



STAFF REPORT

City Council

Meeting Date: 1/23/2018
Staff Report Number: 18-024-CC

Regular Business: Discussion to prepare for the City Council goal setting meeting and 2018 Work Plan

Recommendation

Staff recommends the City Council discuss the following items in preparation for the January 29, 2018, City Council goal setting meeting:

- Fiscal year 2018-19 Budget Principles
- City Council Procedures Manual
- Priorities and staff recommendations for the upcoming work plan
- New work plan items under consideration for prioritization

Policy Issues

It has been the City Council's policies to annually create and adopt City Council goals and work plan.

Background

The City Council adopts its goals and work plan at the beginning of the calendar year. Many of these items are typically not funded until the adoption of the budget later in June. The January 16, 2018, City Council meeting, included an update on the work plan items for 2017. Many of the items on the work plan for 2017 are ongoing or multiyear projects.

The City Council will hold a special public meeting January 29 to discuss, identify and refine the goals for 2018. The adoption of the goals will be used to help craft the fiscal year 2018-19 budget.

Analysis

The 2017 City Council Work Plan included 57 items, some of which include multiple sub-components. The resources to work toward and complete many of these items were not funded until the budget adoption in June 2017. This work plan process is building toward preparation of the fiscal year 2018-19 budget. The budget is developed based on principles and guidelines approved by the City Council.

Budget Principles

In preparation for the City's budget, staff is seeking City Council affirmation of budget principles to guide the development of the proposed budget. Budget principles were first introduced and approved by the City Council in the fiscal year 2013-14 budget with amendments in the budgets for both fiscal year 2015-16 and 2016-17. For the fiscal year 2018-19 budget, staff recommends reorganizing the previously adopted budget principles (Attachment A) into four new primary categories (Attachment B). The intent is to have the budget principles finalized at the goal setting meeting and approved in February 2018 along with the work plan.

City Council Procedures Manual

The procedures manual is approved annually and assists the City Council by documenting currently accepted practices. Through agreement of the City Council to be bound by these practices, the effective administration of City Council affairs is greatly enhanced. With the intent to better serve the community and facilitate sound decisions, two minor changes are being proposed to the City Council Procedures Manual (Attachment C).

- Chapter 3, City Council Meetings, Meeting Schedule:
Remotely participating in City Council meetings by telephone conference call shall be by exception only.
- Chapter 3, City Council Meetings, Discussion Rules, item 8:
The City Council believes that late night meetings deter public participation, can affect the City Council's decision-making ability and can negatively affect staff performance for the remainder of the business week.

Upcoming City Council Work Plan

The fact that many current work plan items have an ongoing nature to them is important to consider as the City Council looks at staff capacity and prioritization. In an effort to spur efficiency and raise output, staff is presenting a list of priority items for the upcoming work plan that encompasses all departments. The goal of the priority items list (Attachment D) is to facilitate discussion with City Council, ultimately settling on a list of top five priority items. This approach is different from last year and allows the City Manager flexibility for staff augmentation and resource allocation. The top five work plan items would be the highest priority and resources would be shifted from other work plan items to ensure completion of the top five priority items as needed.

Remaining and ongoing Work Plan items

While staff intends on focusing all efforts on the top five priority work plan items, remaining and ongoing work plan items will continue to expend staff time. Work plan items under this list (Attachment E) would move forward unless resources are needed for the top five priority items. Nevertheless, staff will stay continue to manage and periodically update Council as needed.

New initiatives

Throughout the past year a number of potential work plan items, not included in the work plan, have been recommended by residents, the City Council or staff. One of the desired results of the goal setting meeting is for Council to address new work plan items that may be added to this list (Attachment F). However, there are certain variables, including staff capacity that may hinder progress or project completion. If new items are added to the work plan, there will be a need for trade-offs with remaining or ongoing work plan items.

In addition to work plan priorities and recommendations, the following projects are some examples of larger development projects that will be moving through the process and will have an impact on staffing resources throughout the City:

- Facebook Willow Campus (Draft and Final EIR review - Final EIR scheduled for release 1/19), scoping sessions with City Council and Planning Commission, biweekly meetings with Facebook to review/negotiate changes to application and review of those changes such as circulation, traffic, phasing, design etc.)
- 151 Commonwealth/164 Jefferson (EIR review, connected to finalizing of General Plan community amenity requirement, Planning Commission scoping session or sessions)
- 1704 El Camino Real (Planning Commission study and action session or sessions)
- 115 Independence (EIR review, General Plan review related to circulation and right of way and community amenities, Planning Commission study session, first residential project in 'Gateway' area so

need to set design tone for other adjacent larger residential proposals like Sobrato and Greystar)

For tonight's meeting, staff is asking the City Council to provide feedback on the updated budget principles, review the proposed changes for the City Council Procedures Manual, provide feedback on project categories (e.g., staff priority items, remaining, and ongoing work plan items and new initiatives), and review and recommend new work plan items.

Staff will return at the January 29, 2018, City Council goal setting meeting based on discussion from City Council and milestones for each work plan item. The agenda for the City Council goal setting meeting will be to:

- Discuss and approve the fiscal year 2018-19 Budget Principles
- Discuss and approve the City Council Procedures Manual
- Discuss the overall City Council Work Plan and Capital Improvement Plan
- Prioritize top priority work plan items

Depending on the outcome of the work plan discussion by City Council, the Budget Principles, City Council Work Plan and Procedures Manual would be brought back to City Council for adoption in February.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. City of Menlo Park Budget Principles approved February 7, 2017
- B. City of Menlo Park Budget Principles proposed for fiscal year 2018-19
- C. City Council Procedures Manual
- D. List of Staff Priority Work Plan Items
- E. Remaining and Ongoing Work Plan Items
- F. New Work Plan Items

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City of Menlo Park Budget Principles – Approved February 7, 2017

- Promote the City's long-term fiscal sustainability through strategic investments in programs, services and infrastructure
- Enhance and maintain baseline city services and infrastructure to positively affect the quality of life in Menlo Park
- Align and adjust staff capacity to implement the City Council adopted initiatives and strategies and to meet current demands for service
- Invest in staff development and new technologies that drive efficiency and productivity
- Actively pursue revenue enhancement opportunities and strive to achieve full cost recovery for all fee-based services, except where the City Council sees a clear public interest in providing a subsidy
- Continue to refine the budget document to enhance the public's access to the City's financial information while also providing for proper internal controls over the city's resources
- Monitor and report on changes in CalPERS retirement plan liabilities and include those changes in the City's 10-year financial plan
- Develop an employee vacancy factor assumption and discuss that assumption in the context of the long-term financial forecast
- Evaluate one-time revenues for highest and best investment and recognize the benefit of leveraging near term investments for long-term gains in financial sustainability and/or quality of life

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City of Menlo Park Budget Principles – Proposed for fiscal year 2018-19

- **Promote the City’s long-term fiscal sustainability**
 - Monitor and report on changes in CalPERS liabilities and include those changes in the City’s 10-year financial forecast
 - Incorporate a budgetary assumption for salary savings resulting from employee vacancies in the current year budget and the 10-year financial forecast
 - Actively pursue revenue enhancements and strive to achieve full cost recovery for all fee-based services, except where the City Council sees a clear public interest in providing a subsidy
- **Enhance and maintain core City services and infrastructure**
 - Prioritize City Council adopted initiatives and strategies that contribute to the quality of life in Menlo Park
 - Evaluate one-time revenues for highest and best investment
 - Recognize the benefit of leveraging near term investments for long-term gains in financial sustainability and/or quality of life
- **Manage staff capacity to efficiently deliver services to the community**
 - Invest in new technologies that drive efficiency and productivity
 - Incorporate programs and initiatives that strengthen Menlo Park’s standing as an employer of choice to reduce, retain and attract highly qualified personnel
 - Proactively manage the loss of institutional knowledge through succession planning efforts including the ability to “over hire” critical positions within the overall authorized headcount
- **Communicate the City’s financial position**
 - Continue to refine the budget document to enhance the public’s access to the City’s financial information while also providing for proper internal controls over the City’s resources

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Procedures Manual Menlo Park City Council

CITY OF MENLO PARK
Mission Statement

It is the mission of the City government to ensure that Menlo Park is a desirable and vibrant community in which to live and do business, and to respond to the values and priorities of the residents so as to provide for the community's current and future needs.

