

Regular Meeting
June 14, 2005

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ADJOURNMENT: Meeting adjourned at 7:55 p.m.....10

Acting Chairperson Cordell called the meeting to order at 7:05 p.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Beecham, Cordell, Kleinberg

Absent: Freeman

1. Oral Communications

None.

2. Revised Recommendations for Changes to City Council Protocols and Procedures as Part of Annual Review

Assistant City Manager Emily Harrison said staff committed to reviewing the protocols with the Policy and Services (P&S) Committee on an annual basis. Discussion was held by the Council at its January 29, 2005, meeting. Three proposed revisions to the Procedures and Protocols were recommended. The first required that a majority of the Council approve assignments made to staff during the Council Comments section of the agenda. The second was that in the response to Council questions posed by e-mail, the Council member posing the questions would be identified in the title of the staff response, and the policy would be amended to indicate that staff would only respond prior to the Council meeting to items on the Council Consent Calendar. The third recommendation confirmed that protocols applied to board and commission members.

Assistant City Attorney Gary Baum said there were Brown Act issues that played a role in the recommendations. Protocols previously indicated that emails were posted without names; however, names were required with the emails.

Vice Mayor Kleinberg said if the Council were to take a public vote on an item that was not agendaized, the vote should be to put the item on the agenda at another meeting, not to take action.

Mr. Baum said the vast majority of the time the Council directed staff to put items on future agendas. Staff needed to include assignments.

Ms. Harrison said in certain instances, Council Members said things, which were not directed to staff by the Council, and the Council Members' expectation did not match what happened, which caused the feeling of being disrespected.

Mr. Baum said staff could work on the language.

Vice Mayor Kleinberg said she was convinced that the question was of staff time, efforts, priorities, and where the public wanted Council and staff time spent.

Ms. Harrison said Council Members occasionally brought to the staff's attention items that needed to be fixed or addressed; for example, Council Member Mossar might say she was riding on the Embarcadero Bike Path, saw that maintenance was low, and asked staff to look into the situation. That type of request did not need to be agendaized.

Council Member Beecham asked about the problem that was asked to be fixed.

Ms. Harrison said in the past, Council Members occasionally made comments during Council Comments and did not see follow up in staff action. Staff saw the request as something that needed a resource allocation and a majority vote from the Council.

Council Member Beecham asked about the frequency of the requests.

Ms. Harrison said staff had been forcing the issue of the vote; prior to that, requests were once or twice per month.

Council Member Beecham said the current policy was clear. Council Members should understand that if they make a comment, the policy applied to it.

Vice Mayor Kleinberg said staff was put in a difficult position, which was what she wanted addressed.

Ms. Harrison said staff proposed to address the issue through the procedures but could add a sentence under the protocols, under the one-hour rule.

Vice Mayor Kleinberg suggested a memo could be sent to the Council saying, "Here's some of the requests we have received that would require more than an hour's time."

Council Member Beecham said if the Council Member had an issue, he or she would let the Mayor know.

Acting Chairperson Cordell questioned whether the one-hour rule might be modified.

Ms. Harrison said staff could continue to do what it had done, which was to make the Council aware when staff had concerns about something that looked

like an assignment that might exceed the one-hour rule during the Council meeting.

Vice Mayor Kleinberg said the question of the use of Council Comments was avoided, and she was unsure that there was anything in writing that Council Comments were limited to any particular thing. Council Comments were for updating each other on activities and was more of a conversation than directing staff to do work.

Ms. Harrison said occasionally items came up during Oral Communications, where procedures did not allow response, and a Council Member might wait until the end of the meeting to ask staff to look into the item.

Vice Mayor Kleinberg agreed that was a legitimate reason.

Ms. Harrison said staff or the City Manager would try to provide an update at the end of Oral Communications about the item that was discussed.

Acting Chairperson Cordell asked where Council Comments were addressed in the protocol or procedures.

Mr. Baum said he had not seen that in the protocol or procedures.

Acting Chairperson Cordell said the issue was raised as to whether Council Comments should be addressed in Protocol or Procedures.

Mr. Baum clarified the Council wanted a description of the purpose of Council Comments.

