



# POLICY AND SERVICES COMMITTEE SUMMARY MINUTES

Special Meeting  
November 3, 2022

The Policy and Services Committee of the City of Palo Alto met on this date in the Council Chambers and by virtual teleconference at 7:00 P.M.

Present In-Person: Stone (Chair), Cormack, Tanaka

Present Virtually: None

Absent: None

## Oral Communications

None

## Agenda Items

1. Review and Approval of the Office of the City Auditor's Fiscal Year (FY)2023 Task Orders

City Auditor Adriane McCoy provided a status update on audit activities, including the completion of the Utility Work Order Process and Controls Audit, finalization of the Electronic Payment Process and Controls Audit, completion with additional questions regarding the Remote and Flexible Work Study, completion of the Cybersecurity Assessment and pending final report, and final stages of the Wastewater Treatment Plant Agreement Audit. The City Auditor recommends the Policy & Services Committee suggest City Council approval for the Task Orders identified in the Audit Plan Report, namely management and oversight of the external audit services provider, management of the Whistleblower Hotline and reporting, preparation for peer review, necessary technical corrections, a review of the ALPR Technology Contract, investment management review, and an ad hoc request to review the Janitorial Contract.

Chair Greer Stone invited the public to comment.

Public comment: None.

Council Member Cormack agreed with changing travel from every 2 weeks to once a month, the tasks relating to the automated license plate reader, and

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thanked Staff for catching the incorrect date. She also agreed with auditing the janitorial service providers as it has been an area of concern and noted Staff's visitation of buildings. She questioned why the Remote and Flexible Work Study, Cybersecurity Assessment, and Wastewater Treatment Plant Audit were marked as seeking approval since the task orders have been approved by the City.

City Auditor McCoy stated she expects the items to be coming to the Policy & Services Committee.

Council Member Cormack suggested changing the status to "not yet approved" for clarity and asked if the City has the audits.

City Auditor McCoy clarified the audits are to be executed.

Council Member Tanaka encouraged working remotely, citing carbon emissions from transportation.

City Auditor McCoy acknowledged Council Member Tanaka's statement.

Chair Stone agreed with Council Member Cormack's comments and feedback, especially those relating to the Janitorial Services Contract Review. Chair Stone asked if there would be multiple trips to Palo Alto for on-site fieldwork until completion of the audits on June 30th.

City Auditor McCoy responded that is a possibility. What was presented was the most conservative estimate but on-site presence for the opening, closing, or middle is expected with a possibility for reduction in trip amount.

Chair Stone asked if this was the more conservative estimate.

City Auditor McCoy clarified it was. At a minimum, they would be available if necessary. They would not go beyond what was outlined and would not have to be there in person.

Chair Stone encouraged the use of Zoom and remote telecommuting as much as possible, citing the \$28,400 estimate in fieldwork expenses for the City Hotline Audit as excessive.

City Auditor McCoy clarified those expenses were related to post-Covid bi-weekly meetings that were reduced to once per month.

Chair Stone asked if there would be an on-site visit once a month.

City Auditor McCoy stated there could be an on-site visit once a month and noted travel was added in reference to the referring contract.

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Chair Stone thanked City Auditor McCoy for the clarification, reiterated his agreement with Council Member Cormack's comments, and asked Ms. McCoy if the June 30th deadline for the audits could be met on a shortened timeline.

City Auditor McCoy stated confidence in being able to do so.

Chair Stone asked about the difference between primary audit objectives 1 and 2 regarding the Janitorial Compliance Review.

Council Member Cormack read the audit objectives and noted the first regards whether the contract requires janitorial service providers to meet responsible employment standards and monitor compliance, while the second is whether they are complying.

Chair Stone stated his agreement and clarified he was asking about attachment 1A, Description of Scope and Services.

Council Member Cormack noted the information read was the same as previously stated and asked Ms. McCoy for clarity.

City Auditor McCoy stated the second point is related to compliance with the contract terms while the first point regards what happens internally to ensure that compliance.