Explicitly, the City fulfills its function by:

- Addressing the needs of the residents through the City Council, the appointed commissions and the City staff.
- Providing easy and open access to information and encouraging dialogue, enabling residents to actively engage in civic life.
- Providing for the safety of its residents, businesses and visitors.
- Providing timely and responsive service.
- Providing special assistance to those in need.
- Functioning effectively, efficiently and with accountability.
- Creating a positive and desirable workplace environment for City employees.
- Managing change for the betterment of the City.
- Creating and maintaining a viable revenue stream and providing for the unpredictable nature of our economy.
- Implementing and maintaining City infrastructure, facilities and programs.
- Formulating sound environmental policies.
- Recognizing and supporting the City's diverse neighborhoods and population.
- Acting as a responsible member of the greater region.

C O N T E N T S

Chapter 1

Introduction

- Purpose5
- Overview of city documents5
- Orientation of new councilmembers6

Chapter 2

City Council: Powers and Responsibilities

- City Council generally7
- Role of Mayor and Mayor Pro Tempore7
- Appointment of City Manager, City Attorney8
- Role during a disaster8
- Appointment of advisory bodies9
- City Council relationship with advisory bodies9
- Role of commission liaisons.9

Chapter 3

City Council Meetings

- General procedures11
- Meeting schedule11
- Special meetings11
- Agenda development.....12
- Placing items on the agenda12
- Notification and advertising.....13
- Order of business13
- Discussion rules16
- Voting procedures17
- Other guidelines17
- Open meeting laws (the “Brown Act”).....18

Chapter 4

City Council Communications

- Overview21
- Councilmember correspondence21
- Speaking for “The City”21
- Local ballot measures22
- State legislation, propositions22
- Proclamations22

Chapter 5

Interaction with City Staff

Overview23
Council-Manager form of government23
Council-Manager relationship23
City Manager code of ethics24
City Council-City Attorney relationship24
Roles and information flow24
Information distribution25
Magnitude of information requests25
Staff relationship with advisory bodies26
Restrictions on political involvement by staff26

Chapter 6

Support Provided to City Council

Staff support28
Office equipment28
Meeting rooms29
Mail and deliveries29

Chapter 7

Financial Matters

City Council compensation30
Expenditure allowance30
Expenditure guidelines30

Chapter 8

Conflicts and Liability

Conflict of interest31
City Attorney advice31
Conflict of interest forms32
Liability32

Chapter 9

Additional Training and Resource Materials

League of California Cities33
Local Government Commission33
International City Management Association (ICMA)33
Institute for Local Government (ILG)33

Appendix

- A. Reference Guide to Motions
- B. Legislative Policy Guide
- C. List of City Council Policies
- D. City Manager Code of Ethics

Introduction

The Menlo Park City Council establishes policies and priorities for the community and is responsible for the fiscal health of the public corporation.

Purpose of the Procedures Manual

City of Menlo Park staff prepared a procedures manual to assist the City Council by documenting currently accepted practices. Through agreement of the City Council and staff to be bound by these practices, the effective administration of City Council affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide councilmembers in their actions. It is anticipated that this Procedures Manual will be reviewed and revised from time to time.

Overview of city documents

This procedures manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, policies, plans and documents exist which bind the City Council to certain courses of action and practices. A summary of some of the most notable documents that establish City Council direction is provided below.

Municipal Code: The Municipal Code contains local laws and regulations adopted by ordinances. The administrative chapter of the Municipal Code addresses the role of the City Council, Mayor and Mayor Pro Tempore. It also describes the organization of City Council meetings and responsibilities as well as the appointment of certain city staff positions and advisory commissions. In addition to these administrative matters, the Municipal Code contains a variety of laws. The Municipal Code is available on the City's website.

California Government Code: The California Government Code contains many requirements for the operation of city government. Many of these requirements are also replicated within the Municipal Code to ensure there is broad awareness of such requirements. Menlo Park is a "General Law" city, which means it is organized in accordance with provisions of the Government Code. Also described within the Government Code is the Council-City Manager form of government. This form of government prescribes that the City Council's role is to establish policies and priorities, while the role of the City Manager is to oversee the operations of the city government.

Annual Budget: The City's annual budget provides a description of city services and the resources used to provide services. The document contains both a broad overview of the budget as well as descriptions of programs and services organized for convenience by lead department. The City operates on a July 1 through June 30 fiscal year.

General Plan:

The General Plan is a legal document, required by the California Government Code, which serves as the City of Menlo Park's "constitution" for the development and the use of its land. It is a comprehensive, long-term document, detailing proposals for the physical development of the city, and of any land outside its boundaries but within its designated "sphere of influence."

Orientation of new councilmembers

It is important that councilmembers have an understanding of the full range of services and programs provided by the organization. As new members join the City Council, the City Clerk coordinates with department heads to provide tours of City facilities and meetings with key staff.

City Council: Powers and Responsibilities

City Council generally

The powers of the City Council to establish policy are quite broad. Essentially, the City Council may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, 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 for the general welfare of its inhabitants which are not specifically forbidden by the Constitution and laws of the State of California.

It is important to note that the City Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tem have some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all councilmembers are equal. It is also important to note that policy is established by at least a majority vote of the City Council. While individual councilmembers may disagree with decisions of the majority, a decision of the majority does bind the City Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the City Council is upheld. Actions of staff to pursue the policy direction established by a majority of the City Council do not reflect any bias against councilmembers who held a minority opinion on an issue.

The City Council has occasionally debated whether it should take positions of a broader nature or limit itself to purely municipal functions. Historically, Menlo Park's city councils have chosen to not take positions on issues outside of their immediate authority to effect, such as issues of international concern. The propensity of the City Council to involve itself in such issues reflects the personalities and outlooks of the councilmembers who make up the two-year City Council sessions.

A councilmember may not simultaneously hold two public offices that are incompatible. Offices are incompatible, if any significant clash of duties exists between the two offices, if the dual office holdings would be improper for reasons of public policy, or if either officer exercises a supervisory, auditory or removal power over the other. Councilmembers are encouraged to and often participate and provide leadership in regional and state programs and meetings. Councilmembers are strongly encouraged to report to the City Council on matters discussed at subcommittees and other regional or state board/agency/group activities in which they have been involved.

Role of Mayor and Mayor Pro Tempore

Mayor: As reflected in the Municipal Code, the Mayor is to preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the City Council or by vote of the people. The Mayor does not possess any power of veto. As presiding officer of the City Council, the Mayor is to faithfully communicate the will of the City Council majority in matters of policy. The Mayor is also recognized as the official head of the city for all ceremonial purposes.

The Mayor, unless unavailable, shall sign all ordinances, and other documents that have been adopted by the City Council and require an official signature; except when the City Manager has been authorized by City Council action to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore's signature may be used.

Traditionally, the Mayor has also been assigned by the City Council to consult and coordinate with the City Manager in the development of agendas for meetings of the City Council. The scope of such review focuses on the timing of business items and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the City Council or the introduction of new items not otherwise part of the City Council's identified priorities or staff's work plan. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full City Council. The staff maintains a "tentative" City Council agenda item calendar that programs when matters will likely be considered at future meetings.

Mayor Pro Tempore: The City Council has specified that the Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence. The Mayor Pro Tempore shall serve in this capacity at the pleasure of the City Council.

Appointment of City Manager, City Attorney

The City Council appoints two positions within the city organization: the City Manager and City Attorney. Both positions serve at the will of the City Council. The City Manager is an employee of the City and has an employment agreement that specifies certain terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City. The current City Attorney is a part-time employee, and a partner in a local law firm that has served the City for many years.

Role during a disaster

The City Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the City Council may be directed by the City Manager/ Emergency Services Director to assemble in the City's Emergency Operations Center (EOC), located within the Police Department, to provide policy guidance and to receive information in an emergency. Should the City Council not be available during an emergency, state law specifies a hierarchy of others who may serve in place of the City Council. The most likely scenario is that the County board of supervisors would serve in the place of the City Council. When necessary, the Incident Commander of the City EOC or Disaster Coordinator may request the activation of a MAC (Multi-Agency Coordination Center). One possible location of a MAC could be the Menlo Park Fire District's USAR Building located in Menlo Park.