Acting Chairperson Cordell suggested one sentence be added about the intent.

Mr. Baum said he would work on the language.

Council Member Beecham clarified the Council voted on whether or not it wanted to put something on the agenda.

Vice Mayor Kleinberg said that was correct.

Vice Mayor Kleinberg suggested that matters that needed a vote that were not on the agenda would be put to a vote.

Acting Chairperson Cordell said the P&S Committee needed to see the wording and discuss it prior to passing it on to the Council.

Ms. Harrison said there appeared to be a desire to get things on the record even though they were dialoged in email. The Council needed to be together to dialogue.

Vice Mayor Kleinberg said people did not want their names associated with their questions.

Ms. Harrison said a number of members of City staff, including her, spent a considerable time on Mondays responding to questions by email. Staff's obligation was to look at answers to the questions.

Council Member Beecham clarified there were less questions.

Mr. Harrison said that was not correct. The questions tended to be essay as opposed to multiple-choice.

Vice Mayor Kleinberg clarified the problem was that there was an expectation that all the questions would be answered prior to Council meetings.

Ms. Harrison said that was correct.

Vice Mayor Kleinberg said people should be encouraged to be inquisitive. The Council could say questions were encouraged so that staff was aware of what the questions were and be better prepared. The Council should acknowledge that it was not always possible for staff to have full and complete essays on every subject.

Council Member Beecham suggesting telling people to send questions in advance, especially if time was needed for preparation which would then be discussed at the Council meeting.

Ms. Harrison said staff would make every effort to go through all the Consent Calendar items in writing, which streamlined the Council meeting.

Acting Chairperson Cordell clarified staff would respond to questions that were addressed to Consent Calendar matters.

Ms. Harrison said that was correct.

Acting Chairperson Cordell clarified staff responded only to items on the Consent Calendar.

Ms. Harrison said that was correct, and the rest of the questions were made public, on the website, and part of the dialogue.

Council Member Kleinberg said many of the questions were for edification and not to help Council Members decide how they voted.

Council Member Beecham said he often did not have an opportunity to look at the questions until he was at a meeting. The detriment was when someone had many questions.

Acting Chairperson Cordell said the Mayor told people how much time they had to speak, which had to do with leadership and control.

Mr. Baum said the Brown Act was a value. Consent had limitations. The questions were important enough to be shared with the public. Limiting staff to respond only to Consent items prior to a meeting might enhance the quality of the meeting.

Acting Chairperson Cordell asked whether there was anything illegal about having a policy that said someone could ask all the questions they wanted and discussed at the meeting.

Mr. Baum said he had concerns about sending Council Members answers to questions by email prior to meetings.

Vice Mayor Kleinberg said there was an argument over revealing who had asked what questions. The Council had tried to get Council packets out a week prior to a meeting in order to give staff time to answer questions.

Ms. Harrison said staff tried to put packets in different colors, there was confusion trying to get the packets out early, and the press reported the Council was on one day and not on another.

Vice Mayor Kleinberg said many councils did not meet every week.

Council Member Beecham said the proposal was good.

Vice Mayor Kleinberg said there needed to be a companion policy about time consciousness and respect.

Ms. Harrison said there was a protocol about respecting the Mayor.

Vice Mayor Kleinberg said she was talking about not dominating and being respectful of other people's time.

Ms. Harrison said staff committed to looking at the Protocols every year.

Vice Mayor Kleinberg suggested saying the Council encouraged the Mayors or whoever ran the meeting, to be fair and even handed in sharing time among colleagues.

Ms. Harrison said at the end of the agenda she would ask the Council whether it wanted an item on Consent.

MOTION: Vice Mayor Kleinberg moved, seconded by Beecham, that the Policy and Services Committee recommend to the City Council approval of the Bullet Item Nos. 2 and 3:

- ~~• In the City Council procedures, require that a majority of the Council approve assignments made to staff during the Council Comments section of the agenda. (In certain instances, the Brown Act may preclude action on certain items until they are subsequently agendized).~~
- In the City Council e-mail policy, reflect that in the response to Council questions posed by e-mail, the Council member posing the questions will be identified in the title of the staff response. In addition, amend the policy to indicate that staff will only respond prior to the Council meeting to items on the Council Consent Calendar.
- Confirm that the protocols apply to board and commission members.

