIDERATION OF REVISIONS TO CITY COUNCIL POLICY D-13—MOUNTAIN VIEW EMPLOYEE HOMEBUYER AND RELOCATION ASSISTANCE PROGRAM**

The Committee will discuss recommended changes to the policy.

5.2 **AMENDMENTS TO THE COUNCIL CODE OF CONDUCT AND COUNCIL POLICY K-2, COUNCIL ADVISORY BODIES, RELATED TO REQUIREMENTS FOR SERVICE AND OTHER MINOR AMENDMENTS**

The Committee will discuss updates to the policies regarding Council advisory body members as well as minor clean-up items.

5.3 **PROPOSED REVISIONS TO COUNCIL POLICY A-13 AND COUNCIL CODE OF CONDUCT**

The Committee will consider recommendations for possible revisions to the policy concerning parliamentary procedure, hybrid meetings, Councilmember meeting attendance, committee reports, and City Council meeting decorum and corresponding revisions to the Council Code of Conduct.

5.4 **COUNCIL POLICY FOR RECOGNITION OF INDIVIDUALS, ORGANIZATIONS, AND/OR EVENTS**

The Committee will discuss recommendations for a new policy guiding the presentation of certificates and proclamations.

5.5 DOWNTOWN COMMITTEE BYLAWS COMPOSITION

The Committee will discuss recommended changes to the Bylaws.

5.6 COUNCIL POLICY AND PROCEDURES AGENDA TOPICS UPDATE

The Committee will receive an update on anticipated agenda items for the remainder of the fiscal year.

6. COMMITTEE/STAFF COMMENTS, QUESTIONS, COMMITTEE REPORTS

No action will be taken on any questions raised by the Committee at this time.

7. ADJOURNMENT

MS/1/MGR

625-09-28-22A

AGENDAS FOR BOARD, 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.
- 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 at 650-903-6301 48 hours in advance of the meeting to arrange for assistance. Upon request 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, located at 500 Castro Street, during normal business hours and at the meeting location noted on the agenda during the meeting.

ADDRESSING THE BOARD, COMMISSION, OR 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 Board, Commission, or Committee on a nonagenda item may do so during the "Oral Communications" part of the agenda. Speakers are allowed to speak one time on any number of topics for up to three minutes.

MINUTES

SPECIAL MEETING – TUESDAY, NOVEMBER 30, 2021
VIDEO CONFERENCE WITH NO PHYSICAL MEETING LOCATION
5:00 P.M.

1. **CALL TO ORDER**

The meeting was called to order at 5:03 p.m. with Chair Matchak presiding.

2. **ROLL CALL**

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

Absent: None.

Also Present: Kimberly S. Thomas, Assistant to the City Manager; Heather Glaser, City Clerk; Kimbra McCarthy, City Manager; Dawn S. Cameron, Public Works Director; Rey Rodriguez, Senior Project Manager; John Lang, Economic Vitality Manager; Robert Gonzales, Principal Civil Engineer; and Tiffany Chew, Business Development Specialist.

3. **MINUTES APPROVAL**

(time stamp—5:06 p.m.)

Motion—M/S Hicks/Ramirez—Carried 3-0—To approve the minutes for the June 2, 2021 meeting without modification.

4. **ORAL COMMUNICATIONS FROM THE PUBLIC**

(time stamp—5:07 p.m.)

Comment/Request—Bruce England commented that the packets for this meeting were still being posted on the old Laserfiche and requested that these be moved to the new Laserfiche so that everything is in the same place.

5. **DISCUSSION/ACTION ITEMS**

5.1 **COUNCIL POLICIES A-13, CITY COUNCIL MEETINGS, AND K-2, COUNCIL ADVISORY BODIES**

(time stamp—5:08 p.m.)

City Clerk Heather Glaser presented the item, gave context, and opened the floor for questions. Committee members discussed it with input from Ms. Glaser and City Manager Kimbra McCarthy.

(time stamp—5:16 p.m.)

Chair Matichak opened the floor to public input.

Bruce England voiced in support.

(time stamp—5:17 p.m.)

Chair Matichak closed the public input and opened the floor for comments from the Committee members. Committee members discussed the item and asked Ms. Glaser to make a one-word change.

(time stamp—5:24 p.m.)

Motion—M/S Ramirez/Hicks—Carried 3-0—To approve Item 5.1 with a one-word change.

5.2 **COUNCIL POLICY K-5, PUBLIC ART AND CAPITAL IMPROVEMENT PROGRAM PROJECTS**

(time stamp—5:25 p.m.)

Public Works Director Dawn S. Cameron introduced Senior Project Manager Rey Rodriguez, who gave a PowerPoint presentation on the item.

(time stamp—5:35 p.m.)

Chair Matichak asked for questions from Committee members, and the Committee discussed the item with input from Economic Vitality Manager John Lang, Principal Civil Engineer Robert Gonzales, Public Works Director Dawn S. Cameron, and Business Development Specialist Tiffany Chew.

(time stamp—6:05 p.m.)

Chair Matichak opened the floor to public comment.

Bruce England voiced comments about competing priorities related to this item.

Jesse Cupp made suggestions related to the item.

(time stamp—6:10 p.m.)

Chair Matichak closed the public input and opened the floor for comments from the Committee members. The Committee discussed the item with input from Ms. Cameron and Mr. Gonzales.

(time stamp—6:29 p.m.)

Motion—M/S Hicks/Ramirez—Carried 3-0—To approve Item 5.2 with a couple of amendments (the financial cap adjusted, a plan to adjust for inflation every five years, and added “Council discretion” for other projects).

6. COMMITTEE/STAFF COMMENTS, QUESTIONS, COMMITTEE REPORTS

(time stamp—6:30 p.m.)

Assistant to the City Manager Kimberly S. Thomas thanked the Committee members and noted the pending items that will be carried into 2022: Council Policy D-9, Council Policy A-10, and Council Policy K-2.

Committee member Lucas Ramirez requested that pending items be noted in each meeting. Staff confirmed.

Committee member Alison Hicks asked for the title of each pending item be read as well. Staff read each.

7. **ADJOURNMENT**

The meeting was adjourned at 6:34 p.m.

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

Approved on _____.

MS/6/MGR
625-11-30-21mn

DATE: September 28, 2022

TO: Council Policy and Procedures Committee

FROM: Lindsey Bishop, Human Resources Manager
Sue C. Rush, Human Resources Director
Grace Zheng, Assistant Finance and Administrative Services Director
Jesse Takahashi, Finance and Administrative Services Director

VIA: Kimbra McCarthy, City Manager

SUBJECT: **Consideration of Revisions to City Council Policy D-13—Mountain View Employee Homebuyer and Relocation Assistance Program**

INTRODUCTION

The Council Policy and Procedures Committee (CPPC) is requested to consider recommended changes to the existing employee housing assistance policy to amend the terms of the homebuyer provisions (Attachment 1 to the Memorandum).

BACKGROUND

Public- and private-sector employers in the Bay Area continue to face challenges attracting and retaining employees due, in large part, to the high cost of housing. Mountain View has had a housing assistance program for Council Appointees and department heads since 1995 and a homebuyer program providing staff with down payment and/or closing cost assistance since 2008. The intent of both programs has been to support recruitment and retention through assistance to employees in owning a home close to work. On May 14, 2019, Council approved the consolidation and enhancement of these programs with the adoption of the existing version of Council Policy D-13.