**MOTION:** Council Member Cormack moved, seconded by Council Member Stone to recommend City Council approval for the following Task Orders, identified in the Audit Plan Report:

- 1) FY23-Task 03 – External Financial Auditor
- 2) FY23-Task 05 – Various Reporting & City Hotline
- 3) FY23-Task 06 – Evaluation and Benchmarking
- 4) Task 04.08 – Public Safety Building Construction Audit (Correction)
- 5) Task 04.16 – Review of ALPR Technology Contract Management
- 6) Task 04.17 – Investment Management Review
- 7) Task 04.18 – Ad Hoc Request – Janitorial Contract Compliance Review

**MOTION PASSED:** 3-0

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## 2. Review Proposed Reorganization of City Council Procedures and Protocols Handbook and Direction to Staff on Next Steps

Deputy City Manager Chantal Cotton-Gaines provided brief background information on Council's actions the previous year and stated this is the first step of the reorganization process. The item is broken into 2 steps. First, reorganizing the existing handbook text and second, editing the text with modifications to existing language with the possible addition of new ideas. Staff requests the Committee focus on the Handbook's table of contents, provide feedback on logical order, and reach an agreement on a revised table of contents. That information will be used to create the next draft. Staff requests the Committee let them know what sections to prepare language amendments on. After the meeting, Staff will prepare a draft reorganized handbook and draft language for Committee review in December. Upon Committee recommendation on December 13th, Staff will take the draft with Committee recommendations and list of ideas for full Council consideration on December 19th. Deputy City Manager Cotton-Gaines touched on top-line sections of the proposed reorganization of the City Council Procedures and Protocols Handbook on packet pages 39 through 44, citing Staff's recommendations for appropriate section placement. Notable changes include new sections 6 and 7 pulling information from the protocol part of the document into procedures, additions to Sections 1 and 2, and clarified sections relating to City Council Protocols.

Chair Stone invited the public to comment.

Public comment: None.

Council Member Cormack expressed concern over the timeline and asked when the Committee will consider Staff and Council's suggestions.

Deputy City Manager Cotton-Gaines stated Staff is looking for Committee agreement on the table of contents today as well as which sections the Committee wants to see proposed text changes on. Staff will bring draft language to the December 13th meeting.

Council Member Cormack asked if the Committee will have motions on which of the suggestions they want Staff to create language for and if that would come back to the Committee.

Deputy City Manager Cotton-Gaines stated yes.

Council Member Cormack suggested covering the table of contents as well as the context.

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City Manager Ed Shikada noted the timeline is at the discretion of the Committee. Staff is trying to complete this in the current timeline so the Committee can see results with the full text and make a recommendation before the current Council. If the Committee sees it as unreasonable, the timeline can be extended.

Council Member Cormack stated she would like the current Council to have this done and is willing to move forward. Hybrid participation is not addressed in the Handbook. Staff needs to look at the Handbook and the law and come back with changes. She appreciated the clarification between procedures and protocols, wished for a unified voice in the document, and less accusatory language. 3.10 of the City Council Procedures should not be removed as there is a lack of a structured way to provide information from meetings. Council Member Cormack asked if public comment after a Council motion was allowed.

City Attorney Molly Stump clarified section 5.2D was an existing section saying public comment after a Council motion was not allowed.

Council Member Cormack stated Section 6 was confusing and was under the impression the Committee can only send in written questions on consent. 7.2 of the City Council Procedures should be written in a less accusatory way. There is an opportunity to strengthen descriptions of how Council Members should interact with Staff, citing recent incidents. The issue of self-enforcing needs to be addressed and clarified. Section 2 of Protocols should be rearranged, with a suggestion to switch 2.7 to 2.1. In Section 4.6 of City Council Protocols it is unclear how that is enforced. Council Member Cormack asked if the Committee should focus on the top-level sections or the details.

Deputy City Manager Cotton-Gaines asked to have all comments on the table of contents and then move toward specifics.

Council Member Cormack agreed.

Chair Stone expressed his support for the structure and how it validated the decision to hire a professional to work with Staff to reorganize the Handbook. Chair Stone asked when the Committee should address recommendations and requests from the City Manager, City Attorney, and City Clerk.

Deputy City Manager Cotton-Gaines stated whenever the Committee is ready.

Chair Stone agreed on the removal of Section 3.10 under City Council Procedures and suggested reports and recommendations can be submitted

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in Council Member reports and comments. He stated agreement with Council Member Cormack on clarifying the role of Council Members during commission meetings as a liaison. Relating to proposed changes for the Handbook from Staff, enforcing the timer for Council Members should be at the discretion of the mayor and self-enforced, the public should get 3 minutes if there are under 10 speakers and 2 minutes if there are over 10 speakers with a reduction in group speaker time as well to enhance efficiency of meetings, and a protocol for City-purchase of tickets and tables at nonprofit events should be established. Asked what the current protocol is.