The City Council also has the responsibility to declare a local emergency. Emergency proclamations are normally made when there is an actual incident or threat of disaster or extreme peril to the safety of persons and property caused by natural or man-made situations. The local proclamation is the first step toward a State and Federal declaration which would then activate eligible State and Federal disaster relief programs to provide financial relief to both local government and the public.

Appointment of advisory bodies

The city has a number of standing advisory bodies. City Council Policy #CC-01-004, Commissions/Committees Policies and Procedures and Role, contains guidelines on the appointment, roles and responsibilities of the various commissions. These procedures apply to all appointments and reappointments to standing advisory bodies.

In addition, resident committees and task forces are occasionally appointed by the City Council to address issues of interest. A task force or other ad hoc body is a body created by the City Council for a specific task. City Council subcommittees, when used, are to help the City Council do its job. Committees ordinarily will assist the City Council by preparing policy alternatives and implications for City Council deliberation. City Council subcommittees will normally not have direct dealings with staff operations. City Council subcommittees may not speak or act for the City Council. Subcommittees will be used sparingly and ordinarily in an ad hoc capacity. This policy applies to any group that is formed by City Council action, whether or not it is called a subcommittee. Unless otherwise stated, a subcommittee ceases to exist as soon as its task is complete. The City Council may assign, and specify the role of, one or two councilmembers to the task force (if more, it becomes a defacto City Council meeting). Unless otherwise specified, councilmembers have all the rights, and only the rights, of ordinary citizens with respect to task forces and other ad hoc bodies.

Note that both appointed advisory bodies and ad hoc committees are usually subject to the open meetings laws commonly known as the Brown Act.

City Council relationship with advisory bodies

The City Council has determined that councilmembers should not lobby commissioners for particular votes. However, councilmembers may attend meetings as residents and request that commissioners consider certain issues during their deliberations or in unusual instances as councilmembers to reflect the views of the City Council as a body.

Councilmembers choosing to attend commission or committee meetings should be sensitive to the fact that they are not participating members of the body. Councilmembers have the rights, and only the rights, of ordinary citizens with respect to commissions – including the right to write to and speak to the commission during public comment periods.

Role of commission liaisons

Councilmembers are assigned to serve in a liaison capacity with one or more city commissions. The purpose of the liaison assignment is to facilitate communication between the City Council and the advisory body. The liaison also helps to increase the City Council's familiarity with the membership, programs and issues of the advisory body. In fulfilling their liaison assignment, councilmembers may elect to attend commission meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission chair on a regular basis.

Councilmembers should be sensitive to the fact that they are not participating members of the commission, but are there rather to create a linkage between the City Council and commission. In interacting with commissions, councilmembers are to reflect the views of

the City Council as a body. Being a Commission liaison bestows no special right with respect to Commission business.

Typically, assignments to commission liaison positions are made at the beginning of a City Council term in December. The Mayor will ask councilmembers which liaison assignments they desire and will submit recommendations to the full Council regarding the various committees, boards, and commissions which councilmembers will represent as a liaison. In the rare instance where more than one councilmember wishes to be the appointed liaison to a particular commission, a vote of the City Council will be taken to confirm appointments.

City Council Meetings

General procedures

By resolution, the City Council has adopted a modified version of Roberts Rules of Order.

Presiding officer: The Mayor is the presiding officer and acts as chair at City Council meetings. In the absence or incapacity of the Mayor, the Mayor Pro Tempore serves as presiding officer.

Seating arrangement of the City Council: The Mayor Pro Tempore is seated immediately next to the Mayor. The Mayor, with the approval of individual councilmembers, shall establish the seating arrangement for regular City Council meetings.

Quorum: Three-fifths of the councilmembers constitute a quorum for the transaction of business.

Meeting schedule

The City Council approves and follows an annual calendar that reflects its priorities and coincides with the budgeting process, beginning at the start of the calendar year. A Capital Improvement Plan is reviewed in February for the following fiscal year, in order to reflect the commitment of resources required. Other City Council priorities are overlaid on the calendar as time permits.

Regular meetings are usually held in the City Council Chambers, 701 Laurel St., on Tuesdays at 7 p.m., with study sessions and closed sessions generally being convened earlier, as needed, or at the end of the meeting at the conclusion of public business.

On occasion, the City Council meeting will be held in alternative locations such as the Senior Center. No City Council meeting will typically be held in the event that a regular meeting of the City Council falls on a legal holiday or the day after a holiday. Other meetings throughout the year may be canceled as well. Councilmembers should inform the City Manager's secretary as soon as possible if they intend to be out of town on a set meeting date. ~~On occasion, arrangements may be made in order for councilmembers to remotely participate in City Council meetings by telephone conference call when out of town.~~ Remotely participating in City Council meetings by telephone conference call shall be by exception only.

Special meetings

Special meetings may be called by the Mayor or by three members of the City Council. Written notice must be given to the City Council and to the media 24 hours before a special meeting. No business other than that officially noticed may be discussed.

Public Comment: At all regular and special meetings, public comments must be permitted before or during consideration of any agenda item. Public comment is appropriate on any matter within the jurisdiction of the City Council.

Meeting notices and minutes: Notice requirements of the Brown Act are complied with for all meetings; action minutes of the meeting are taken by the City Clerk or designee and made available for public inspection.

Agenda development

The City Council adopts a yearly meeting calendar identifying meeting dates and cancellations to aid councilmembers and staff with planning and scheduling. A medium-range “tentative” City Council calendar that reflects an estimate of when various items will be scheduled over the next few weeks is available on the City’s website. A copy of the draft agenda is transmitted to the Mayor for review on the Monday one-week before the meeting. Staff is required to submit reports for a Tuesday City Council meeting to the City Clerk by noon on the Thursday of the week preceding the meeting. All agenda materials are available Thursday evening before the Tuesday City Council meeting. Website posting includes a tentative City Council calendar that shows City Council meeting dates and planned agenda items 3-5 weeks in advance.

Given this agenda development schedule, it is usually extremely difficult when councilmembers request at a Tuesday meeting that a report be prepared for consideration the following meeting. For this reason, it will usually require at least one week for the preparation of a report requested by the City Council. Complex reports will require more time to prepare, and an estimated time of completion can be provided to the City Council. The ability to schedule new agenda items depends on the nature of the item itself, other agenda subjects that are already scheduled and the amount of time available.

Placing items on the agenda

City Council: A councilmember may request an item be considered on a future agenda and, upon agreement of a majority of Council, staff will prepare a staff report if formal Council action is required. Councilmembers may make this request verbally during a meeting or may submit written requests. Normally, the process involves two steps: initial consideration of the request by the full City Council at the soonest possible regularly scheduled meeting; and, if a majority agrees, the matter is then scheduled for further consideration on an upcoming meeting agenda.

Members of the public: A member of the public may request that an item be placed on a future agenda during public comment or through other communication with councilmembers. Upon approval of a majority of the City Council, the item will be agenda item and a staff report may be prepared. The City Manager will inform the City Council of the potential impact the request will have on established priorities or staff workload and seek approval by the City Council before authorizing the work or scheduling the item as appropriate.

Emergency and Non-Agenda items: Emergency and non-agenda items may be added to an agenda only in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other

severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, after the agenda is posted an item arises that the City Council would like to act on. Non-agendized items may be added to the agenda only if the City Council makes findings that (1) the need to consider the item arose after the posting of the agenda, and; (2) there is a need to take immediate action at this meeting of the City Council. These findings must be approved by a four-fifths vote; if less than five members of the City Council are present, the findings require a unanimous vote of those present.

Notification and advertising

The City attempts to well publicize matters of significant neighborhood or community public interest that appear on a City Council agenda, as well as all matters where advertising is required by law. Advertisements and notifications are intended to inform all interested individuals.

Order of Business

The City Council established the order of business for meetings through the adoption of a policy on meeting procedures. Technically, the order of the agenda is as follows: roll call; special business; proclamations; council, committee and staff reports; public comment #1; appointments to boards/commissions/committees; consent calendar; public hearings; regular business; written communications; information items; adjournment. The following section describes the various types of meeting components.

