



CITY OF SOUTH SAN FRANCISCO

CITY COUNCIL PROCEDURES AND PROTOCOLS HANDBOOK

Prepared by:
Office of the City Clerk
Rosa Govea Acosta, City Clerk

Adopted on August 25, 2021, Resolution No. 155-2021



Table of Contents

INTRODUCTION.....	4
Mission Statement.....	4
Core Values.....	4
CITY COUNCIL.....	5
Core Responsibilities.....	5
Council Conduct.....	5
Newly Elected Members.....	6
Council Reorganization.....	6
Mayor.....	6
Vice-Mayor (Mayor Pro-Tempore).....	6
Presiding Officer.....	6
Seating.....	7
Administration of Oaths.....	7
Subpoenas.....	7
Councilmember Obligation as to Continued Matters.....	7
Absences from Council Meetings.....	7
Council Committees.....	8
Compensation of Councilmembers.....	8
Council Mail.....	8
Staff Assistance.....	9
Council Conduct with staff.....	10
Equipment and Supplies provided to Councilmembers.....	10
Requests to add items to the Agenda, Ordinances, or Legal Opinions.....	10
City Seal.....	11
CONCURRENT ROLES.....	11
Successor Agency to the Redevelopment Agency.....	11
Recreation and Park District.....	11
Willow Gardens Parks and Parkways Maintenance District.....	12
South San Francisco Public Facilities Financing Authority.....	12
CONFLICT OF INTEREST.....	12
BROWN ACT.....	12

Permitted Closed Sessions	14
MEETINGS.....	15
Quorum.....	16
Regular Meetings	16
Special Meetings	16
Emergency Meetings.....	16
Adjourned Meetings.....	17
Closed Sessions.....	17
Study Sessions.....	17
Teleconference Meetings	17
Virtual Meetings.....	19
Meeting Cancellation	19
CONDUCT OF MEETINGS	19
Agenda Order	19
Call To Order and Roll Call	20
Order of Business	20
Continued Items	20
Introduction of Items after 11:00 p.m.	20
Presentations.....	20
Councilmember Participation.....	20
Public Participation	21
Decorum	22
Smoking Prohibited.....	23
COUNCIL ACTIONS	24
Proclamations	24
Commendations/Certificates of Recognition	24
Ordinances.....	24
Resolutions	24
Motions.....	25
Minute Orders	25
Finality of Administrative Actions.....	25
MINUTES.....	25

BASIC PROCEDURES – MAIN MOTIONS 26

PARLIAMENTARY PROCEDURE MOTIONS..... 26

 Processing of Motions 26

 Precedence of Motion..... 26

 Types of Motions/Purpose 27

 Division of Question 29

 Robert’s Rules of Orders..... 29

 Parliamentarian..... 30

VOTING 30

 Disqualification 30

 Tie Votes 30

 Voting Requirements for Specific..... 30

PUBLIC HEARINGS 31

BOARD AND COMMISSIONS 32

 Procedures for Making Appointments and Reappointments..... 33

 Procedures for Granting Emeritus Status 34

 Council of Cities/City Selection Committee..... 35

POLICY ON EXPRESSION OF CITY OR COUNCIL POSITIONS 35

POLICY ON COMMUNITY FUNDING..... 36

POLICY ON DEDICATION OF PUBLIC FACILITIES 36

APPENDIX.....

 Appendix 1: Selection of Mayor and Vice-Mayor/Council Reorganization.....37

 Appendix 2: Guide to Conducting Meetings..... 38

 Appendix 3: City Council Expense Reimbursement Forms.....39

 Appendix 4: Summary of Elected Officials Benefits..... 40

 Appendix 5: City Council Policy for use of telecommunication equipment 41

 Appendix 6: Solicitation of Donations..... 42

 Appendix 7: Department Liaisons to Boards, Committees and Commissions. 43

 Appendix 8: Board, Commission and Committee Roster..... 44

 Appendix 9: Commissions, Boards, and Committees Application Process..... 45

 Appendix 10: City Council’s Reimbursement policy 46

INTRODUCTION

The City of South San Francisco is a municipal corporation. South San Francisco is a general law city, established pursuant to California law, with a City Council-City Manager form of government. In order to collect and clarify its procedures and policies, and as provided by Government Code Section 36813, the City Council establishes this handbook.