Since 2019, two Council Appointees have utilized the homebuyer assistance, and several employees have received relocation assistance as a strategy to maintain Mountain View's competitive advantage for attracting and retaining valuable employees. The administration of the homebuyer assistance policy specifically has revealed unintended barriers for use that were unknown when the policy was last updated. Since learning of these challenges, staff is

recommending modification and clarification to maintain a viable and valued program for all employees.

ANALYSIS AND RECOMMENDATION

Provisions for All Eligible Participants

Loan Provisions

Prior to 2019, Council Appointees and department heads were eligible for up to seven years of interest-only payments and all employees were eligible for up to five years of interest-only payments. In 2019, upon consolidating this program into one policy for all eligible employees, staff recommended a more conservative three-year period to apply to all employees. As such, the current policy permits any eligible participant purchasing a home through this policy to request to make interest-only payments for up to three years at the start of the loan.

Upon soliciting feedback since 2019, staff is recommending more flexibility in the policy to return to the prior allowance for consideration of a longer interest-only period, up to seven years total, that would be assessed for risk on a case-by-case basis to take into consideration the housing market, equity in the home, impact to the principal payment amounts, and, subsequently, the impact on the eligible participant's biweekly income for a principal payment schedule that is amortized over a shorter period of time.

Proximity to Mountain View

The current provisions reference proximity to Mountain View in the eligibility criteria. Staff does not propose a change to these provisions. Instead, staff recommends clarification as to whether the radius is based upon straight-line distance or commuting distance. The geographical information system (GIS) mapping provided in 2019 (Attachment 2) depicts straight-line distance, and Human Resources has a GIS tool to determine eligibility.

Provisions for Department Heads and Council Appointees

Loan Provisions

The current provisions for department heads and Council Appointees include two options, based on the proximity of the home to Mountain View:

- A loan up to the median home price in Mountain View or 75% of the sales price, whichever is lower, for a home in Mountain View; or

- A loan of up to 25% of the sales price, to a maximum of median home price in Mountain View, for a home within a five-mile radius of Mountain View.

In either case, the policy requires that if the participant requires a second loan on the property, any additional loan will be subordinate to the City's loan. To date, the provision for a second home mortgage that must be subordinate to the City's loan can be extremely difficult to obtain, thereby, reducing the chances of a successful home purchase. The assurance of being the primary lienholder is more crucial for loans that represent a higher percentage of the purchase price, thus at a greater risk, which is a consideration for the City as well as other lenders.

In the second option for department heads and Council Appointees, the City's loan for a home within five miles of Mountain View is for up to 25% of the sales price and alternate funding could be for up to 70% of the purchase price (with approval for a minimum equity requirement of 5%). It is not likely for a lender in this scenario to approve a loan in a subordinate position to the City's loan when their risk of loss is significantly greater.

Likewise, a loan under the first provision to a department head or Council Appointee purchasing a home in Mountain View could be for an amount between 26% and 75% of the sales price. This again may result in a scenario in which the employee cannot secure a loan that is subordinate to the City's loan.

In the 27 years that the City has offered a home loan program to department heads and Council Appointees, eight employees have been approved and received a loan. Six of the eight retired from the City, and their loans have been fully repaid. Two of the eight are current employees with loans originated since the 2019 policy and include the utilization of both of the provisions outlined above, with necessary modifications. In each case, subordinate loans proved to be a barrier which required Council action to either waive the subordinate loan provision or reduce the percentage of equity in the home required from the employee.

Staff recommends an amendment to the policy to allow for elimination of the subordinate loan requirement for Council appointees and Department Heads (subject to City Manager approval) if a good-faith attempt is made by the participant to do so. In addition, staff recommends removal of the existing requirement that the employee must establish minimum equity in the property when the Department Head or Council Appointee is approved for a City loan that does not exceed \$500,000. This aligns with the existing policy for other employees who may borrow up to \$500,000 without a requirement to establish equity in the property.

FISCAL IMPACT

There is no fiscal impact as a result of the radius for eligibility. Extended interest-only periods for all employee home loans may impact the rate at which funds are replenished to provide new

loans. Extended periods of interest-only payments will result in significantly higher payments once that period expires and full amortization payments begin. Any impacts related to reduced or eliminated equity for Department Head home loans will be considered by the City Manager in their consideration of the request. The removal of the subordinate loan provision for Council Appointees and Department Heads means that, in case a default were to occur and the subject property were to be sold, the primary lienholder would be entitled to be repaid in full before the City. If sufficient proceeds were not available for both lienholders, the City could receive less than it is owed.

ALTERNATIVES

- In the event the CPPC requests more information, staff will return with additional analysis at a future meeting.
- The CPPC could retain the policy without changes.
- The CPPC could recommend alternative changes to the policy, such as loan terms and purchase radius.

LB-SCR-GZ-JT/1/HRD
035-09-28-22M

Attachments: 1. City Council Policy D-13—Mountain View Employer Homebuyer and Relocation Assistance Program
2. Map—Radius Map from Mountain View

CITY COUNCIL POLICY

SUBJECT: MOUNTAIN VIEW EMPLOYEE HOMEBUYER AND RELOCATION ASSISTANCE PROGRAM

NO.: D-13

PURPOSE:

To establish the City's policy for a homebuyer program for City employees and relocation assistance for Council appointees, department heads, assistant directors, and division managers or a position designated by the City Manager, or designee, as hard-to-fill positions.

POLICY:

1. Eligibility for Employee Homebuyer Program
 - a. Regular City employees who have passed the initial probationary period are eligible for the Employee Homebuyer Program.
 - b. Department heads and Council appointees who are not subject to a probationary period are eligible for this program at the time of hire.

2. Homebuyer Program

The Employee Homebuyer Program shall consist of the following elements:

- a. Loan Amount:

All Employees:

Loan of up to \$250,000 to assist with purchasing a home in, or within a 10-mile radius of, Mountain View.

First Responders:

First responders are eligible for either the All Employee loan above, or a loan of up to \$500,000 to assist with purchasing a home in, or within a five-mile radius of, Mountain View.

First responders include Police and Fire emergency responders (Firefighter/Paramedic, Fire Engineer, Fire Captain, Battalion Chief, Deputy Fire Chief, Police Officer, Police Sergeant, Police Lieutenant, Police Captain, Public Safety Dispatcher I, II, III, Lead Public Safety Dispatcher, Public Safety Dispatch Coordinator,

CITY COUNCIL POLICY

SUBJECT: MOUNTAIN VIEW EMPLOYEE HOMEBUYER AND RELOCATION ASSISTANCE PROGRAM

NO.: D-13

and ~~Communications Supervisor~~Emergency Communications Manager) and Public Works/Public Services employees designated to respond to calls for service as defined in the City's after-hours Duty Program set forth in the Memorandum of Understanding between the Service Employees International Union (SEIU) and the City of Mountain View. New or reclassified positions may be designated by the City Manager as first responders.

For All Employee and First Responder loans, the maximum loan amount will be adjusted annually, beginning in December 2019, based on the annual change (December to December) in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-Hayward urban area.

Department Heads and Council Appointees:

Loan of up to the median home price in Mountain View or 75~~percent~~% of the sales price, whichever is lower, to assist with purchasing a home in Mountain View; or a loan of up to 25~~percent~~% of the sales price, to a maximum of median home price in Mountain View, for a home within a five-mile radius of Mountain View.