- 1. Closed Sessions** (closed to the public): The ability of the City Council to conduct sessions not open to the public is restricted by state law to ensure open proceedings. Certain defined circumstances exist wherein a city council may meet without the public in attendance. Such circumstances include:

Real Property: The purchase, sale, exchange or lease of real property with the City's negotiator; the real property and the person(s) with whom the City may negotiate must be announced in open session before the closed session (Cal Govt Code 54956.8).

Litigation: Pending or a significant exposure to litigation or the decision to initiate litigation; the litigation title must be identified in open session before the closed session unless the City Council states that to do so would jeopardize its ability to conclude existing settlement negotiations or effectuate service of process.

Compensation: Salaries and benefits of employees; City Council meets in closed session to review its position and instruct designated representatives (Cal Govt Code §54957.6).

Personnel: A closed session is held to discuss the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear a complaint against the employee unless the employee requests a public hearing (Cal Govt Code §54957.6).

It is critical to stress that there shall be no disclosure of closed session confidential information. Councilmembers, employees of the City, or anyone else present shall not disclose to any person, including affected/opposing parties, the press or anyone

else, the content or substance of any discussion which takes place in a closed session without City Council direction and concurrence. Whenever possible, written reports received for closed session items will be turned in at the end of the meeting.

Typically, closed sessions will be scheduled before the public portions of the meeting or at the end of the meeting after public business has been concluded. This is done so public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain. On occasion, during the course of a regular meeting, an issue arises that requires the City Council to adjourn to a closed session on the advice of the City Attorney.

- 2. Councilmember Reports:** Provides councilmembers an opportunity to introduce matters not currently before the City Council, including brief announcements, to pose questions of staff and make requests for items to be placed on the agenda at a future meeting. Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from the public, requests to agendaize future items, or announcements of interest to the public.

State law provides that the City Council can take action only on such matters that have been noticed at least three days (72 hours) in advance of the regular meeting, or 24 hours in the case of a special meeting, unless special circumstances are found to exist (as mentioned above). Formal action or approval on non-agendized items is not allowed, and such items should be placed on the agenda of the next available regular meeting.

- 3. Consent Calendar:** Those items on the City Council agenda that are considered to be of a routine and noncontroversial nature by the City Manager are placed on the "Consent Calendar." These items shall be approved, adopted, accepted, etc., by one motion of the City Council. Typical consent calendar items include the final reading and adoption of ordinances, various resolutions approving agreements, awards of contracts, minor budgetary adjustments, meeting minutes, status reports, and reports of routine city operations.

Councilmembers may request that any item listed under "Consent Calendar" be removed from the Consent Calendar, and the City Council will then take action separately on this item. A member of the public may request that an item listed under "Consent Calendar" be removed and City Council action taken separately on the item; the City Council must concur with such a request. Items that are removed ("pulled") by councilmembers for discussion will typically be heard after other Consent Calendar items are approved unless the majority of the City Council chooses an earlier or later time.

Councilmembers are encouraged to contact the City Manager's office before Noon on the day of a City Council meeting day to provide notification of items to be removed from the Consent Calendar. This practice allows the City Manager to notify staff that may need to be present to respond to removed items. Equally important, it also allows the Manager to inform staff who do not need to be present at the

meeting. Unless contacted in advance of the meeting with sufficient time, the presumption is that staff will not be present.

- 4. Public Comment:** The City Council receives general public comment about issues not on the agenda. Comments on agenda items should not be heard until the appropriate item is called. Individuals desiring to speak are to address the City Council from the speaker podium after giving their name and place of residence. Speaker cards may be required and should be filled out, including the speaker's actual jurisdiction of residence, and given to the City Clerk before Public Comment.

Comments should focus on a specific matter within the City Council's jurisdiction. Members of the public are encouraged to present written comments, preferably in advance of the meeting, as a way to fully communicate their thoughts on agenda or non-agenda items. When written materials are presented, they should be submitted to the City Clerk for distribution and record keeping ahead of time. Comments are typically limited to three minutes per speaker so that all have an opportunity to address the City Council.

Videos, PowerPoint presentations or similar display requests may accompany in-person testimony but are subject to the same speaking time limits. Prior notice and coordination with the City Clerk is strongly encouraged and the Mayor reserves the privilege to limit such requests as necessary for the effective conduct of the meeting. Speakers are to address their comments to the City Council from the podium.

Public comment on regular business items normally follows staff's presentation of the staff report, clarifying questions from councilmembers and applicant comments as necessary and appropriate. Typically, applicants or appellants are limited to a maximum of 10 minutes. The City Council will then hear public comment.

- 5. Public Hearing:** In the case of public hearings, once the City Council has voted to close the hearing, no member of the public shall be permitted to address the City Council or the staff from the audience, except at the discretion of the presiding officer (Mayor).
- 6. Regular Business Items:** Regular items are shown on the agenda and are normally taken in the order listed.
- 7. Informational Items:** Informational items may contain a status update, background report or a preview of a larger item coming before the City Council at a future meeting.
- 8. Written Communications:** The City Council has established a practice of placing written communication between councilmembers requesting items to be agenda and select letters sent by agencies to councilmembers on the meeting agenda so that this correspondence receives wide distribution. If letters or emails from the public are received on the day of or just before a meeting, copies will be placed at the councilmembers' positions on the dais.
- 9. Commission Reports:** Commission reports provide an opportunity for designated members of appointed boards to address the City Council on matters of importance or to update the City Council and community on studies that are underway.

10. Study Session: From time to time, the City Council will hold study sessions. These meetings are normally scheduled before the regular City Council meeting. . The purpose of study sessions is to give the City Council a less formal and more interactive forum to discuss issues in advance of any official action to be taken. Staff often presents policy alternatives and is more directly engaged in the dialogue. Meetings are open to the public and are broadcast and videotaped when held in the City Council Chambers and at the direction of the City Council. While general direction may be given to staff or the proponent behind the topic of discussion, no formal action by the City Council is taken in a study session.

Discussion Rules

To assist the City Council in the orderly discussion of items, rules are followed which represent accepted practices for the management of City Council meetings.

- 1. Obtaining the floor:** A councilmember or staff shall first address the Mayor and gain recognition. Comments and questions should be directed through the chair and limited to the issue before the City Council. Cross-exchange between councilmembers and public should be avoided.
- 2. Questions to staff:** A councilmember shall, after recognition by the Mayor, address questions to the City Manager, City Attorney, department head or designated staff member. Councilmembers with questions on an agenda item should preferably contact staff before the meeting in order to allow staff time to research a response for the meeting.
- 3. Interruptions:**
 - a. Once recognized, a councilmember is considered to have the floor, and another councilmember may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the councilmember holding the floor shall cease speaking until the point of order or privilege is resolved.
 - b. Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.
- 4. Discussion:** A councilmember should not speak more than once on a particular subject until every other councilmember has had the opportunity to speak. Councilmembers are encouraged to discuss items during the decision-making process and may ask staff to respond when appropriate. The Mayor normally allows other members to speak first, then will give his/her views and summarize.
- 5. Tabling procedure:** Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain. A motion to "continue" an agenda item has the same effect, but is generally used when a scheduling problem arises or when insufficient time is available to address the matter thoroughly.
- 6. Right of protest:** A councilmember is not required to state reasons for a dissenting vote.

7. **Calling for the question:** The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A councilmember may move to “call for the question” on an item which is being considered. The motion requires a second, is not debatable and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable and the City Council must vote on it.
8. **Conducting business at a late hour.** ~~According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a three-fourths vote taken by 11 p.m. to extend the meeting. The motion to extend is to include the title of the items to be considered after 11:00 and a new ending time for the meeting. The City Council believes that late night meetings deter public participation, can affect the City Council’s decision-making ability and can negatively affect staff performance for the remainder of the business week.~~

Voting procedures

When present, all councilmembers are to vote (affirmative, dissenting, abstention). Failure of a seated councilmember to express a vote constitutes an affirmative vote.

No ordinance, resolution or motion shall be passed or become effective without an affirmative vote by the majority with a quorum present.

A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected councilmember will step down from the dais and leave the City Council Chambers.

Councilmembers may declare general consensus at the discretion of the presiding officer, if there are no negative votes or objections.

Tie vote: A tie vote is equivalent to a motion that has failed. The presiding officer may publicly explain the effect of the tie vote for the audience or may direct a member of the staff to do so.