The Handbook is intended to assist Councilmembers in carrying out their roles, as well as to provide useful information to prospective Councilmembers and other interested citizens. Through agreement of the City Council and staff to adhere to these practices, the effective administration of City Council affairs is greatly enhanced. Councilmembers will be provided a copy of and be familiar with the Handbook. The City Council will conduct its meetings in accordance with the guidance in the Handbook.

The City Clerk shall be responsible for the maintenance of the Handbook and for making it available to the public. It is anticipated that this Handbook will be reviewed at least biennially, in order to reflect either changes in the law or City Council procedure or policy. This handbook is not intended to be a legal statement, and is not written in legal term

MISSION STATEMENT

The City of South San Francisco’s mission is to provide a safe, attractive, and well-maintained city through excellent customer service and superior programs, and a work ethic that will enhance the community’s quality of life.

To that end, we will strive to nurture a partnership with the community by recruiting a diverse and highly skilled workforce, being an active partner in quality education, and attracting and retaining a prosperous business community, all of which will foster community pride and understanding.

CORE VALUES

The City and Employees of South San Francisco value our role in providing service to one another and the community.

As an organization, we are committed to:

- Strengthening each other and the organization through dedication and teamwork.
- Recognizing and respecting diversity and encouraging opinions of the community and workforce.
- Excellence in Service.
- Encouraging creativity and supporting problem-solving.
- Accepting responsibility and accountability.
- Demonstrating integrity and honesty in all aspects of service.
- Promoting and maintaining open and constructive communication.
- Encouraging skill development and professional growth.

CITY COUNCIL

South San Francisco is a general law city. As a general law city, South San Francisco derives its authority from and is subject to the general laws of the State of California. Its authority to regulate is limited to those powers authorized by the State of Constitution and laws adopted by the State Legislature. South San Francisco has a five-member City Council formally elected at large to four-year terms on a staggered biennial basis. Councilmember terms are staggered so that a measure of continuity is maintained in the transition from one City Council to the next. In November 2020, voters elected Councilmembers for Districts 2 and 4. In November 2022, voters will elect Councilmembers for Districts 1, 3, and 5, pursuant to Government Code Sections 34486 and 34871 and Chapter 2.16 of the Municipal Code.

CORE RESPONSIBILITIES

All members of the City Council, including those serving as Mayor and Vice-Mayor, have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect.

All Council Members:

- * Demonstrate honesty and integrity in every action and statement.
- * Comply with both the letter and spirit of the laws and policies affecting the operation operations of government.
- * Serve as a model of leadership and civility to the community.
- * Inspire public confidence in South San Francisco government.
- * Work for the common good, not personal interest.
- * Prepare in advance of Council meetings and be familiar with issues on the agenda.
- * Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- * Participate in scheduled activities to increase Council effectiveness.
- * Review Council procedures, such as these Council Protocols, at least annually.
- * Represent the City at ceremonial functions at the request of the Mayor.
- * Be responsible for the highest standards of respect, civility and honesty in ensuring the effective maintenance of intergovernmental relations.
- * Respect the proper roles of elected officials and City staff in ensuring open and effective government.
- * Provide contact information to the City Clerk in case an emergency or urgent situation arises while the Council Member is out of town.

COUNCIL CONDUCT

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to improve the quality of life in the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

NEWLY ELECTED MEMBERS

Newly elected Council Members are sworn into office generally at a special meeting in December following a regular municipal election. Newly elected members of a legislative body who have not yet assumed office must conform to the requirements of the Brown Act as if already in office. Thus, meetings between incumbents and newly elected members of a legislative body, such as a meeting between two outgoing members and a member-elect of a five-member body, could violate the Brown Act (California Government Code Section 54952.1).

A reception is traditionally held immediately following the reorganization meeting.

COUNCIL REORGANIZATION

The city council shall meet at least annually to choose one of its members as Mayor and one of its members as Vice-Mayor. The meeting to determine organization or reorganization of the City Council (i.e., selection of Mayor and Vice-Mayor) shall be held on the Tuesday that immediately precedes the Wednesday of the first regularly scheduled meeting of the City Council in December, unless the Mayor or City Council select a different date. In years in which a regular City Council election occurs, the reorganization shall follow certification of the election results.

