



POLICY AND SERVICES COMMITTEE

Special Meeting
Monday, March 16, 2009

The Policy & Services Committee of the City of Palo Alto met on this date in the Council Conference Room at 6:01 p.m.

Present: Barton, Espinosa, Kishimoto, Schmid

Absent:

1. Oral Communications

Sanford Forte spoke regarding Council's enforcement for rules of decorum; City employees should not be attacked during public meetings, he urged the Committee to enforce the policy.

Ronna DeVinchenzi, 2600 El Camino Real #100, spoke regarding the rules of decorum.

2. Recommendation on Proposed Procedure for Appointment of Santa Clara Valley Transportation Authority Board Members from the Six North County Cities.

Transportation Manager, Gayle Likens stated the Santa Clara Valley Transportation Authority (VTA) had been revisiting the structure of the Board of Directors in an effort to enhance membership. She noted the VTA had given Cities the ability to choose how they elected their Board Members.

Council Member Kishimoto stated she had been involved with the VTA for eight years and was grateful to have a city with a full time transportation representative. She noted a disadvantage to the Board of Directors was the two-year term limit for each Board Member, remarking the expertise was at a constant shift. She stated the North County representation was made up of six cities, each year a delegate and an alternate from the grouping was selected to represent the entire North County for two years. She

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suggested entering new language into the procedures; clarifying the representative bring forward to the full Board of Directors the concerns for the entire Northern County grouping, the North County grouping meet a minimum of four times per year, the elected representative shall make diligent efforts to attend the North County grouping meetings, and the procedures be reviewed biannually.

Council Member Barton stated the matter appeared to need simplifying. He stated there were six Cities in the North County grouping; the Group needed to selectively elect their representatives. He asked why a City without qualifications to be on the Board could not elect a member from another City to represent them as part of the North County group.

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Council Member Kishimoto stated each year a Policy Advisory Commissioner (PAC) was elected from each City to represent their City in the North County meeting.

Chair Espinosa clarified there were two entities in play which created a more complex situation. The VTA had the Policy Advisory Committee which served as a training ground to serve as Board Members. He stated the Cities were grouped into regions due to specific issues or concerns for those areas. He noted the groupings needed to meet regularly regarding their specific concerns then bring those concerns to the PAC for further discussion and clarification prior to Board involvement.

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Council Member Schmid stated his concern was for Palo Alto not being properly recognized on the Board. He stated if the voting was weighted by population with Palo Alto being one of the smaller Cities, their ability to take a Board seat was less frequent.

Council Member Espinosa stated that concern had been shared throughout other groupings and had been acknowledged by the Board which was why the current policy was being reviewed.

Council Member Kishimoto provided clarification for her suggestion of implementing the review process every two to four years to verify each City was being treated fairly.

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Council Member Schmid stated since the Board rotation was every two years that would be too short of a term for a review period. He suggested four years.

Council Member Kishimoto altered her language to read "review the policy every two years for the first six years then extend the review process to every four years."

Council Member Barton asked whether Los Altos Hills had VTA service outside of Arastradero and Foothill Expressway.

Council Member Kishimoto stated the VTA serviced more than buses and trains, the services of VTA covered roads and bike lanes.

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Chair Espinosa stated there was a desire from the North County to have major governance structural changes that would benefit everyone involved with VTA.

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Council Member Kishimoto stated Measure B in 1993 created the Advisory Board made up of sixteen advisory members with five directly elected members with City and County representation.

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Council Member Barton stated he believed the five County Supervisors were directly elected to serve on the Board of Directors until 1997.

Council Member Kishimoto stated she did not believe they were elected to serve on the VTA Board of Directors.

Chair Espinosa stated the current role of Supervisor was under discussion within the policy.

Council Member Barton asked why each City did not receive a vote.

Council Member Kishimoto stated that had been suggested. She noted that each City served a seat on the PAC which gave them a voice. She stated each City's vote was proportionate to their population.

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Council Member Schmid asked whether the PAC's role was to give advice to the North County Board representative regarding the vote.

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Chair Espinosa stated the PAC consisted of representatives from each City that recommended policy changes to the full VTA Board.

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Council Member Schmid asked whether the PAC mandated the way the Board voted or just made recommendations to them.

Council Member Kishimoto stated, the PAC recommended but did not mandate the vote.

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MOTION: Council Member Kishimoto moved, seconded by Chair Espinosa to approve Staff recommendation to forward a recommendation to the City Council on the proposed selection procedure for North County Cities Board Members on the Santa Clara Valley Transportation Authority (VTA) Board of Directors, and to add the following four points:

- 1) Clarify the representative bring forward to the full Board all of the concerns from the entire North County
- 2) The North County grouping must meet a minimum of four times per year
- 3) The elected representative shall make diligent efforts to attend the North County grouping meetings
- 4) The policy should be reviewed every two years.

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Council Member Kishimoto stated her goal was to have all Cities and representatives involved work together for a common goal.

Chair Espinosa stated at present there was not a strong enough support for any one change proposed for Board adoption.

Council Member Barton asked how the approach Palo Alto was currently taking compared to the possible approach being taken by other entities.