Motions: There are a number of types of motions, each of which must meet certain requirements before a vote can be taken. A reference guide to motions is provided in chart form in Appendix A of this manual.

Reconsideration: Reconsideration of an item shall be allowed in accordance with the following City Council guideline: A councilmember of the prevailing majority when the previous vote was taken must make a motion for reconsideration. The City Council has determined that any motion for reconsideration should be made at the meeting immediately following that at which the action was taken. No motion for reconsideration will be entertained after this time unless the City Council determines significant new information has arisen which warrants such action.

Other guidelines

Other guidelines have been developed to ensure that meetings of the City Council are conducted in a civil and professional manner. Councilmembers and staff shall:

1. Work to preserve appropriate order and decorum during all meetings.
2. Discourage side conversations, disruptions, interruptions or delaying efforts.
3. Inform the Mayor before departing from a meeting.

4. Limit disruptive behavior. The Mayor will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the Mayor may call a recess, request the removal of such person(s) from the City Council Chambers, adjourn the meeting, or take such other appropriate action. The City Council has a policy to discourage applause, booing or other similar behaviors from the public during meetings.
5. Recognize that only the City Council, staff, advisory body chairs or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the City Council or staff tables.
6. Limit breaks of the City Council to 5-10 minutes. The City Council has authorized the Mayor to resume the meeting if a quorum exists and other members have not returned from the break within the announced time period.
7. Impose time limits on speakers. While the City Council encourages and embraces the need for and right of public participation, it acknowledges that public comments must, at times, be limited. Therefore, the City Council authorizes the Mayor, as presiding officer, to poll the audience for an indication of the number of people wishing to speak, and to impose time limits per speaker. Typically, speakers are limited to three minutes but a shorter time limit may be established as deemed necessary. When a member of the public is to speak on behalf of others in attendance, a maximum time limit of nine minutes is usually imposed or as otherwise allowed in the discretion of the presiding officer. After the time limit, the City Council may ask questions of the speaker for clarification, if needed. Each speaker will be thanked for his or her participation.

Values of respect: The City Council has also recognized the importance of approaching the public's business in an environment of personal respect and courtesy, which places emphasis on the consideration of policy and avoids personalization of comments. Some guidelines utilized by the City Council include:

1. Discussion should focus on policy matters
2. Personal criticism of members is inappropriate
3. Proper decorum should be displayed as other members express their views
4. Treat members of the public equally, applying rules in a fair and consistent manner
5. Members of the public are advised to treat all public speakers with due respect and to refrain from verbal expressions in support of or opposition to (such as clapping or booing) any public speakers' comments.

Enforcement of order: The Police Chief or his designee acts as the Sergeant-At-Arms. Any councilmember may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.

Open meeting laws ("The Brown Act")

Operations and procedures of the City and City Council incorporate requirements of the state's open meeting law (commonly referred to as the Brown Act). Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below.

Applicability and penalties: The entire city organization conducts its business in compliance with the Ralph M. Brown Act, State Government Code §54950 et seq. The

intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings.

A. Applicability: The Act applies to the City Council and all commissions, boards and City Council-appointed subcommittees (except if comprised entirely of two councilmembers) and task forces that advise the City Council. Staff cannot promote actions that would violate the Act.

B. Meetings: All meetings shall be open and public. A City Council meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless city business is discussed.

Serial meetings take place when any member of City Council contacts more than one other member of the City Council or any city staff member contacts more than two councilmembers for the purpose of deliberating or acting upon an item pending before the City Council. This restriction does not apply to the public or media who may contact all councilmembers. Correspondence that merely takes a position on an issue is acceptable. Note that the Brown Act applies to City councilmembers immediately after their election and before their swearing-in ceremony.

C. Agendas: Agendas for regular meetings must be posted 72 hours in advance of the meeting and must meet various requirements.

D. Actions: No action can be taken on any item not appearing on the posted agenda.

Exceptions:

1. An emergency exists (determined by a majority of the City Council).
2. The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by a two-thirds vote of the City Council; or if less than two-thirds are present, by unanimous vote).
3. The item was continued to another meeting that was scheduled and posted within five days of the original agenda.

E. Public input: The public, by law, has an opportunity to address the Council on any item of interest to the public that is within the jurisdiction of the Council, at the time the matter is heard. The Mayor has the right to establish a time limit on speakers and the total time allocated for a particular issue. Three minutes per speaker has been standard, but in unusual cases either shorter or longer periods may be established by the Mayor or the City Council.

F. Public disruptions: A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.

G. Correspondence: All writings distributed for discussion or consideration at a public meeting are public records.

H. Special meetings: Special meetings may be called by the Mayor or a majority of the City Council with strict notification requirements for delivery to the media and the City Council 24 hours before the time of the meeting.

I. Emergency meetings: Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or

crippling disasters that impair the public health and/or safety qualify for emergency meetings.

J. Other provisions: The Brown Act provides many other restrictions and requirements; this chapter is intended merely as a City Council summary and overview, and nothing in this Chapter supersedes the provisions of the Brown Act. Please check with the City Attorney and/or the City Clerk for more information.

City Council Communications

Overview

Perhaps the most fundamental role of a councilmember is communication—communication with the public to assess community opinions and needs—communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking as a councilmember. Equally important, when members are expressing personal views and not those of the City Council, the public should be so advised.

Councilmember correspondence

Members of the City Council may occasionally be called upon to write letters to citizens, businesses or other public agencies. Typically, the Mayor will be charged with transmitting the City’s position on policy matters to outside agencies on behalf of the City Council. Correspondence sent on behalf of the City Council is placed on official City letterhead and is signed by the Mayor or City Manager. Individual members of the City Council may prepare letters to constituents in response to inquiries or to provide requested information. Individualized councilmember letterhead can be made available for this purpose, and staff can assist in the preparation of such correspondence. Councilmembers are required to provide copies of any correspondence on City letterhead to every councilmember and the City Manager.

On occasion, members may wish to transmit correspondence on an issue upon which the City Council has yet to take a position or about an issue for which the City Council has no position. In these circumstances, members should use their personalized letterhead and clearly indicate within letters that they are not speaking for the City Council as a whole, but for themselves as one member of the City Council.

After the City Council has taken a position on an issue, official correspondence should reflect this position. While members who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official City Council title, and staff support should not be utilized in order to avoid confusion. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

councilmembers may be asked to prepare letters of recommendation for students and others seeking appointment. It is appropriate for individual councilmembers to utilize City letterhead and their City Council titles for such letters. No review by the full City Council is required, however, copies will be kept on file.

Speaking for “the City”

Similar to written correspondence, when members are requested to speak to groups or are asked the City Council’s position on an issue, the response should reflect the

position of the City Council as a whole. Of course, a councilmember may clarify their vote on a matter by stating, for example, “While I voted against “X,” the City Council voted in support of it.” When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the City Council’s position rather than that of an individual councilmember.

When dealing with members of the media, it is usually the Mayor who represents the position and interest of the City Council. When the City Manager or Department Heads are contacted, they too will refer the media first to the Mayor for comment. Similarly, when the City issues a Press Release, the Mayor is consulted in terms of any councilmember quotes or references. The City Manager decides whether staff are available to respond to media requests directly or not.

Local ballot measures

At times, measures that affect City Council policy may be placed on the ballot. There are restrictions regarding what actions a City Council or individual councilmembers may take on ballot measures. Guidelines as to what is permissible are available from the City Clerk or City Attorney upon request.

State legislation, propositions

The City has been a member of the League of California Cities for many years. In addition, the City has a representative on the City/County Association of Governments (C/CAG). Both of these groups actively track legislation at the state level. Either through the advisories received from these two organizations or as a result of City staff following key legislative bills of importance to the City, the Council is at times requested to take a position or an action on pending state legislation. Unless Council has previously acted on a similar bill in the recent past, in which the City’s position is clear, the Council has a practice of requiring analysis and discussion of bills before taking an official position. The analysis includes a summary of the legislation’s purpose and a listing of those entities both in support of and against the proposed legislation. As a framework for screening bills that are pending to determine if the City should weigh in, Appendix B serves as a Legislative Policy Guide, with the explicit understanding that the City will express itself on legislation dealing with issues that will directly effect its financial stability or effective operation, and that the City may enter into alliances with other entities to promote common goals.