MOTION PASSED 3-0, Freeman absent.

MOTION: Vice Mayor Kleinberg moved, seconded by Beecham, to direct the City Attorney to bring back language on the following Bullet item:

- In the City Council procedures, require that a majority of the Council approve assignments made to staff during the Council Comments section of the agenda. (In certain instances, the Brown Act may preclude action on certain items until they are subsequently agendized).

MOTION PASSED 3-0, Freeman absent.

Acting Chairperson Cordell asked whether there would be discussion when the item went on the Consent Calendar.

Vice Mayor Kleinberg suggested Acting Chairperson Cordell write a memo to the Council colleagues to make sure they were aware of the protocol.

Ms. Harrison said the possibility existed that the item went on the Consent Calendar and was pulled from the Consent Calendar for discussion.

3. Recommendation to Adopt Procedure for Composition on Emergency Council

Assistant City Manager Emily Harrison said the recommendation was to look at the City's Emergency Council, which was composed of former Mayors, appoint Council Members retiring from the City Council, and replace current membership in order of appointment.

Acting Chairperson Cordell asked about the length of term.

Ms. Harrison said the term was until a member bumped off an Emergency Council member or there was a resignation.

Vice Mayor Kleinberg clarified there were former Mayors who were not on the list.

Ms. Harrison said that was correct. Former Council Member Emily Renzel recognized that the Palo Alto Municipal Code (PAMC) stated, "In case a standby office becomes vacant because of removal, death, resignation or other cause, the city council shall appoint another person to fill said office." Ms. Renzel suggested getting on the record that if that were to happen, the Council would be asked to appoint someone, as opposed to the natural turnover.

Vice Mayor Kleinberg asked how members got nominated.

Ms. Harrison said staff usually looked at the last Mayor and brought that to the Council for confirmation.

Council Member Beecham asked whether the Council could establish that at the second or third meeting of each year, the Council reaffirmed the list.

Ms. Harrison said that was possible.

Acting Chairperson Cordell preferred the formalized process. The list needed to be updated. The Council might want to formalize in Procedures and Protocols that the Emergency Council consisted of seven standby members. People who recently served on the Council should be considered for the Emergency Council.

Council Member Beecham asked whether members on the old list would be bumped off with the new list or whether there might be a discretionary debate as to those who retired.

Acting Chairperson Cordell said she saw a rotation or seniority list. The P&S Committee would review the list and make recommendations.

Ms. Harrison said staff would go back, look at the list of Council Members, and bring the list to the P&S Committee in January 2006.

Vice Mayor Kleinberg said the new policy needed to go to the P&S Committee. Once the new policy was adopted, the action would be administrative.

Ms. Harrison said the suggested change was that the list not be rotated as people went off the Emergency Council but that the base be changed, updated, and then rotation would occur.

Acting Chairperson Cordell said the process would be formalized by Council appointment on a certain date.

Ms. Harrison said staff would bring a recommendation to Council in January 2006 as to who would serve on the Emergency Council for 2006.

MOTION: Vice Mayor Keinberg moved, seconded by Beecham, to direct staff to come back to the Policy and Services (P&S) Committee with a revised policy to the Procedure for Composition on Emergency Council, beginning in January 2006; of appointing those recently retired Council Members should they have an interest, willingness, and capacity to serve; that the composition be seven members; and that those members be confirmed by the Council at the third meeting of each year.

MOTION PASSED 3-0, Freeman absent.

4. Discussion for Future Meeting Schedules and Agendas

Assistant to the City Manager Chris Mogensen said the next Policy and Services (P&S) Committee meeting would be July 12, 2005.

ADJOURNMENT: Meeting adjourned at 7:55 p.m.

NOTE: Sense minutes (synopsis) are prepared in accordance with Palo Alto Municipal Code Sections 2.04.180(a) and (b). The City Council and Standing Committee meeting tapes are made solely for the purpose of facilitating the preparation of the minutes of the meetings. City Council and Standing Committee meeting tapes are recycled 90 days from the date of the meeting. The tapes are available for members of the public to listen to during regular office hours.