~~For Department Head and Council Appointee loans, if the participant requires a second loan on the property, any additional loan will be subordinate to the City's loan. Also, t~~The employee must establish a minimum equity in the property equal to at least 10~~percent~~% of the total purchase price of the residence. At the City Manager's discretion, equity in the property may be reduced to 5~~percent~~% for unusual circumstances. In the case that the City's loan does not exceed \$500,000, a minimum equity in the property is not required.

For department heads, if the participant requires a second loan on the property, it is the City's preference for any additional loan to be subordinated to the City's loan, however, after good-faith attempts to do so are unsuccessful, the City Manager may approve a secondary lien position for the City's loan.

CITY COUNCIL POLICY

SUBJECT: MOUNTAIN VIEW EMPLOYEE HOMEBUYER AND RELOCATION ASSISTANCE PROGRAM

NO.: D-13

b. Source of Loan Funds:

For All Eligible Participants:

The funding source for the loan programs will be determined based on availability of funding and approved by City Council.

c. Loan Terms and Repayment:

- Loan term is not to exceed 30 years.
- Fixed interest rate will be determined based on the Applicable Federal Rate (AFR) at the time the loan is issued, for all loans.
- The eligible participant may ~~request to~~ make interest-only payments for up to three years at the start of the loan. Participants may request up to four additional years of interest-only payments, to a maximum of seven years, which will be evaluated and considered as set forth in the procedural guidelines.
- For interest-only payment option, when principal payments commence, the principal will be amortized over the remaining life of the loan.
- The City will be repaid in full upon the sale or transfer of the property.
- The purchased property must be the primary residence of the employee and may be a single-family home, townhouse, rowhouse, or condominium.
- The home cannot be rented.

d. Loan Repayment Upon Separating from the City:

- Upon a participant's separation from the City, the full loan must be paid within 12 months. If the loan is repaid within six months, the interest rate will not change. For repayment after six months, the interest rate will increase by 1 ~~percent~~%.

CITY COUNCIL POLICY

SUBJECT: MOUNTAIN VIEW EMPLOYEE HOMEBUYER AND RELOCATION ASSISTANCE PROGRAM

NO.: D-13

- Additional time for repayment may be allowed in hardship situations, as approved by the City Manager or designee.

Relocation Assistance

- The following positions may request relocation assistance: department heads, Council appointees, assistant directors, and division managers or a position designated by the City Manager, or designee, as a hard-to-fill position.
- Relocation Assistance may be requested for a move occurring within one year of date of appointment.
- For a move more than 10 miles but less than 25 miles, up to \$4,500 in reimbursement will be provided upon receipt and approval of documentation of reasonable and necessary moving expenses.
- For a move greater than 25 miles, up to \$6,500 reimbursement will be provided upon receipt and approval of documentation of reasonable and necessary moving expenses. In addition, reimbursement for temporary housing, within five miles of Mountain View, at a rate of up to \$100 per day for no more than 60 days, upon receipt and approval of documentation of such temporary housing.
- Reimbursements will be administered in accordance with procedures set forth by the Finance and Administrative Services Department and IRS regulations. Reimbursements may be a taxable benefit and subject to tax withholdings.
- The maximum reimbursement amount will be adjusted annually, beginning in December 2019, based on the annual change (December to December) in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-Hayward urban area.

PROCEDURE:

The guidelines for this program shall be developed by staff and approved by the City Manager.

CITY COUNCIL POLICY

SUBJECT: MOUNTAIN VIEW EMPLOYEE HOMEBUYER AND RELOCATION ASSISTANCE PROGRAM

NO.: D-13

The City Council will authorize housing and/or relocation assistance for Council appointees under this policy. The City Manager will authorize housing and/or relocation assistance for all other employees under this policy.

Revised: May 14, 2019, Resolution No. 18324

Revised: January 19, 2010

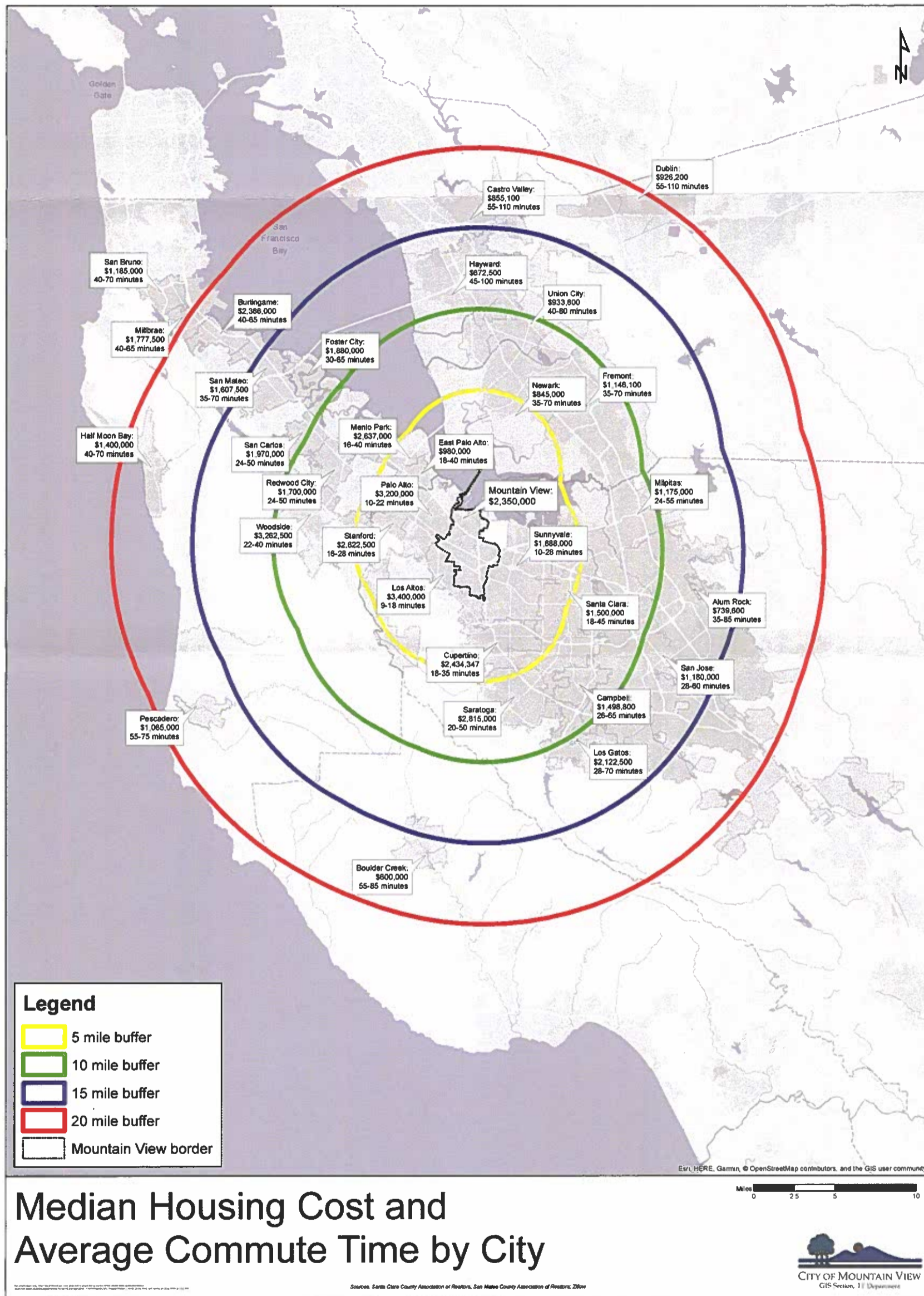
Revised: June 9, 2009

Revised:

Effective Date: December 2, 2008, Resolution No. 17348

CNLPOL

D13-CP-so



DATE: September 28, 2022

TO: Council Policy and Procedures Committee

FROM: Heather Glaser, City Clerk

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

BACKGROUND

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

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

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

OTHER AMENDMENTS

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

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

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

RECOMMENDATION

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

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

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

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

**ADOPTED
NOVEMBER 19, 2002**

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

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CHAPTER 1—FORM OF GOVERNMENT

1.1 Form of Government

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

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

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

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

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

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

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

CHAPTER 2—COUNCIL POWERS AND RESPONSIBILITIES

2.1 City Council Generally

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

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

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

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

2.3 Council Actions

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

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

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

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

2.5 Establishment and Appointment of Council Advisory Bodies

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

2.6 Appointment by Council to Regional Boards

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

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

CHAPTER 3—LEGAL AND ETHICAL STANDARDS

3.1 Preamble

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

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

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

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

3.2 Public Interest

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

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

3.3 Conduct

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

3.4 Conflict of Interest

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

3.4.9 Mountain View City Charter Provisions

3.4.9.1 Financial Interests in City Contracts Prohibited-

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

3.4.9.2 Nepotism-

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

3.4.9.3 Political Activities Prohibited; Discrimination-

This provision provides that:

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

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

3.4.10 Mountain View City Code Provisions

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

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

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

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

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

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

3.4.11 California State Law Regarding Conflicts

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

3.4.11.1 Constitutional ~~p~~Prohibitions

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

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

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

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

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

3.4.11.3 Political Reform Act—Conflicts of Interest

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

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

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

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

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

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

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

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

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

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

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

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

3.4.11.3.4 Political Reform Act—Gifts, etc.

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

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

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

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

3.4.11.3.4.1 Travel Reimbursements

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

3.4.11.3.4.2 Honoraria

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

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

3.4.11.3.4.3 Political Reform Act—Mass Mailings

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

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

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

3.4.11.3.4.4 Political Reform Act—Enforcement

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

3.4.11.5 Common Law Conflicts of Interest

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

3.4.11.6 Appearance of Impropriety

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

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

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

3.5 Compliance and Enforcement—All Rules

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

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

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

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

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

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

3.6 Assembly Bill 1234—Required Ethics Training

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

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

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

3.6.1 Enforcement

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

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

CHAPTER 4—COMMUNICATIONS

4.1 Written Communications

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

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

4.2 Request for Staff Resources

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

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

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

4.3 Relationship/Communications with Staff

Staff serves the City Council as a whole; therefore:

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

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

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

4.4 Council Relationship/Communication with Council Advisory Bodies

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

4.5 Handling of Litigation and Other Confidential Information

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

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

4.6 Representing an Official City Position

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

4.7 Quasi-Judicial Role/*Ex Parte* Contacts

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

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

4.7.1 *Ex Parte* Contacts/Fair Hearings.

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

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

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

4.8 No Attorney-Client Relationship

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

CHAPTER 5—COUNCIL ADVISORY BODIES AND RENTAL HOUSING COMMITTEE

5.1 Boards, Commissions, and Committees Generally

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

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

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

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

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

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

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

5.2 Board, Commission, and Committee Organization and Conduct

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

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

5.3 Board, Commission, and Committee Appointments

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

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

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

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

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

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

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

5.4 Boards, Commissions, and Committees—Vacancy of Office

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

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

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

5.5.2 Definitions

5.5.2.1 Admonishment

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

5.5.2.2 Removal

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

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

5.5.2.3 Sanction

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

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

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

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

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

CHAPTER 6—MEETINGS

6.1. Ralph M. Brown Act

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

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

6.2 Regular Meetings

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

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

6.3 Study Sessions

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

6.4 Closed Sessions

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

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

6.5 Special and Emergency Meetings

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

6.6 Meeting Agendas

6.6.1 Preparation of Agendas

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

6.6.2 Placing Items on Agendas

6.6.2.1 Council Agendas

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

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

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

6.6.2.2 Council Advisory Body and Councilmember Committee Agendas

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

6.6.3 Order of Agenda Items

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

1. Call to Order/Pledge of Allegiance

2. Roll Call

~~2A3. Proclamations/~~Presentations

~~3. Minutes Approval~~

4. Consent Calendar

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

5. Oral Communications from the Public

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

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

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

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

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

6. Public Hearings

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

7. Unfinished Business

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

8. New Business

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

9. Items Initiated by Council

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

10. Council, Staff/Committee Reports

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

11. Closed Session Report

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

12. Adjournment

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

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

6.7 Rules of Procedure

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

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

6.8 Decorum

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

6.9 Time of Adjournment

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

6.10 Agenda Packets

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

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

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

CHAPTER 7—COUNCIL FINANCIAL MATTERS

7.1 Compensation

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

7.2 Benefits

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

7.3 City Council Budget and Expenses

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

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

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

PREAMBLE

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

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

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

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

1. Act in the Public Interest

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

2. Comply with the Law

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

3. Conduct of Members

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

4. Respect for Process

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

5. Conduct of Public Meetings

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

6. Decisions Based on Merit

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

7. Communication

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

8. Coordination with City Staff

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

9. Disclosure of Corruption

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

10. Conflict of Interest

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

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

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

11. Gifts and Favors

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

12. Confidential Information

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

13. Use of Public Resources

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

14. Representation of Private Interests

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

15. Advocacy

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

16. Improper Influence

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

17. Policy Role of Members

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

18. Positive Work Environment

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

19. Implementation

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

20. Compliance and Enforcement

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

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

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

Signature

Date

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

PREAMBLE

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

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

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

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

1. Act in the Public Interest

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

2. Comply with the Law

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

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

3. Conduct of Council Advisory Body Members

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

4. Respect for Process

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

5. Conduct of Public Meetings

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

6. Decisions Based on Merit

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

7. Communication

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

8. Coordination with City Staff

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

9. Disclosure of Corruption

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

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

10. Conflict of Interest

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

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

11. Gifts and Favors

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

12. Confidential Information

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

13. Use of Public Resources

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

14. Representation of Private Interests

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

15. Advocacy

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

16. Improper Influence

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

17. Policy Role of Members

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

18. Positive Work Environment

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

19. Implementation

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

20. Compliance and Enforcement

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

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

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

Signature

Date

CITY COUNCIL POLICY

SUBJECT: COUNCIL ADVISORY BODIES

NO.: K-2

PURPOSE:

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

POLICY:

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

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

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

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

CITY COUNCIL POLICY

SUBJECT: COUNCIL ADVISORY BODIES

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

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

PROCEDURES:

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

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

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

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

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

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

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

CITY COUNCIL POLICY

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

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

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

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

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

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

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SUBJECT: COUNCIL ADVISORY BODIES

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

2. Selection Process

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

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

3. Vacancies

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

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

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

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NO.: K-2

4. Removal

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

Revised:

Revised: December 14, 2021, Resolution No. 18634

Revised: June 22, 2021, Resolution No. 18574

Revised: January 26, 2021, Resolution No. 18534

Revised: February 27, 2018

Revised: December 13, 2016

Revised: March 3, 2015, Resolution No. 17945

Revised: January 14, 2014, Resolution No. 17832

Revised: November 17, 2009, Resolution No. 17441

Revised: October 28, 1997

Effective Date: January 26, 1976

CNL POL

K02-CP-so

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.

bc. 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.