MAYOR

The City utilizes a mayoral rotation system in order to determine which Councilmembers shall be chosen to serve a Mayor and Vice-Mayor. The Mayor is elected during the Council reorganization. This is the first order of business. Usually, in recent times, the former Vice-Mayor has been elected Mayor. *Appendix 1: Example of the process and order of the reorganization meeting.*

The Mayor is the official head of the City of South San Francisco for all ceremonial purposes. The Mayor is entitled to vote on all matters but does not possess any veto power. The Mayor signs all ordinances and approved minutes for all City Council meetings. The Mayor must execute such documents as directed by vote of the Council. *Appendix 2: Sample guide to conducting Council meetings.*

VICE-MAYOR (MAYOR PRO TEMPORE)

The Vice-Mayor is elected from those on the Council after the election of the Mayor during the same meeting. In the absence of the Mayor, the Vice-Mayor possesses the powers and performs the duties of the Mayor.

PRESIDING OFFICER

The Mayor presides at all Council meetings. In the absence of the Mayor, the Vice-Mayor is the presiding officer. If both the Mayor and Vice-Mayor are absent, the remaining Councilmembers select a presiding officer. The presiding officer should preserve strict order and decorum at all meetings. The presiding officer votes on all questions as do other members of the Council.

The presiding officer determines all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question is "Shall the decision of the presiding officer be sustained?" A majority vote sustains the presiding officer's determination. Otherwise, the ruling is reversed. If in doubt on a point, the presiding officer may submit the question to the Council, in which case a majority vote prevails.

SEATING

The Mayor always sits in the middle seat at all formal Council meetings. The Vice-Mayor always is seated immediately on the right side next to the Mayor.

ADMINISTRATION OF OATHS

The Mayor may require any person addressing the Council to be sworn as a witness and to testify under oath, and must so require if directed to do so by a majority of the Council. The Mayor may administer oaths. This rarely occurs. Appeals and revocation hearings are the most likely instances when testimony is taken under oath.

SUBPOENAS

The Council has the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence. Subpoenas signed by the Mayor and attested by the City Clerk may be issued in the name of the City. Disobedience of a subpoena or the refusal to testify on other than constitutional grounds may be deemed contempt.

COUNCILMEMBER OBLIGATION AS TO CONTINUED MATTERS

Any matter may be continued to a subsequent meeting. When a Councilmember is absent from an earlier meeting at which a matter is discussed and that matter is continued, it is the duty of that member to become acquainted with the issues discussed by reviewing relevant documents, reading any available minutes and, if possible, listening to or viewing the recording of the meeting.

ABSENCES FROM COUNCIL MEETINGS

On occasion a Councilmember cannot attend a Council meeting. Whenever a Councilmember knows in advance that he or she will be absent from a Council meeting, it is the responsibility of that member to notify the City Manager and City Clerk as soon as possible of the impending absence.

California Government Code Section 36513 provides that if a Councilmember is absent from all regular City Council meetings without permission for sixty (60) days consecutively from the last regular meeting attended, (or seventy (70) days if the Council meets once a month), the seat held by that Councilmember becomes vacant. The law is silent about the basis for granting or denying permission to be absent. Such a determination is left to the Council as a whole.

COUNCIL COMMITTEES

The Council may organize among its members such standing committees of two members as it may determine useful, each of which shall act as a fact-finding committee for the purpose of considering all available information on proposed legislation or matters of policy referred to it and shall make recommendations to the Council as a whole.

The Mayor shall assign each Councilmember to various standing committees. Members are appointed in January of each year. Participation and attendance at those committee meetings is important. Continued absences from meetings without good cause may result in removal from a committee at the discretion of the Mayor, taking into consideration advice from other committee members.

From time-to-time ad hoc committees may be organized by the Mayor to address special concerns which may be of short duration. Additionally, each Councilmember may be assigned by the Mayor as liaison to various boards, committees and commissions, and other public agencies or quasi-public agencies.

It is the prerogative of the Mayor, taking into consideration relative length of Council service, individual Councilmember preference and equivalency, to assign individual Councilmembers to various committees.