City Manager Shikada stated there were no protocols.

Chair Stone noted protocols for City-purchase of tickets and tables should be included, agreed on the use of the official Mayor/City Council letterhead only being used for official correspondence, and asked for clarification on the limits of mayoral discretion.

City Manager Shikada stated Staff would recommend striking that phrase.

Chair Stone agreed with the strike of the phrase "mayoral discretion" and asked if the recommendation for telephonic attendance reflects changing state law or policy.

City Attorney Molly Stump stated that was correct. The Council has clarified its policy and telephonic attendance has not been incorporated into these rules. Current direction is a Council Member may participate remotely 5 times a year.

Chair Stone asked if the Mayor's Holiday Party is currently funded out of the Council's discretionary budget.

City Clerk Lesley Milton clarified the past practice of a small, unwritten, unofficial dollar amount allocated to the Mayor's Holiday Party. Staff recommends formalizing the amount.

Chair Stone agreed with Staff's recommendation to formalize the holiday party budget and asked if there was a recommendation from Staff for the mayor to pay out-of-pocket or formalize the City paying for it.

City Clerk Milton expressed difficulty allocating resources toward the event due to no official records for reference. Clarified in the past only a portion of the event is budgeted for with the mayor supplementing the rest of the cost out-of-pocket.

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Chair Stone reiterated his agreement on formalizing an allocated dollar amount for the holiday party.

Council Member Tanaka noted there should be a time limit added to when Council Members respond to questions, stating a time limit of one week as reasonable. Additionally, encouraged remote participation and suggested enabling the public to use video to call in. Public comment on the consent agenda should be moved to reflect current practices. There should be an accommodation for flexibility based on when information is available as opposed to strict time limits on consent questions, since issues arise if packets come out late or are missing information. Council Member Tanaka did not agree with only emailing Staff on consent items, noted good communication between Staff and Council Members was preferred, and suggested the Committee introduce more structure in City-related discussions, possibly with the help of visual aid. Time limits should be enforced and strictly allocated. Remote attendance should be revisited with the new Council and carbon emissions in mind. It is inappropriate for the City to spend money on a holiday party with current proposed ballot measures and would send the wrong message.

Council Member Cormack suggested clarifying language regarding public comments from 3 minutes to "up to 3 minutes" and expressed the need for a process for using City Council Contingency funds. The Mayor's Holiday Party is an opportunity to thank Staff and there should be an established budget. Protocol for City-purchase of tickets/tables at nonprofit events should be entrusted to the City Manager, not the Council. Asked if the Committee should share comments and/or motions on suggestions in the supplemental on packet pages 103 and 104.

Deputy City Manager Cotton-Gaines stated Staff is open to receiving comments on those. Last year the Committee received the suggestions but did not go through all of them.

Council Member Cormack commented the one hour a week use of Staff time should be applied fairly across all Council Members and ceremonial leaders. There needs to be a way to enforce all remarks be addressed to the Council and not an individual member. Section 2.4E is incorrect as it does not reflect the current Council's practices and asked for clarification on 2.4E10, Inter-Governmental Legislative Affairs. The consent calendar references minutes and minutes are not taken. Reiterated comments about changing language from "abusive" to "behavior that is rude and unprofessional".

Chair Stone agreed with Council Member Cormack's comments on the value of the Mayor's Holiday Party, citing community building between Staff and

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Council Members, and agreed with the need to address inappropriate behavior. Chair Stone expressed concern over individual Council Members addressing the behavior and suggested it was an issue for the City Manager. Additionally, asked if establishing a protocol for City-purchase of tickets/tables at nonprofit events would help the City Manager.

City Manager Shikada stated Staff can come up with options regarding either budgetary discretion or criteria to bring before the Committee to decide.

Chair Stone expressed agreement with Council Member DuBois and Vice Mayor Kou's suggestions regarding clarifying procedures and language around how Council Members represent City positions at regional bodies and the expectation that Council Members represent stated Council and City positions rather than personal views. Stated agreement with Council Member Cormack on the liaison role for the Board of Commissions and liked the inclusion of abstaining from voting on any new proposal that the City Council has not provided explicit direction on at the League of California City Conferences. Chair Stone stated he was curious about putting Council Member comments at the beginning of the agenda and expressed concerns that would lengthen the meeting times.