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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

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- 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

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- 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 <u>Adopted</u> b <u>Budget</u>	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.

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(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

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

**ADOPTED
NOVEMBER 19, 2002**

REVISED

~~JANUARY 3, 2019~~ _____

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CHAPTER 1—FORM OF GOVERNMENT

1.1 Form of Government

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

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

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

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

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

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

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

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

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

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

3.5 Compliance and Enforcement—All Rules

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

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

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

- 3.5.1.2 If the Mayor, City Manager, and City Attorney do not agree that the violation or alleged violation is minor (see Section 3.5.1.1) in nature, then the Mayor shall convene a special ad hoc committee of the Mayor (who will serve as Chair), Vice Mayor, and most recent Mayor (the “Ethics Committee”) who will meet with the City Manager and City Attorney and appropriate staff and/or witnesses to determine how the matter may proceed, be resolved, or be reported to the appropriate authorities (Protocol 2).
- 3.5.1.3 In implementing the provisions of this section, the Ethics Committee will be authorized to conduct all inquiries and investigations as necessary to fulfill their obligation.
- 3.5.1.4 For purposes of Sections 3.5.1.1 and 3.5.1.2, the incident or violation is not minor if it involves the injury or potential injury to any person (e.g., physical, emotional, defamation, harassment, etc.), significant exposure to the City Treasury, or the probability for a repeat occurrence.
- 3.5.2 Councilmembers wishing to report a suspected violation by a staff member should report it to both the City Manager and City Attorney.
- 3.5.3 In the event any Councilmember with a role in this policy is the subject of the inquiry, the role of that official shall be assumed by the next ranking official in the chain. For example, if the Mayor is the subject of the inquiry, the Ethics Committee shall be comprised of the Vice Mayor (who will serve as Chair) and the two (2) most recent former Mayors. If the City Manager or City Attorney is the subject, the Ethics Committee will exclude that individual.
- If there is no recent former Mayor available to fill the appropriate seat(s) on the Ethics 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 agendaized to ask the City Council if time should be spent on preparing a report on the proposed item.

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

4.3 Relationship/Communications with Staff

Staff serves the City Council as a whole; 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 ~~c~~Council-~~M~~m~~a~~anager structure of Mountain View City government as provided in State law and the City Charter.

18. Positive Work Environment

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

19. Implementation

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

20. Compliance and Enforcement

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

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

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

Signature

Date

DATE: September 28, 2022

TO: Council Policy and Procedures Committee

FROM: Merry Monlux, Assistant City Clerk

SUBJECT: Council Policy for Recognition of Individuals, Organizations, and/or Events

BACKGROUND

In January 2022, the Chair of the Council Policy and Procedures Committee (CPPC) expressed interest in implementing guidelines for official Council recognition of individuals, organizations, community contributions, and/or events.

Currently, it is the practice of the City Council to recognize noteworthy contributions, achievements, milestones, and events relevant to Mountain View residents. These recognitions can be done by issuance of a proclamation or certificate presented at an event or during a City Council meeting. The City receives many requests for proclamations and recognitions each month. Regrettably, due to limited time and resources, the City is unable to honor every request received.

The intent of this report is to establish consensus on criteria and guidelines, ensuring a policy will be consistent with the overall priorities of the City Council. Furthermore, the policy may set guidelines for the presentation of proclamations and recognitions to strive to limit the number of special presentations per meeting.

Staff conducted research of practices and reviewed policies from agencies throughout the Bay Area and incorporated those that are consistent with the direction currently in practice by Council.

RECOMMENDATION

Staff recommends the Committee review the draft policy and provide feedback. Direction provided to staff can either be brought back to the CPPC for review or be taken directly to the City Council for adoption at the next meeting practicable.

MM/4/CLK

430-09-28-22M

- Attachments:
1. Draft Policy
 2. List of Previous Recognitions

CITY COUNCIL POLICY

SUBJECT: RECOGNITION OF INDIVIDUALS, ORGANIZATIONS, AND/OR
EVENTS

NO.: K-27

PURPOSE

This Policy is designed to establish consistent criteria and procedures for official Council recognition of individuals, organizations, community contributions, and/or events.

POLICY

It is the policy of the City to recognize noteworthy contributions and achievements of individuals and organizations through proclamations, certificates, and letters in accordance with the criteria contained in this Policy and at the discretion of the Mayor or the City Council, where noted. These forms of recognition are not intended for partisan, commercial, or narrow individual purposes; as such, intentions are inconsistent with the overall policies of the City Council.

All requests should be made by community members in the City of Mountain View; organizations or businesses physically located in Mountain View; or organizations whose primary mission is to provide some service to Mountain View residents. The Mayor reserves the right to decline or modify requests and make exceptions to any of the following guidelines.

1. Proclamation

Proclamations are used for various forms of recognition, including:

- A. Recognition of individuals or organizations with Mountain View-specific significance;
- B. To call public attention to a significant community event, service, or program;
- C. To highlight a special period of observance, celebration, or recognition for community, regional, State, or national occasions; and
- D. Recognition of Mountain View residents on the occasion of their 100th birthday.

All requests for Proclamations should be directed to the Mayor for review. Proclamations will be issued at the discretion of the Mayor but may be requested by individual Councilmembers through the Mayor. Requests for Proclamations that do not meet the criteria listed above will be considered on a case-by-case basis. A copy of each Proclamation is maintained by the City Clerk's Office. The City retains the right to modify, edit, or otherwise amend the proposed Proclamation to meet its requirements, needs, or policy determinations. The City reserves the right to decline any request for a Proclamation.

CITY COUNCIL POLICY

SUBJECT: RECOGNITION OF INDIVIDUALS, ORGANIZATIONS, AND/OR
EVENTS

NO.: K-27

The Mayor shall determine whether a Proclamation is appropriate to present at a Council meeting or other venue. If presented at a Council meeting, the Mayor and/or designee shall do so under the Presentation portion of the meeting.

2. Certificate of Recognition

A Certificate of Recognition is similar in appearance to a Proclamation but is less formal. Certificates of Recognition are used to acknowledge individual or group achievements or contributions to the community or to recognize a noteworthy event or occasion. Certificates of Recognition also are prepared for outgoing members of Council Advisory Bodies and for Mountain View residents on the occasion of their 90th and 95th birthdays. Certificates of Recognition that are not issued at a Council meeting do not require Council approval and are issued at the discretion of the Mayor. Certificates are typically signed by one individual; the Mayor or Councilmember presenting the certificate. The Mayor shall determine whether it is appropriate to present a Certificate of Recognition at a Council meeting or other venue.

At the discretion of the Mayor, Mayoral letters of commendation, appreciation, congratulation, recognition, support, or greeting may be prepared as an alternative to Certificates of Recognition. Such letters may be used for inclusion in community event programs, such as sports tournaments, service club or business organization events, and conferences held in the community. Letters shall be signed by the Mayor only.

Nothing in this Policy shall prohibit individual Councilmembers from preparing individual notes of appreciation or congratulations to others. In this case, however, no staff support shall be provided, and no presentation shall be made at a Council meeting.