COMPENSATION OF COUNCILMEMBERS

Each member of the City Council receives a monthly salary as provided for in Chapter 2.12 of the Municipal Code, Government Code Section 36516, as amended. Salaries are payable at the same time and in the same manner as salaries are paid to other officers and employees of the City.

The established salaries are exclusive of any amount payable to each member of the Council as reimbursement for actual and necessary expenses incurred in the performance of official duties for the City. *Appendix 10: City Council's Reimbursement policy.*

Councilmembers are members of the Public Employees' Retirement System and also receive Social Security coverage during their term of office. They also are provided with various insurance benefits. (*Appendix 4: Summary of benefits*) Attendance at pertinent meetings, conferences or seminars will be reimbursed in the same manner as for city employees.

COUNCIL MAIL

Except when mail is marked "confidential", the City Manager is authorized to receive and open all mail addressed to Councilmembers, and to give it immediate attention. Mail specifically marked "personal" or "confidential" will be transmitted to the Councilmembers unopened. Administrative business referred to in mail opened by the City Manager and not requiring

Council action is promptly attended to and Councilmembers are informed of both the issue and its disposition.

Any communication relating to a matter coming or pending before the Council will be included in the agenda packet for the meeting at which the item is to be considered.

STAFF ASSISTANCE

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City Staff, which analyze problems and issues, make recommendations, and implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

In order to effectively discharge the responsibilities of elected office, Councilmembers are entitled to receive assistance from city employees. It is the role of Councilmembers to pass on concerns and complaints on behalf of their constituents. It is not, however, appropriate to pressure staff to solve a problem in a particular way. It is also recognized that under the Council/Manager form of government, the City Manager has the responsibility of day-to-day affairs of the City, consistent with established Council policy.

Requests and questions of City staff should be directed only to the City Manager or designee. The City Manager should be copied on any request to Department Heads. Council Members should not set up meetings with department staff directly, but work through the City Manager's Office. Routine, easily retrievable information will be provided to a requesting Councilmember as expeditiously as possible.

Councilmembers are not permitted to direct the activities of city staff. Avoid any staff interactions that may be construed as trying to shape staff recommendations. Council Members shall refrain from coercing staff in making recommendations to the Council as a whole.

All critical comments about staff performance should only be made to the City Manager through private correspondence or conversation.

Councilmembers serving on intergovernmental bodies receive the assistance of staff assigned by the City Manager. The primary responsibility of assigned staff is to review issues before the intergovernmental body as they may affect the City and advise and assist the Councilmember in presenting issues.

Requests for assistance for speech and correspondence preparation should be made through the City Manager. Administrative assistance is made available for the preparation of written materials. Each member of the Council is given equal consideration. However, since it is the Mayor's responsibility to correspond with persons and organizations on behalf of the City, the correspondence work of the Mayor is given priority.

Correspondence to political organizations or persons in support of pursuit of political office is not to be prepared using city resources.

COUNCIL CONDUCT WITH STAFF

Treat All Staff as Professionals: Clear, honest communication that respects the abilities, experience, and dignity of everyone is expected. As with Council colleagues, practice civility and decorum in all interactions with City staff.

Do Not Attend Staff Meetings Unless Requested by Staff: Even if the Council Member does not say anything, the Council Member's presence may imply support, show partiality, intimidate staff, or hampers staff's ability to do its job objectively

Political Support from Staff During Elections: During the time period between the close of the candidate filing period and the related election, certain guidelines apply. First, staff shall not, except as provided herein, compile or distill information in response to request for information from a candidate for elective city office including a sitting elected official. Second, Councilmembers and other elected city officials may continue to request information that requires the creation of new documents or distillation of data if the request for such data is presented to and approved by the Council. Third, any public information provided to a candidate for an elected city office shall be provided to all candidates for that office. In addition, some professionals (e.g., City Manager and the Assistant City Manager) have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.

Responses to a Councilmember's request for information shall be distributed to all Councilmembers.

EQUIPMENT AND SUPPLIES PROVIDED TO CITY COUNCIL

The City provides Councilmembers with a computer, cellular telephone, iPad and a credit card. The City Council should use city-provided equipment consistent with the City Council policy for use of telecommunications equipment. *Appendix 5: City Council Policy for use of telecommunication equipment.* City issued credit cards shall only be used for city expenses. Councilmembers should submit receipts for their expenditures to the City Manager's office and should make a notation as to the nature of the expense. The City will not reimburse Councilmembers for the cost of attendance to any political event.