Proclamations

Ceremonial proclamations are often requested of the City in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the city can make special recognition of an event (e.g., Recycling Week) or individual. As part of his/her ceremonial responsibilities, the Mayor is charged with administration of proclamations. Individual councilmembers do not issue proclamations. Proclamations can be sent to the requester or presented at a City Council meeting as arranged with the requesting body and at the Mayor’s discretion.

Interactions with City Staff

Overview

City Council policy is implemented on a daily basis through staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so that policies and programs may be implemented successfully. The City of Menlo Park has a long tradition of positive relationships between councilmembers and city staff. To maintain these effective relationships it is important that roles are clearly recognized.

Council-Manager form of government

Like most California cities, Menlo Park has adopted a City Council-City Manager form of government. The Council appoints a City Manager to implement policy, enforce laws, direct the daily operations of city government, and prepare and monitor the municipal budget. The Municipal Code specifies roles and responsibilities and requires that councilmembers work through the City Manager in dealing with City staff unless simply requesting information from department heads or other staff members. The City Manager is responsible to the City Council as a body rather than to individual councilmembers.

Council-Manager relationship

The employment relationship between the City Council and the City Manager reflects the fact that the City Manager is the chief executive officer of the City. The City Manager has an employment agreement with the City Council. Regular communication between the City Council and City Manager is important in maintaining effective interpersonal relations. All dealings with the City Manager, whether in public or private, should be consistent with the authority of the City Manager in administrative and personnel matters. Councilmembers should avoid situations that can result in City staff being directed, intentionally or unintentionally, by one or more councilmembers. Further, councilmembers should avoid involving themselves in matters regarding individual City employees or related affairs.

The City Council evaluates the City Manager's performance on a regular basis to ensure that both the City Council and City Manager are in agreement about organizational performance and priority goals that are based on mutual trust and common objectives.

As in any professional relationship, it is important that the City Manager keep the City Council informed. The City Manager respects that the final responsibility for establishing the policy direction of the City is held by the City Council. The City Manager communicates with City Council in various ways. In addition to the formal City Council meetings, there are periodic briefing meetings with individual councilmembers and written memoranda and email. Communication must be undertaken in such a way that all councilmembers are treated similarly and kept equally informed. It is also important that the City Council provide ongoing feedback, information and perceptions to the City Manager including responses to written communications and surveys requesting feedback in a timely manner.

City Manager code of ethics

The City Manager is subject to a professional code of ethics that binds the City Manager to certain practices that are designed to ensure his or her actions are in support of the City's best interests. Violations of such standards can result in censure. Appendix D is a copy of the City Manager's Code of Ethics.

City Council-City Attorney relationship

The City Attorney is the legal adviser for the City Council, City Manager and departments. The general legal responsibilities of the City Attorney are to: 1) provide legal assistance necessary for formulation and implementation of legislative policies and projects; 2) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings; 3) prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and 4) keep the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City. It is important to note that the City Attorney does not represent individual councilmembers, but the City Council as a whole.

Roles and information flow

Objectives: It is the intent of staff to ensure councilmembers have free and easy access to information from the City and to ensure that such information is communicated completely, with candor and without bias. Individual councilmembers may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, or executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual councilmembers, and to allow staff to execute the priorities given by management and the City Council as a whole without fear of reprisal.

City Council roles: The full City Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, workloads and schedules, departmental priorities, and the performance of City business. Councilmembers who wish to influence the actions, decisions, recommendations, workloads, work schedule and priorities of staff, must receive support from a majority of the City Council to do so as a matter of City Council policy.

Should a councilmember become dissatisfied about a department, he/she should always talk it over with the City Manager. Concerns about a department head must be taken to the City Manager only.

Access to information: Individual councilmembers as well as the City Council as a whole shall receive the full cooperation and candor of staff in being provided with any requested information. The City Manager or appropriate staff will inform council when a critical or unusual event occurs about which the public would be concerned.

To assist the City Manager in his ability to monitor the flow of information, requests for information are best tracked if submitted in writing, either in memorandum form or through email. And to ensure proper responsiveness, councilmembers are asked to "cc" both the department head and the City Manager on all correspondence with staff.

There are limited restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRs) under review are not available for release until complete and after review by city management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to councilmembers. Certain aspects of Police Department affairs (access to restricted or confidential information related to crimes) may not be available to councilmembers.

Councilmembers have a responsibility in this information flow as well. It is critical that they make use of staff reports and commission minutes. Councilmembers should come to meetings well prepared – having read staff reports and attachments, and requesting in advance any necessary and available information from staff. Councilmembers with questions on an agenda item should preferably contact staff before the meeting in order to allow staff members time to research a response for the meeting.

Staff roles: The City Council recognizes the primary functions of staff as serving the community, executing City Council policy and actions and in keeping the City Council informed. Staff is obligated to take guidance and direction only from the City Council as a whole or from the appropriate management supervisors through the City Manager. Staff is directed to report to the City Manager any attempts by individual councilmembers to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner to all requests made by individual councilmembers for information or assistance; provided that, in the judgment of the City Manager, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full City Council. Requests from an individual councilmember determined by the City Manager to take one hour or more of staff time to complete, may be included on the formal City Council agenda for full City Council discussion.

Information distribution

In cases where a staff response to an individual councilmember request involves written materials that may be of interest to other councilmembers, the City Manager will provide copies of the material to all other councilmembers. In making this judgment, the City Manager will consider whether the information is significant, new, otherwise not available to the City Council or of interest to the City Council.

Magnitude of information requests

Any information, service-related request, or revised policy position perceived as necessary by individual councilmembers, and that cannot be fulfilled based on the above guidelines, should be submitted by the individual councilmember in writing to the City Council as a whole. When raised at a City Council meeting, the full City Council can decide whether and when to agendaize the request for further consideration. The City Manager will seek necessary clarification as to whether the City Council desires staff research or a report prepared; and, if so, the relative priority that should be given to such a request in light of other priorities and potential workload impacts.

Staff relationship with advisory bodies

Staff support and assistance is typically provided to commissions and task forces. However, advisory bodies do not have authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the City Manager and the City Council. The members of the commission/ board/committee are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with City policies and practices as outlined in the Commission Handbook.

Staff support often includes preparation of an agenda and its posting in compliance with the Brown Act. Staff may also prepare reports providing background on the issue, alternatives, a recommendation and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person may take minutes as needed. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

It is important that advisory bodies wishing to communicate recommendations to the City Council do so through approved City Council agenda procedures. In addition, if a commission wishes to correspond with an outside agency, that correspondence will be prepared by staff for review by the City Manager and approval by the City Council. Individuals who would like staff to perform research or for the commission to review a particular issue must gain the approval for such a request from the full City Council before any work is planned or done. Each Commission establishes a 2-year work plan that is in line with the City Council's goals, which guides the commissions' activities and projects.

Restrictions on political involvement by staff

Local governments are non-partisan entities. Professional staff, as reflected within the principles of the Council-Manager form of government, formulates recommendations in compliance with City Council policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fundraisers or other means.

By working for the City, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and to general employees.

General employees have no restrictions while off the job. No participation in campaigns or other activities may take place while on the job. No City resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaign or other activities in a City uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the City Council in these matters is requested. A councilmember asking staff to sign petitions or similar items can similarly create an awkward situation.

For management staff, the City Manager strongly discourages any involvement in a local campaign even while on personal time. Such involvement could erode the tenet that staff is to provide an equal level of service to all councilmembers. The City Manager specifically prohibits any political involvement in local campaigns by department heads.

Support provided to City Council

Staff support

General administrative support to councilmembers is provided through the City Manager's Office. Administrative services including scheduling of appointments and receipt of telephone messages are available as needed. Sensitivity to the workload of support staff members in the City Manager's Office is appreciated. Should requested tasks require significant time commitments, prior consultation with the City Manager is requested.

Office equipment/technology

To enhance councilmembers' ability to communicate with staff and the public, the City Council office is equipped with a computer and telephones with voicemail. The City Council can also receive and send email and faxes.

Councilmembers may be connected from their home to the City's computer network. Information Technology staff will provide initial assistance in setting up necessary software and hardware. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications. Each councilmember is provided the use of a tablet device. When individual councilmembers have completed their term of office, any technology must be returned to the City.