PROCEDURE:

1. Requests for Proclamations or recognitions shall be submitted to the Mayor for approval no less than 30 days prior to the City Council meeting or event. Exceptions to the deadline may be granted, provided that sufficient time is permitted to prepare the item before the meeting.
2. Requests must be made to the City Clerk's Office in writing via email, hand-delivery, or U.S. mail (or via [formstack](#)).

CITY COUNCIL POLICY

SUBJECT: RECOGNITION OF INDIVIDUALS, ORGANIZATIONS, AND/OR
EVENTS

NO.: K-27

3. The following information should be included in each request:

- Contact person's first and last name, phone number, and email address.
- A brief summary of the event or organization.
- Specific name and date for the day, week, month, or event to be proclaimed.
- Indicate whether the requester would like the Proclamation to be presented at a Council meeting and date preferred.
- Indicate the date by which the Proclamation is needed.
- Provide draft text of the Proclamation, including four to five recitals (i.e., "whereas" clauses).
- If the Proclamation will not be presented at a Council meeting, provide a mailing address where the final Proclamation may be sent or indicate that the Proclamation will be picked up, including the receiver's name and title.
- Proclamations must fit on a single 8.5" by 11" page and be in 11- or 12-point font, with room remaining for the Mayor's signature.

Revised: _____, Resolution No. _____

Effective Date: _____, Resolution No. _____

CNLPOL
K27-430CP (DRAFT)

List of Previous Recognitions

Inclusive of items that were issued 2021 to present

Proclamations

- Affordable Housing Month Proclamation
- Asian Pacific Heritage Month Proclamation
- Bike Month Proclamation
- Compassion Week Proclamation
- COVID-19 Memorial Day Proclamation
- Equal Pay Day 2021 Proclamation
- Family Court Awareness Month Proclamation
- LGBTQ Pride Month Proclamation
- Immigrant Heritage Month Proclamation
- March for Meals Month Proclamation
- Mental Health Awareness Month Proclamation
- Monarch Preservation and Natural Habitats
- Municipal Clerks Week Proclamation
- National Breast Cancer Awareness Month Proclamation
- National Employee Recognition Day Proclamation
- National Hispanic Heritage Month Proclamation
- National Hunger and Homelessness Awareness Proclamation
- National Public Works Week Proclamation
- National Volunteer Appreciation Week Proclamation
- Non-Binary People Day Proclamation
- Park and Recreation Month Proclamation
- Proclamation (and plaque for Mayor) to Outgoing Councilmembers in Recognition of their Service
- Proclamation in Recognition of African American History Month
- Proclamation in Recognition of Lunar New Year
- Red Cross Month Proclamation
- Suicide Prevention Month Proclamation
- United Against Hate Week Proclamation
- Welcoming Week Proclamation
- Women's History Month Proclamation

Certificate of Recognition

- 129th Rescue Wing Outstanding Airmen of the Year Banquet
- Beautification of the Mountain View Buddhist Temple
- Cal Cities Women’s Caucus Women of Persistence Award
- Contributions to the community as the Director of Community Benefit (El Camino Health)
- Earning Rank of Eagle Scout
- El Camino Health 60th Anniversary
- Elementary School Mayor for a Day
- Middle School Mayor for a Day
- Performance at the Senior Center (Notelove)
- Presidential Volunteer Service Award
- Science Fair Champions

**MEMORANDUM**

Council Policy and Procedures Committee
Community Development Department

DATE: September 28, 2022

TO: Council Policy and Procedures Committee

FROM: John Lang, Economic Vitality Manager
Aarti Shrivastava, Assistant City Manager/Community Development Director

VIA: Kimbra McCarthy, City Manager

SUBJECT: **Downtown Committee Bylaws—Composition**

INTRODUCTION

The purpose of this memo is to provide the Council Policy and Procedures Committee (CPPC) with potential changes to the Bylaws for consideration at a future City Council meeting.

BACKGROUND

The Downtown Committee (Committee) was established in 1998 as a City Council advisory body on matters relating to the downtown area. The Committee has a set of Bylaws which defines its purpose, downtown boundaries, membership, meeting structure, and duties. The purpose of the Committee is to “promote the vitality of Downtown Mountain View through recommendations to the City Council on programs, projects, and policies for economic development, a quality downtown environment, and the maintenance and development of parking facilities.” The Downtown Committee Bylaws were last amended in January 2020. The downtown property and/or business and business-at-large categories were changed to attract more applicants and provide flexibility as to who can participate.

There are currently 11 seats on the Committee composed of stakeholders representing a cross section of downtown Mountain View and the greater Mountain View community. The Committee is composed of members from the following categories: four downtown property and/or business owners, four business-at-large (including the Downtown Business Association and Chamber of Commerce), two community-at-large, and one neighborhood representative (appointed by the Old Mountain View Neighborhood Association).

ANALYSIS

Currently, there is one vacant seat in the following category: business-at-large for the Downtown Business Association (DBA). The business-at-large DBA seat has been vacant for over two years as the DBA went through a transition. In 2021, the Downtown Business Association officially moved under the Chamber of Commerce. However, one representative from the Chamber staff continued to sit on the Downtown Committee. On April 5, 2022, the Downtown Committee had a preliminary discussion about the current Bylaws and how to allow both organizations to sit on the Committee. Then, at the May 3, 2022, Downtown Committee meeting, the Bylaws change was approved (Attachment 2—Downtown Committee-approved minutes, May 3, 2022). Table 1 provides a summary of the current Bylaws language and considerations.

Table 1: Downtown Committee Current Bylaws and Considerations

Current Bylaws	Considerations
<i>Article IV—Membership, Section 1: Composition</i>	
a. Four members who own property and/or a business in downtown. (Members should represent diverse types of businesses and properties.)	Move the Downtown Business Association seat to under the downtown category so there is some separation between the DBA and Chamber of Commerce. This would change the number of seats from four to five. The total number of Downtown Committee seats would remain the same—11.
b. Four business-at-large members with one representative each from the Downtown Business Association (the representative may be the Executive Director), the Chamber of Commerce (the Executive Director, or a business representative outside the downtown), and two businesses not in downtown.	Remove the Downtown Business Association. This would change the number of seats from four to three. The total number of Downtown Committee seats would remain the same—11.

RECOMMENDATION

Staff recommends the CPPC discuss and provide direction on the Downtown Committee Bylaws considerations. Any potential changes recommended by the CPPC will be considered at a Q4 2022 City Council meeting.

JL-AS/1/CDD/819-09-28-22M

- Attachments:
1. Downtown Committee Bylaws (red-lined version)
 2. May 3, 2022—Downtown Committee Approved Minutes

BYLAWS OF THE CITY OF MOUNTAIN VIEW DOWNTOWN COMMITTEE

ARTICLE I — NAME

The name of the Committee is the City of Mountain View Downtown Committee, hereinafter referred to as the “Downtown Committee.”

ARTICLE II — PURPOSE

To promote the vitality of downtown Mountain View through recommendations to the City Council on programs, projects, and policies for economic development, a quality downtown environment, and the maintenance and development of parking facilities.

ARTICLE III — DOWNTOWN AREA

Downtown Mountain View is generally defined as the area bounded by Evelyn Avenue and El Camino Real to the north and south, and View Street and Franklin Street to the east and west, as more specifically shown on Figure 1 and hereinafter referred to as the “Downtown.” The Downtown encompasses the Downtown Parking District and Downtown Precise Plan areas.