Council Member Tanaka believed the time limit of one hour for a Staff member to respond to a Council Member's request is low and was open to raising it. The amount of Staff time should be equally balanced between all Council Members and suggested a quarterly report on time spent per Council Member. Council meetings should start at 6:00 as stated in the procedures to have more efficient meetings and meet the needs of the public. The Mayor's Holiday Party name should be changed to a title reflecting the purpose of Staff appreciation, and asked if the rules listed under remote participation are the Council's rules or are required by the State.

City Attorney Stump clarified the rules are a restatement of the Brown Act with minor changes and one significant change during Covid, which will expire. The new State law is 2 times per year with narrower circumstances.

Council Member Tanaka identified the rule stating the meeting agenda identifies the location, is posted in that area, and is accessible and visible 24 hours as unrealistic. The Council should look at what the State says and the rule does not make sense locally.

City Attorney Stump clarified the rule is a State law and is included for user-friendliness.

Council Member Tanaka suggested striking the rule and replacing it with a reference to State law, as the law is being updated by the State.



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City Attorney Stump stated the update was proposed. Due to concerns about transparency, the rule is very narrow. It can be made clear it is a requirement of State law.

Council Member Tanaka stated the Handbook is not updated often and rather than copy language that may someday be out of date to make a reference to State law instead.

Chair Stone asked if Staff had enough information to move forward or if a motion was needed.

Deputy City Manager Cotton-Gaines stated Staff will work with what they have instead of a formal motion and will bring back a draft for the December meeting.

## **NO MOTION**

### 3. New Council Member Orientation Discussion and Recommendations

City Clerk Lesley Milton stated 3 new Council Members will be elected and recommended setting a framework for onboarding the new members. Staff is hoping to get feedback from the Committee on the program to better assist Council Member-Elects with resources for effective decision-making as well as balancing critical operating information with policies and procedures. The draft framework includes the Oath of Office and Reorganization Ceremony, required filings, personnel paperwork, a digital resource directory, and a one-day or two-day workshop orientation.

Chair Stone invited the public to comment.

Public comment: None.

Council Member Cormack suggested a 20-minute introduction followed by a 20-minute question session for the new members. Other suggestions included a list of the flow of the week with meeting and agenda times, a survey of current and former Council Members' experiences, clarification on what is not included in responsibilities of different City roles, creating a quiz or interactive element on Council Member specific information, an explanation on the City's status of Charter City, an extension on the time limit for Section 6, a timeline for expected financial decisions, and an addition in Section 7 relating to how to handle constituent inquiries. Additionally, Council Member Cormack stated support for an orientation day, especially if all 3 new members could do it together.

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Council Member Tanaka thanked Staff for taking the initiative and suggested keeping in mind the backgrounds of the new members and what they would like to see.

Chair Stone stated the proposed orientation would be helpful and agreed with Council Member Cormack that the orientation could be done in a day. Additionally, expressed agreement with Council Member Cormack's suggestion to get input and encouragement from past and departing Council Members. Ensuring Staff is a part of meetings with incoming Council Members would be beneficial. Chair Stone asked if a motion was needed from the Committee or if this was informal feedback.

City Manager Ed Shikada expressed if there is a unanimous recommendation from the Committee, Staff recommends forwarding it to the full Council on consent. This does not require Council approval but would allow feedback regarding what Council Members wish they were told when they took office and would be appreciated.

Chair Stone stated the Committee would entertain motions.

**MOTION:** Council Member Cormack moved, seconded by Council Member Stone to recommend forwarding Clerk's proposal for New Council Member Orientation to the full council on consent.

**MOTION PASSED:** 3-0

## Future Meetings and Agendas

Deputy City Manager Chantal Cotton-Gaines stated there is one meeting left in the year on December 13th. As much as possible will be discussed, including the continuation of the Handbook discussion, a follow-up on the Renter Survey Item, and other Staff items.

Chair Stone asked if there was an update on when polling will start.

Deputy City Manager Cotton-Gaines responded 6:30 works as a start time for most of the Committee and Staff.

Adjournment: The meeting was adjourned at 8:28 P.M.