These technologies facilitate efficient communication by councilmembers. However, their use also raises important legal issues to which councilmembers must pay special attention. First, the Brown Act prohibits elected officials from using "technological devices" to develop a concurrence by a majority regarding an action to be taken by the legislative body. "Technological devices" under the Brown Act include phones, faxes, computer email, public access cable TV and video. Councilmembers should not use email, faxes or phones for communicating with other councilmembers in order to develop a majority position on any particular issue that may come before the full City Council. Particular caution is advised when using or responding to email received via the "CCIN" feature on the City's website and email directory. Correspondence sent using CCIN automatically goes to all five councilmembers, certain staff and to the local newspapers.

Second, be aware that most emails sent by councilmembers probably are public records under the Public Records Act. Even though it does not create paper, sending email is more similar to mailing a letter than placing a telephone call. The information in the email is stored on the computer network until deleted, and may continue to exist on the network's backup systems even after being deleted. As a result, emails can become records of the City maintained in the course of business, and thus available for public disclosure under the Public Records Act.

Finally, the City's email system is intended for the conduct of official business, and not for political reasons. See CHAPTER 8 for a detailed discussion on the prohibition against using City property and funds for personal or political purposes.

Meeting rooms

An office is available adjacent to the City Manager's Office for shared use by councilmembers. Councilmembers can also reserve larger meeting space for use by contacting the City Manager's Office staff.

Mail and deliveries

Councilmembers receive a large volume of mail and other materials from the public, private interests and staff. The City Manager's Office staff maintains a mailbox for each councilmember. Meeting agenda materials are available for pick up Thursday evenings and are posted on the City's website. Councilmembers are encouraged to return unwanted binders, reports and documents to staff.

Financial Matters

City Council compensation

State law and the Municipal Code provide for modest compensation to councilmembers. State law limits an increase in City Council salaries to 5 percent per year, effective only following the next election after adoption. Currently, councilmembers receive a stipend of \$640 per month. Councilmembers are also eligible for participation in group insurance benefits including retirement, medical, dental, vision, and life insurance plans available at the level provided to management employees.

Expenditure allowance

The annual city budget includes limited funding for members to undertake official City business. Eligible expenses include travel for attendance at conferences or educational seminars, and the purchase of publications and annual subscriptions. Travel expense reimbursement for meals does not allow reimbursement for alcohol. Donations to organizations are not eligible nor are meals for individuals other than councilmembers. Available funds are disbursed on a first come first served basis, with the Mayor and City Manager monitoring expenses during the year. City Council Policy #CC-91-0002 pertains to travel and meeting expenses.

Expenditure guidelines

It is important to note that any expense must be related to City affairs. Public property and funds may not be used for any private or personal purpose. Courts have ruled that this prohibition includes personal political purposes. For example, reimbursement could not be allowed to pay for meals at a meeting designed to discuss political or campaign strategies. It is also inappropriate for City funds to pay for a meal or other expenses of a private citizen.

City budgetary practices and accounting controls apply to expenditures within the City Council budget. Reimbursement requests should be made through the City Manager's Office monthly with receipts. Expenditure records are public information. Questions arising as to the proper application or interpretation of the adopted policy will result in the City Manager conferring with the Mayor.

Conflicts and Liability

Conflict of interest

State laws are in place to prevent an action by a councilmember that would or may constitute a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest. At any time a councilmember believes a potential for conflict of interest exists, he/she is encouraged to consult with the City Attorney or private legal counsel for advice. Staff may also request an opinion from the City Attorney regarding a councilmember's potential conflict. Laws that regulate conflicts are very complicated. Violations may result in significant penalties including criminal prosecution.

There are two primary laws that govern conflicts of interest for public officials in California - the Political Reform Act and Government Code §1090. In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; §1090 prohibits a public official from having an interest in government contracts.

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know that they have a financial interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the City. Once a year councilmembers and certain staff are required to file statements of economic interests.

Government Code §1090 is similar to the Political Reform Act, but applies only to City contracts in which a public official has a financial interest. The financial interests covered by §1090 are different from those in the Political Reform Act. A councilmember having an interest in a contract may preclude the City from entering into the contract at all. In addition, the penalties for violating §1090 are severe. If a councilmember believes that he or she may have any financial interest in a contract that will be before the City Council, the councilmember should immediately seek advice from the City Attorney or the councilmember's personal attorney.

There are a number of other restrictions placed on City Council actions that are highlighted in the League of California Cities' Guide. Such restrictions include prohibitions on secrecy and discrimination as well as assurance that all city funds are spent for public purposes. Violations of these restrictions may result in personal liability for individual councilmembers.

City Attorney advice

The City Attorney has an affirmative duty to protect the City and City Council from conflicts of interest wherever possible. It is critical to note that while the City Attorney can render advice on the interpretation of State laws and regulations on conflict matters, such advice is solely an interpretation of the law. The only authority that can provide

binding interpretations on such matters is the State Fair Political Practices Commission (FPPC). Individual councilmembers or the full City Council may also solicit opinions on such matters directly from the FPPC; however, such opinions often take time to develop and may not readily respond to urgent matters. It is important to note that the City Attorney does not represent individual councilmembers, but the City Council as a whole.

Conflict of interest forms

Annual disclosure statements are required of all councilmembers, designated commissioners and senior staff which indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Councilmembers and the City Manager often serve on the governing board of other agencies as a result of their positions. These agencies also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

Liability

The City is a large institution offering a variety of services and may occasionally find itself subject to legal actions through lawsuits. For example, those involved in automobile accidents sometimes choose to take actions against a City since the accident occurred on a City roadway. The City must always approach its responsibilities in a manner that reduces risk to all involved; however, with such a wide variety of high-profile services all risk cannot be eliminated. The City belongs to an agency with other governments to manage insurance and risk activities.

It is important to note that violations of certain laws and regulations by individual councilmembers may result in that councilmember being personally liable for damages that would not be covered by the City's insurance. Examples may include discrimination, harassment or fraud.

Additional Training and Resource Materials

League of California Cities

The League is an association of virtually all cities in California. It provides many services including the production of educational conferences for local officials, publication of various newsletters and the monthly magazine *Western City*. The League has lobbyists on staff to represent the interest of cities before the state Legislature and federal government and supports committees having local officials as members that are organized to address issues as they arise. The City of Menlo Park participates in League activities through the Peninsula Division.

The League of California Cities produces a number of publications on substantive issues in city and local government. These publications are available for purchase from the League.

Local Government Commission

The Commission is a California-based organization that focuses largely on planning and resource conservation issues. It conducts workshops, offers periodic seminars and publishes newsletters.

International City/County Management Association (ICMA)

ICMA is a professional association of local government chief executives/city managers. The association has an extensive list of publications to assist local officials.

Institute for Local Government (ILG)

The Institute for Local Government also produces publications. For ILG publications please go to www.ca-ilg.org/publications.

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Staff Priority Work Plan Items	
Project	Summary
Water System Master Plan	The Water System Master Plan provides a guide for operations and maintenance standards and prioritizing significant future investments in the water distribution system. The Plan is in draft form and will be finalized for acceptance by the City Council in spring 2018. Since the recommended investments in the water system are significant, staff will initiate a study to evaluate funding options that would enable the implementation of the improvements. In addition, a request for additional staff will be made based on the staffing level assessment conducted as part of this study.
Downtown Parking Garage	In responding to the requests of business leaders and residents that the City enhance opportunities for parking downtown to support downtown businesses, staff has evaluated a number of options for developing a parking structure and/or mixed use development. If the City Council prioritizes the development of structured parking for 2018, then staff will schedule a study session in the first quarter of the year to receive direction on pursuing either a simple parking structure or mixed-use development. Following that study session, staff will develop a plan for delivering either a parking structure or mixed-use development project.
Chrysler Pump Station Improvements	The Chrysler Pump Station in Bohannon Park is over 50 years old and at the end of its useful life. This project involves the complete replacement of this critical stormwater pump and is being coordinated with the Menlo Gateway project.
Willow Road/U.S. 101 Interchange	Reconstruction of the Willow Road/U.S. 101 Interchange began in May 2017 and is anticipated to last approximately two years. Caltrans is leading construction efforts. City role is to support the project through construction by assisting with communication efforts on construction impacts, traffic controls and detours; provide local coordination, required permit review for local street impacts; and provide inspection of construction within City right of way.
Transportation Master Plan	Transportation challenges, including multimodal safety, traffic congestion, neighborhood quality of life and regional coordination are significant concerns to the City of Menlo Park. The Transportation Master Plan provides a bridge between the policy framework adopted within the Circulation Element and project-level efforts to modify the transportation network within Menlo Park. The Plan, when completed, would provide a detailed vision, set goals and performance metrics for network performance, and outline an implementation strategy for both improvements to be implemented locally and for local contributions toward regional improvements. Following development of the Plan, a fee program update would provide a mechanism to modernize the collection of funds toward construction of the improvements identified and prioritized in the Master Plan.
Chilco Streetscape and Sidewalk Installation	The project includes landscaping, lighting, signing/stripping modifications, and pedestrian and bicycle facility improvements. Facebook, as required within the Development Agreement for the Facebook Campus Expansion Project, would complete construction of the improvements.