ARTICLE IV — MEMBERSHIP

Section 1. Composition. Members of the Downtown Committee shall be appointed by the Mountain View City Council upon recommendation from the Council Appointments Review Committee. The Downtown Committee shall consist of eleven (11) members who represent a cross section of the Mountain View community, including business and property owners within the Downtown. The composition of the Downtown Committee shall be as follows.

a. ~~Four (4)~~Five (5) members who are property owners and/or representatives of a business in the Downtown- with one (1) representative from the Downtown Business Association. (Members should represent diverse types of businesses and properties. The Downtown Business Association may recommend an alternative member appointed by the City Council when the primary member is unavailable to attend.)

b. Two (2) community-at-large members who are residents of Mountain View and do not own a Downtown business or property.

c. ~~Four (4)~~Three (3) business-at-large members with one (1) representative ~~each~~ from ~~the Downtown Business Association and~~ the Chamber of Commerce (~~both organizations~~the Chamber of Commerce may recommend an alternate member appointed by the City Council

when the primary member is unavailable to attend),⁷ and two (2) businesses not in the Downtown.

d. One (1) neighborhood association member who is the President of the Old Mountain View Neighborhood Association (or other representative selected by the Association).

Section 2. Parking District Representation. A minimum of three (3) members who have a seat on the Downtown Committee as Downtown business owners and/or property owners must live or own a business or property within the Downtown Parking District.

Section 3. Limitation on Membership. There shall be no more than one (1) Downtown Committee member from a single property, including the property owner(s), business owner(s), or resident(s) of that property.

Section 4. Term of Membership. All Downtown Committee members will serve three-year terms with a maximum of two (2) consecutive terms. The City Council shall have the authority to extend a member's term pursuant to Council Policy K-2. Members who have served their maximum terms may be reappointed after two (2) years off the Downtown Committee. The neighborhood association representative may serve for only one (1) year if the association president changes or an alternate representative is selected by the association. For the first appointments to the Downtown Committee, the terms of membership will be staggered to include one-third (1/3) of the members appointed for one- (1) year terms; another one-third appointed for two- (2) year terms; and the remaining one (1) third appointed for three- (3) year terms. The Council Appointments Review Committee shall designate the appointments to the different terms.

Section 5. Voting Rights. Each member shall be entitled to one (1) vote on each matter submitted to a vote of the members. Voting by proxy shall not be permitted.

Section 6. Transfer of Membership. Membership or its privileges is not transferable or assignable.

Section 7. Resignation and Termination of Membership. Any member may resign by filing a written resignation with the Chairperson of the Downtown Committee. Any member with three (3) consecutive unexcused absences shall be deemed to have resigned.

Section 8. Vacancies. All vacancies on the Committee shall be filled by appointment of the City Council. When a vacancy leaves an unexpired portion of a term, any appointment to fill the vacancy shall be for the unexpired portion of that term. If the unexpired term is more than one (1) half of the three (3) year term, it shall be considered a full term for the purposes of reappointment.

ARTICLE V — MEETINGS OF MEMBERSHIP

Section 1. Meetings. The Downtown Committee shall establish a meeting schedule for the full Committee membership, the Executive Committee, and subcommittees through adoption of the annual work program. The Downtown Committee shall hold at least one (1) meeting each year.

Section 2. Special Meetings. The Chair, through a majority vote of the Committee members, may call special meetings of the Downtown Committee.

Section 3. Place of Meetings. The Downtown Committee shall meet at a regular location within the City of Mountain View and may change the meeting location for special meetings as needed.

Section 4. Notice of Meetings. Notice stating the place, day, and hour of any meeting of the Downtown Committee shall be delivered either personally, or by mail, to each member not less than 72 hours before the meeting date and shall comply with the Ralph M. Brown Act (Government Code Section 54950, *et seq.*).

Section 5. Quorum. A quorum shall constitute seven (7) members appointed to the Downtown Committee.

ARTICLE VI — DUTIES OF THE DOWNTOWN COMMITTEE

The Downtown Committee shall be an advisory body to the City Council on matters relating to the Downtown. The duties of the Downtown Committee shall include:

a. Recommending programs, projects, and policies that create a new vision for the Downtown which:

(1) Encourage economic development and promote a variety of businesses, services, and activities.

(2) Promote code compliance and attractive buildings.

(3) Support the maintenance and operations of well-designed and efficient parking facilities.

(4) Provide the City Council with recommendations on the assessment districts—the Business Improvement Districts and Parking Maintenance Operations Assessment District.

(5) Support Downtown pedestrian- and bicycle-friendly infrastructure.

(6) Encourage collaboration between the Downtown and public transit.

- b. Meeting periodically with the City Council to discuss activities, plans, and policies for the Downtown.
- c. Developing and recommending to the City Council an annual work program that prioritizes programs, projects, and policies; assigns these projects to the subcommittees, Executive Committee, and/or Downtown Committee; and establishes a meeting schedule.
- d. Electing a Chairperson and Vice Chairperson annually.

ARTICLE VII — OFFICERS

Section 1. Officers. The Officers of the Downtown Committee shall be a Chairperson and Vice Chairperson. A City of Mountain View staff person shall provide staff support to the Committee.

Section 2. Election of Officers. The Officers shall be elected annually by the Downtown Committee members from their own membership at the first meeting of the calendar year.

Section 3. Duties. The Chairperson shall preside at all meetings of the members and the Vice Chairperson, in the absence of the Chairperson, shall perform the duties of the Chairperson. The City of Mountain View staff person shall record minutes for the meetings of the Downtown Committee.

ARTICLE VIII — SUBCOMMITTEES

Section 1. Executive Committee. The Executive Committee shall consist of four (4) members, including the Chairperson, the Vice Chairperson, and the Chairpersons of the subcommittees. The duties of the Executive Committee shall be to facilitate the activities of the Downtown Committee.

Section 2. Other Subcommittees. The Downtown Committee shall have two (2) subcommittees: a Parking Subcommittee and an Economic Development Subcommittee. The Downtown Committee shall determine whether any changes should be made to the purpose, duties, and membership of the subcommittees two (2) years after adoption of these Bylaws and shall make a recommendation to the City Council on any proposed changes to the Bylaws based on this review.

a. Duties. Each subcommittee will make recommendations to the Downtown Committee concerning the following issues as may be more specifically defined by the Downtown Committee's annual work program.

(1) Parking Subcommittee. Responsible for recommending projects, programs, and policies to develop and maintain adequate, affordable, well-designed, and conveniently located

parking facilities for Downtown customers and employees, both in the Downtown Parking District and throughout the Downtown.

(2) Economic Development Subcommittee. Responsible for developing and recommending projects, programs, and policies that create and maintain an attractive, clean, high-quality Downtown District and encourage new Downtown investments and businesses that provide a variety of goods and services.

b. Delegation of Routine Tasks. In accordance with the work program, the Downtown Committee may delegate authority to a subcommittee to act on routine matters without recommendation or referral to the whole Committee membership for those items that do not require action by the Downtown Committee or a recommendation to the City Council. The subcommittees shall present an annual report to the Downtown Committee on the tasks that have been delegated to them.

c. Membership. Each subcommittee will have seven (7) members who are members of the Downtown Committee and are appointed by the Downtown Committee Chairperson according to the following guidelines.

(1) Parking Subcommittee. Three (3) members from within the Downtown Parking District (either Downtown business owners or Downtown property owners) and three (3) members from the Downtown Committee.