REQUESTS FOR AGENDA ITEMS OR FOR ORDINANCES OR LEGAL OPINIONS

To ensure all Council Member views are represented, council agendas contain sections titled "Council Comments/ Requests" and "Items from Council – Committee Reports and Announcements". These portions of the meeting allow any Council Member to request an agenda item for a future meeting and allow the City Council to have a short discussion on the request (but not on the substance of the item). Any request must include an explanation of the issue and the goal of the proposed Council discussion. If a majority of the Council Members indicate support for the request at that time, then the item shall be placed on a future agenda. Upon support for the request, the Council will provide direction to staff on information that is desired to be presented when the item is placed on a future agenda.

Requests by Councilmembers to have items included on the agenda should be made to the City Manager. Any Councilmember may request the City Manager or the City Attorney prepare a proposed ordinance.

Any Councilmember may request a written legal opinion from the City Attorney directly, or may make the request through the City Manager.

All proposed ordinances or written legal opinions will be distributed to all members of the Council so that all Councilmembers may be fully informed of city matters. A Councilmember with a conflict of interest on the particular issue shall not be provided a copy of the opinion or ordinance.

CITY SEAL

The term "city seal" is used to refer to two different items: the official corporate seal and the city logo which appears on business cards, letterhead, and so forth.

The corporate seal, which is in the custody of the City Clerk, is a stamp which leaves a visible and tactile impression upon a document. The seal is circular, has a two-inch diameter and the words "Seal of the City of South San Francisco Incorporated September 19, 1908". Use of the corporate seal is mostly a matter of custom and ceremony.

The city logo appears frequently and is what most people identify as the city seal. It is circular, exists in a variety of sizes, says "City of South San Francisco California" and has a detailed rendering of city scenes in the center. It is used to associate items and materials with the City and is not to be used in any manner which would imply the official sanction of the City when such is not the case. For other than official city business or city-related activities, the logo/seal may not be used to imply that a user represents or is in any way officially associated with the City except by specific written authorization of the City Manager.

CONCURRENT ROLES

Members of the City Council serve as members of other entities operating on behalf of South San Francisco.

Successor Agency to the Redevelopment Agency

The former Redevelopment Agency was established in 1979 and dissolved on February 1, 2012. Pursuant to Assembly Bill x1 26 ("AB 26"), which amended provisions of the State's Community Redevelopment Law (Health and Safety Code sections 330000 et seq.) ("Dissolution Law"), the members of the City Council serve as the members of the Successor Agency to the former Redevelopment Agency of the City of South San Francisco ("Successor Agency"). Dissolution defines the roles and duties of the Successor Agency.

Recreation and Park District

Originally established in 1950 as the Park, Recreation and Parkway District, this entity was reorganized as the Recreation and Park District in 1961 in conformance with Public Resources Code Section 5780 et seq. The City Council serves as the board of directors, which may organize, promote, conduct and advertise programs of community recreation, establish, maintain and operate recreation centers, parks and parkways, and provide transportation services.

Willow Gardens Parks and Parkways Maintenance District

The City Council is the governing body for the City’s share of the property tax allocated towards the Willow Gardens Parks and Parkways Maintenance District, and the City Council serves as the board of directors of this district.

South San Francisco Public Facilities Financing Authority

The City Council is the governing body of the authority. The authority shall be a public entity separate from the City and Parking Authority as established in the joint exercise of powers agreement, which may assist in the financing and refinancing of capital improvement projects of the members and other activities of the members as permitted.

CONFLICT OF INTEREST

The City is required to adopt a Conflict-of-Interest Code, which is reviewed every two (2) years and amended when circumstances change. (Government Code Sections 87300-87313), Councilmembers are prohibited by law (1) from having a financial interest in contracts made by them in their official capacity or by the Council (Government Code Section 1090 et seq.) and (2) from making, participating in making, or in any way attempting to use their official positions to influence a governmental decision in which they know or have reason to know they have a financial interest. (Political Reform Act, Government Code Section 87100 et seq.) Contracts entered in violation of conflict-of-interest provisions are void, and financial penalties are imposed for the failure to disclose.