Chair Espinosa stated there was a great fluctuation with the County groups. Some areas meet more frequently where others meet

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rarely, he stated it was dependent on the needs of that particular group.

Council Member Kishimoto asked whether language could be entered into the policy determining after a predetermined amount of time, if Palo Alto was not getting proper representation on the Board, the policy would revert back to its original state.

City Attorney Gary Baum stated the agreement which was being discussed was between six cities, once the agreement had been solidified it would need to be approved by the remaining five cities.

Council Member Kishimoto stated she would alter her Motion to read after four years there would be a review of the policy, after eight years the Council must take affirmative action on the approach or the policy reverted back to its original status.

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Chair Espinosa clarified Item No. 4 of the Motion was being set-up as a trial and would revert back to the original status of Board Member selection unless Council adopted the process. He asked what the timeframe was for Council to adopt the trial.

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Council Member Kishimoto stated the trial period would last eight years with a check-in at four years.

Chair Espinosa stated eight years seemed a long time for a trial basis.

Council Member Barton asked whether the intent was for any City Council to amend the policy either at the check-in or after the eight years. He stated it read as though if any city felt they were not being fairly represented by the group they could review after four years and again if not satisfied by the representation could revert back to the original status.

Council Member Kishimoto stated it was not obvious what the voting rules were which was her intent for the policy change.

Chair Espinosa stated as seconder, he did not support the language change. He suggested it go as a separate vote.

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AMENDMENT: Council Member Kishimoto moved, seconded by XXX that item 4 of the Motion read after four years there would be a review of the policy, after eight years the Council must take affirmative action on the approach or the policy reverted back to its original status on selection of Board Members.

AMENDMENT FAILED DUE TO LACK OF SECOND.

MOTION PASSED: 3-1, Barton no

3. Consideration of Recommendation to Council on Changes to City Council Procedures.

City Attorney Gary Baum stated the procedure changes requested during the Council Retreat were as followed:

- 1) Time duration for Oral Communications
- 2) Procedure ~~for~~ a Colleagues Memo
- 3) Rules ~~for~~ Abstentions
- 4) Addition of City Manager Comments section to the Council agenda
- 5) Mayoral election regarding the need for a second
- 6) Meeting attendance via telephonic conferencing

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He stated in response to the aforementioned items he would respond as followed:

- 1) The history of Oral Communications had been set at a 3 minute limit over the past ten years, prior to that time it ~~might have~~ been at 5 minutes with the Mayor having the privilege to shorten the time depending on the number of speakers.
- 2) The history of the Colleague Memo required there be two Council Members and the request was to increase the number. He stated three Council Members would be fine with a fourth bringing a concern of a potential violation of the Brown Act.
- 3) The appropriate ground for abstention was a Council Member not having been privy to review the information prior to the meeting.

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- 4) The City Manager Comments had not previously been in the procedures therefore would be added without incident.
- 5) The nomination for Mayor did not require a second. There could have been a ceremonial second although it would have held no bearing.
- 6) The Council's Policy and Procedures clearly state there would be no telephonic attendance to a meeting, which should applied to the Boards and Commissions.

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Herb Borock, PO Box 632 stated the current time limit for Oral Communications occurred during the previous City Manager reign which was three minutes up to five. He stated the number of Council Members conflicted during a meeting needed to be considered in the number of Council Members involved in a Colleagues Memo.

MOTION: Committee Member Barton moved, seconded by Committee Member Kishimoto to accept Staff recommendations to forward the City Council Procedure changes to the City Council for approval as follows:

- 1) Three minute, Rule for Oral Communication or comment
- 2) Colleagues Memo could have up to four signers
- 3) Council Members should only abstain if they are not sufficiently informed about an item, e.g. when there was a prior hearing and they were unable to view the prior meeting before the current meeting
- 4) Add the City Manager Comments section to the agenda
- 5) Any Council Member may make a nomination for Mayor and that this type of nomination does not require a second
- 6) The procedural rules applicable to telephonic attendance at meetings contained in the City Council Procedures shall also apply to all City Council appointed Boards and Commissions
- 7) The actual number of City Council's Top Priority Workplan has been removed from the Council Procedures Handbook

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Council Member Schmid stated the three minute Oral Communications time limit made sense and had been widely accepted in the community. He felt with abstention it was inappropriate to mandate how a person was to vote, if they felt

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they had not obtained an appropriate amount of information to make an informed decision that was their vote.

Mr. Baum stated there had been case law clarifying Council Members were compelled to vote unless there was a conflict.

Council Member Schmid stated the oath of office taken at the time of the appointed officials' swearing in did not mention abstentions. He requested to split item 3, abstention, as a separate vote.

MOTION SEPARATED FOR PURPOSE OF VOTE ON STAFF RECOMMENDATION FOR ITEM NO. 3: Council Members should only abstain if they are not sufficiently informed about an item, e.g. when there was a prior hearing and they were unable to view the prior meeting before the current meeting

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MOTION PASSED: 3-1, Schmid abstaining

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VOTE FOR STAFF RECOMMENDATIONS 1, 2, 4-7:

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MOTION PASSED: 4-0

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4. Discussion of Upcoming Meetings and Topics

April 21, 2009

Meeting adjourned at 7:02 p.m.

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