Staff Priority Work Plan Items	
Project	Summary
Implement Downtown/El Camino Real Specific Plan Biennial Review	Staff will be presenting the Specific Plan Biennial Review at the 2/13/18 City Council meeting. Staff will provide initial responses to feedback given at the 12/5/17 City Council meeting related to potentially increasing residential density levels, further investigation of potential entertainment uses, as well as reviewing FAR and height limits in the Specific Plan area. Should direction be given to potentially amend the plan, including revisions to the net new maximum allowable residential and commercial square footage amounts and reviewing the work plan goals from the 2015 biennial review, staff could then develop a work plan, budget and execute consultant contracts related to a plan amendment in 2018.
San Francisquito Creek Upstream of 101 Flood Protection Project	The San Francisquito Creek Joint Powers Authority is pursuing a potential project to provide flood protection, ecosystem restoration and recreation upstream of Highway 101. The project is being designed to protect communities from a flood event similar to the one that occurred in 1998. The project includes widening of the creek at a number of locations and the replacement of the Pope Street/Chaucer Street bridge.
Information Technology Master Plan Implementation	Staff has identified a preferred vendor and will work in Q1 2018 to develop a recommendation to City Council for vendor selection and project budget.
Ravenswood Avenue/Caltrain Grade Separation Study	The existing Ravenswood Avenue at-grade crossing of Caltrain is a critical rail crossing within the Menlo Park corridor. The Ravenswood Avenue Grade Separation Study expands on the 2003-2004 Grade Separation Studies on behalf of the City, and completes an in-depth study of alternatives for the Ravenswood Avenue crossing. The prior study identified six alternatives for Ravenswood Avenue; however, no alternative has been recommended as a preferred alternative. This Study refines the preliminary concepts identified in the prior study in order to develop design concepts and gain community consensus around a preferred alternative.
Middle Avenue Caltrain Crossing Study	This project will provide a grade separated crossing through the Caltrain railway to create a pedestrian and bicycle connection and bridge the gap between east and west Menlo Park. The crossing will be located near Middle Avenue, connecting Alma Street near Burgess Park to El Camino Real at the proposed open space plaza as identified in the El Camino Real/Downtown Specific Plan. This crossing would improve connectivity for neighborhoods on both sides of the Caltrain tracks with city amenities, schools and access to public transit and downtown Menlo Park. The project would expand on the undercrossing study completed in fiscal year 2007-08 where the preferred Middle Avenue crossing location was selected. This project would develop preliminary design alternatives, seek community feedback around a preferred alternative and complete environmental clearance.

Staff Priority Work Plan Items	
Project	Summary
Stanford University 2018 General Use Permit Review	Stanford University has initiated an update to its General Use Permit, originally adopted in 2000 to guide campus development, through Santa Clara County. Key elements proposed for the 2018 General Use Permit include completion of the development (academic and academic support space, housing and parking) authorized by the 2000 General Use Permit; construction of new academic and academic support uses; construction of new housing units for students, faculty and staff; creation of parking supply reserve; and construction of new child care centers and facilities. City staff would continue to track the project's progress through the County review process, and review the final environmental review documents, with emphasis on the transportation analysis and proposed mitigation measures. The City has prepared comments on the draft environmental document, which were released in October 2017. Final documents could be released as early as mid-2018.
Organizational Study for Public Works Maintenance Services	The organization study will review the current maintenance processes, document their current form and propose improvements. The review will include all the maintenance functions performed by the City.
Organizational Study for Development Services	The organization study will review the current development review process, document its current form and propose improvements. The review will include the functions in planning, building, transportation and engineering.
Employee Engagement/Organizational Development	Continue to engage employees in the organization. Organizational Development Plan will include development of mission and value statements, goals and strategies.
District Elections	Menlo Park is transitioning to a by-district election system effective for the November 2018 City Council election. The City Council established the Advisory Districting Committee to recommend district boundary maps and related election sequencing. Following City Council approval in April, the City Clerk will submit the final maps to the San Mateo County Registrar of Voters in May 2018. Candidates will begin pulling papers in July 2018 to run for elected office from their respective districts. Demand for election-related staff support is expected to be higher than normal.
Emergency Water Supply	This project will involve the first phase of construction of up to three emergency wells to provide a secondary water supply to the Menlo Park Municipal Water District eastern service area.
Library Improvements	<p>The Belle Haven Neighborhood Library Needs Assessment is underway. Consultants have begun interviewing stakeholders, and outreach to the community at large will begin in February. City Council appointed three citizen members to the Needs Assessment Advisory Commission at their January 16 meeting. The Advisory Committee will hold its first meeting in early February.</p> <p>The Main Library siting and uses outreach wraps up its third public meeting February 15. Staff is expecting to present the community's input from the process along with a recommended site for a new library facility on the Burgess Campus to the City Council in early March. A revenue measure to provide funds for the City's portion of construction costs for library system improvements is tentatively scheduled for November.</p>

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Remaining and Ongoing Work Plan Items

Responding to the development needs of private residential and commercial property owners
Enhanced Housing Program
Revisions to the 2016 California Green Building Standards Code for Electric Vehicle Chargers
Single Family Residential Requirements and Guidelines
Attracting thoughtful and innovative private investment to Menlo Park
Downtown Streetscape Improvement Project (Specific Plan)
Furthering efficiency in city service delivery models
Cost allocation plan and user fee study
Development of a Citywide Communications Program
Federal and State Lobbying Initiative
Improving Menlo Park's multimodal transportation system to move people and goods through Menlo Park more efficiently
Haven Avenue Streetscape Improvement
Transit Improvements
High Speed Rail Coordination & Environmental Review
Oak Grove, University, Crane Bicycle Improvement Project
Willows Neighborhood Complete Streets
Initiate Citywide Safe Routes to School Program
El Camino Real Corridor Study
Middlefield Rd/Ravenswood and Ringwood Avenues Traffic Signals Modification
Maintaining and enhancing Menlo Park's municipal infrastructure and facilities
Arrillaga Family Recreation Center HVAC System Upgrade
Burgess Pool Capital Improvements
Gatehouse Fence Replacement
Facilities Maintenance Master Plan
Reservoir Reroof and Mixers
Library Landscaping
Providing high-quality resident enrichment, recreation, and discovery
Library Space Needs Study
Parks and Recreation Facilities Master Plan Update
Park Playground Equipment
Jack Lyle Park Restroom
Willow Oaks Park Improvements
Burgess Park Snack Shack
Realizing Menlo Park's vision of environmental leadership and sustainability
Green Infrastructure Plan
Update the Heritage Tree Ordinance
Community Zero Waste Plan Implementation
Planned 2018-19 Capital Improvement Projects
Bayfront Canal and Atherton Channel Flood Protection
Downtown Parking Utility Undergrounding
Welcome to Menlo Park Monument Signs
Climate Change Resiliency Plan
Santa Cruz and Middle Avenues Resurfacing
Oak Grove Safe Routes to School and Green Infrastructure
Bayfront Expressway, Willow Road and Marsh Road Adaptive Signal Timing

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New Work Plan Items
Dumbarton Corridor Coordination
Middlefield Road and Linfield Drive Crosswalk Improvements
West Menlo Park Annexation
Charter City
Quiet Zone
Public Art
Schools Initiative
Revenue Initiatives (voter-approved ballot measures)
Sharon Road Sidewalk Installation

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