(2) Economic Development Subcommittee. Six (6) members from the Downtown Committee.

d. Parking Subcommittee Recommendations. The recommendations of the Parking Subcommittee concerning parking issues requiring City Council action shall be specifically noted in any report submitted by the Downtown Committee to the City Council.

e. Terms of Subcommittees. Each member of a subcommittee shall be appointed for renewable one- (1) year terms.

f. Chairperson. One (1) member of each subcommittee shall be selected Chairperson by a majority vote of members of that subcommittee and the Chairperson shall be a member of the Executive Committee.

g. Quorum. A majority of the appointed members of a subcommittee currently seated shall constitute a quorum.

ARTICLE IX — BOOKS AND RECORDS

The Downtown Committee shall keep correct and complete books of records of minutes of the meetings of the Downtown Committee's members and subcommittees and the names and addresses of the members entitled to vote.

ARTICLE X — DISSOLUTION

The Mountain View City Council may dissolve the Downtown Committee upon determination that it is in the best interest of the Downtown or the City of Mountain View that the Downtown Committee be dissolved.

ARTICLE XI — AMENDMENTS

These Bylaws may be altered, amended, or repealed and new Bylaws may be adopted by a majority vote of the City Council. The Downtown Committee may recommend to the City Council that the Bylaws be amended or repealed and new Bylaws be adopted by a majority vote of the general membership in any meeting, provided that at least seven (7) days' written notice be given of the intention to recommend that the Bylaws be altered, amended, repealed, or that new Bylaws be adopted.

JL/1/CDD
819-09-28-22B-so



DOWNTOWN COMMITTEE

MINUTES

REGULAR MEETING – TUESDAY, MAY 3, 2022
 VIRTUAL MEETING WITH NO PHYSICAL MEETING LOCATION
 10:00 A.M.

1. CALL TO ORDER

The meeting was called to order at 10:02 a.m. by Chair Mike Kasperzak.

2. ROLL CALL

Present: Committee members Erik Cormier, Raghav Gupta (arrived 10:13 a.m.), Maria Lange, Kira Pascoe (arrived 10:07 a.m.), Jamil Shaikh, Merry Yen (arrived 10:04 a.m.), Vice Chair Pamela Baird, and Chair Mike Kasperzak.

Absent: None.

Staff Present: John Lang, Economic Vitality Manager; Tiffany Chew, Business Development Specialist; Krisha Penollar, Associate Planner; Kristine Crosby, Recreation Manager; and Aruna Bodduna, Transportation Planner.

3. MINUTES APPROVAL

The minutes of the April 5, 2022 meeting were distributed prior to the meeting and approved as distributed.

Motion—M/S Cormier/Lange—Carried 6-0-2; Gupta and Pascoe absent—To approve the minutes of the April 5, 2022 meeting.

4. UPCOMING AGENDA TOPICS

- Discuss on impact of homelessness on downtown
- Music and entertainment in downtown

5. ORAL COMMUNICATIONS FROM THE PUBLIC

Bruce England provided the Committee an update on the planning of the Green Streets JAMS open streets event. The event planning is scaling back from a closed-street bike event

to a coordinated ride between Sunnyvale and Mountain View on June 26, 2022 with activations occurring in Washington Park in Sunnyvale and Castro Street and California Street in Mountain View.

6. UNFINISHED BUSINESS

6.1 DOWNTOWN DEVELOPMENT UPDATE

Planning Division staff provided an update on downtown development projects.

Public Comment: None.

No action taken.

6.2 CASTRO STREET UPDATE

Economic Development Division staff provided an update on the latest efforts along Castro Street related to the Pedestrian Mall Feasibility Study. Staff provided a brief update on outreach to property owners and businesses in the 100 to 300 blocks of Castro Street on the forthcoming Pedestrian Mall Study.

Public comment: None.

No action taken.

6.3 DOWNTOWN COMMITTEE BYLAWS

Economic Development Division staff provided an update on the proposed bylaw changes. Staff provided a summary of the current bylaw language and the recommended change. Move the Downtown Business Association seat from the business-at-large category to the downtown business/property owner category so there is separation between the DBA and Chamber. This would change the number of seats in the downtown category from four to five and business-at-large category from four to three. The total number of Downtown Committee seats would remain the same—11. The next steps if the Committee supports the changes is to take the changes to the Council Policy and Procedures Committee for review.

Public Comment: A member of the public provided an update on when the next Council Policy and Procedures Committee meeting might take place.

Motion—M/S Baird/Yen—Carried 7-0-1; Gupta abstain—To approve bylaw change as recommended by staff.

6.4 JOINT MEETING WITH THE VISUAL ARTS COMMITTEE

Economic Development Division staff provided an update on the recent Joint Meeting with the Visual Arts Committee. Detailed meeting minutes will be forthcoming at the next regularly scheduled Downtown Committee meeting. The feedback from the joint Committee meeting will help inform the next fiscal year work plans.

Visual Arts Work Plan Topics:

- Phantom galleries;
- Art in Windows;
- Projection/Wraps/Art/Functional art;
- Mural process improvements (consistency); and
- Kid-friendly art.

Downtown Work Plan Topics:

- Vacant storefronts;
- Inclusive downtown;
- Spring cleaning/beautification of downtown (flowers/newsracks);
- Pedestrian Mall guidelines; and
- Music in downtown.

Mutual Interest:

- Functional Art/Pedestrian Mall;
- Art in Windows program;
- Improved mural program for downtown walls; and
- Art in MV program (Sharks/Peanuts/Hearts/Bears, etc.).

Public Comment: None.

No action taken.

7. NEW BUSINESS

7.1 DOWNTOWN SUMMER EVENTS

Community Services Department staff provided an update to upcoming downtown summer events on the Civic Center Plaza (500 Castro Street)—Kid Stock—Saturday, May 21, June 18, and July 16; and Concerts on the Plaza—every Friday, June through September, from 6:00 p.m. to 7:30 p.m. Tech Showcase will take place on July 19, from 11:00 a.m. to 2:00 p.m. Yoga on the Plaza on June 21 and July 23, and nonprofit and/or community groups can reserve the plaza for events. The Farmers' Market will also bring back the Thursday seasonal market at Parking Lot 12 (Bryant Street between Mercy Street and California Street).

Public Comment: None.

No action taken.

7.2 DOWNTOWN PARKING DISTRICT ANNUAL RENEWAL

Economic Development Division staff provided an overview of the annual renewal. Staff recommends the annual renewal of the Downtown Parking Maintenance and Operation Assessment District No. 2 (Parking District) for Fiscal Year 2022-23 be renewed with no changes to the assessment formula and no increase to the number of parcels assessed from the last year. The assessment total of \$158,606 will continue to be spread out amongst the parcels with the Parking District.

Public Comment: None.

Motion—M/S Yen/Lange—Carried 8-0—To support the annual renewal of the Downtown Parking District as recommended by staff.

7.3 DEVELOP AN AD HOC COMMITTEE

Economic Development Division staff provided guidance from the City Clerk's Office on the process for establishing an ad hoc committee. The Committee discussed the opportunity to create an ad hoc committee to support the beautification of downtown.

Public Comment: None.

No action taken.

8. **COMMITTEE/STAFF COMMENTS, QUESTIONS, COMMITTEE REPORTS**—None.

9. **ADJOURNMENT**

The meeting adjourned at 11:40 a.m.

TC/4/CDD

822-05-03-22mn