

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
AMENDING COUNCIL POLICY A-13, CITY COUNCIL MEETINGS, AND
COUNCIL POLICY K-2, COUNCIL ADVISORY BODIES

WHEREAS, the City's existing Council Policy A-13, City Council Meetings, was reviewed by the Council Policy and Procedures Committee (CPPC); and

WHEREAS, the CPPC recommended approval of revisions to Council Policy A-13 regarding meeting absences and meeting minutes preparation; and

WHEREAS, the City's existing Council Policy K-2, Council Advisory Bodies, was reviewed by the CPPC; and

WHEREAS, the CPPC recommended approval of revisions to Council Policy K-2 regarding meeting absences;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that amendments to Council Policy A-13, as set forth in Exhibit A of this resolution, are hereby approved.

BE IT FURTHER RESOLVED that amendments to Council Policy K-2, as set forth in Exhibit B of this resolution, are hereby approved.

HG/6/RESO
428-12-14-21r

Exhibits: A. Council Policy A-13
B. Council Policy K-2

CITY COUNCIL POLICY

SUBJECT: CITY COUNCIL MEETINGS

NO.: A-13

PURPOSE:

In accord with Section 512 of the City Charter, this policy 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 regular and special 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

Pursuant to Section 503 of the City Charter, a Councilmember is absent with the consent of or on order of the Council if any of the following apply:

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

The Councilmember is ill;

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;

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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.

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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.

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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

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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

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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 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.

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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 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.

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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 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

The Mayor must receive a second to the motion before any discussion or comment may be made on the motion.

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

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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 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 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. **Disposition of Motions**

A main motion is disposed of:

- (1) By no action when it fails to get a second.
- (2) By adopting or rejecting it.

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- (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.
- c. Amendments to Motion
 - (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 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.)
- d. 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)

	<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)

	<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 (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
(6) Reconsider	Yes	Yes	No	M†
(7) Change order of agenda items	Yes	Yes	No	M
(8) 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 5 days earlier	No	No	No	None

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d. Main Motion (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 adopted budget	Yes	Yes	Yes	5

M = Majority of members present.

2/3 of M = Two-thirds of members present, i.e., three out of four; four out of five or six; five out of seven.

C = Chair, or Mayor.

† = Motion must be made by person on the prevailing side of previous motion. Four votes are required to change action or item previously adopted.

** = See Ralph M. Brown Act, Government Code § 54950, *et seq.*, 54954(b).

11. Reconsideration

A motion acted upon by a majority of the members voting may be reconsidered upon motion of a person who voted on the prevailing side 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

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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.

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.

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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 regular or special 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 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, special or adjourned regular 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.

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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.

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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 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.

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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 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.

c. Rules of Procedure: In General

- (1) This 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 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.
- (3) In situations not addressed by these rules, *The Modern Edition of Robert'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.

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- (4) The provisions of this Policy are designed to comply with and implement the Ralph M. Brown Act. 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: December 14, 2021, Resolution No. _____

Revised: April 2, 2019, Resolution No. 18305

Revised: January 3, 2019, Resolution No. 18293

Revised: November 20, 2012, Resolution No. 17733

Revised: May 8, 2012, Resolution No. 17685

Revised: March 22, 2011, Resolution No. 17592

Revised: June 23, 2009, Resolution No. 17421

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

CNL POL

A13-014CP-so (clean)

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 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 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.

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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 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.

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- (4) The City Clerk will provide the Council Appointments Review Committee Chair with a listing of all eligible incumbents interested in being appointed.
- 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. 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.

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.

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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 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.

- e. 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.

In the event of 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.

- f. 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.
- 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. The City Clerk shall administer and file the oath of office and determine that all other legal

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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.

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.
- 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.

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- 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 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 member is ill;
 - The advisory board member is on family leave for the birth or adoption of a child;
 - The advisory board 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 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. 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.

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- 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 that event or if the 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.
- 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 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.
- l. Upon notice of the vacancy, the City Clerk's Office shall initiate Steps 1.d and 1.e, 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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4. Removal

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

Revised: December 14, 2021, Resolution No. _____

Revised: June 22, 2021, Resolution No. 18574

Revised: January 26, 2021, Resolution No. 18534

Revised: February 27, 2018

Revised: December 13, 2016

Revised: March 3, 2015, Resolution No. 17945

Revised: January 14, 2014, Resolution No. 17832

Revised: November 17, 2009, Resolution No. 17441

Revised: October 28, 1997

Effective Date: January 26, 1976

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California Constitution Oath

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

Alternate Oath

"I, _____, accept my appointment to the Mountain View
_____ (name of advisory body). I understand the
duties of a Mountain View _____ (name of
advisory body) and promise I will well and faithfully discharge the duties upon which I
am about to enter and uphold the Mountain View City Charter."