Whenever the Council is about to commence consideration of a matter and a member has or has reason to believe he or she has a conflict of interest, the reason must be disclosed on the record, a statement of intent to abstain must be made, and the Councilmember must leave the Council seating area and refrain from participation on the item. Once a year, and within thirty (30) days of assuming office, Councilmembers must file disclosure statements indicating potential conflicts of interest for both the Councilmember and the Councilmember’s spouse and dependent children.

Councilmembers unsure about potential conflicts are encouraged to discuss such issues with the City Attorney in advance of the Council meeting for which the item is scheduled. While the City Attorney will advise Councilmembers on conflict-of-interest issues, only the Fair Political Practices Commission, by written letter, can confer immunity from subsequent enforcement action.

Councilmembers may occasionally desire to assist in soliciting donations on behalf of a city-sponsored event. In such circumstances, the Councilmember and Council should follow the

process set forth in California Code of Regulations Section 18944.2. *Appendix 6: Solicitation of Donations.*

BROWN ACT

The Brown Act, (Government Code Section 54950 et seq.) authored by Assemblyman Ralph D. Brown in 1953, focuses on keeping the public business in the public's eye and governs many of the processes which must be followed with regard to notices, agendas, and the conduct of meetings. It attempts to strike a balance between public access to the activities of a public body and the need for candor, debate and information gathering.

With few exceptions, the law provides that all the deliberative processes be open and available for public scrutiny. It defines meetings broadly as a gathering of a quorum where business is discussed or transacted. An informal gathering, such as a social event, is not a meeting unless official business is discussed. Among Councilmembers, a series of telephone calls, emails or texts, a conference call, mass emailing or texting or any other informal session in which substantive matters are discussed, may constitute a meeting under the Act. A series of telephone calls, emails or texts, either by one Councilmember to all of the others or one by each Councilmember as a link in a chain may be determined to be a meeting if substantive matters are discussed.

As part of the notice requirements, the Brown Act requires the posting of an agenda, at least seventy-two (72) hours prior to a regular meeting, containing a brief general description of each item of business to be transacted. As of January 1, 2019, Assembly Bill 2257 (“AB 2257”) requires online posting of an agenda for a meeting. No action may be taken on any item not appearing on the posted agenda. "Action taken" is defined as a vote, collective decision, commitment or promise by a majority of the body. According to the Attorney General, an item which is merely discussed, with no decision as to how the matter should be resolved, would not constitute taking action. Similarly, brief discussions of procedural or preliminary matters which are not substantive in nature (e.g. instruction to staff to report back, scheduling of meetings and items) are not prohibited. A standing committee of the City Council is also subject to the Brown Act notice requirements.

There are several exceptions to the agenda requirement. First, action may be taken on a matter determined to be an emergency. Second, if at least two-thirds of the Councilmembers (i.e. effectively four members) approve, an item may be included on the agenda if the need to take action arose after the agenda was posted. Or, if less than two-thirds of the Councilmembers are present, a unanimous vote of those present is needed to include the item that requires immediate action. Third, action may be taken on an item which was previously posted in connection with a meeting which occurred no more than five (5) days prior, provided the prior meeting was adjourned to the new date.

Under the Brown Act, the Mayor or three members of City Council may call a special meeting by providing twenty-four (24)-hour advance notice to all the Councilmembers and to all media representatives who have requested notice in writing. The notice may be delivered personally or by any other means. The notice must state the time, place, and business to be transacted with an

opportunity for the public to address the Council on that item. The notice must be posted in a public and freely accessible location. No other business may be considered at a special meeting.

Emergency meetings may be held if there is a work stoppage or other activity which severely impairs public health, safety or both, or if there is a crippling disaster. The twenty-four (24)-hour notice and posting is not required in such situations; however, newspapers radio and television stations must be notified at least one (1) hour prior to the meeting if telephone service is still available.

Closed sessions are permitted in a limited number of instances, subject to specific rules and regulations. Though closed sessions are permitted, they must be included on the regular or special meeting agenda with a brief description of the matters to be discussed. Specific language to describe the actions to be discussed is statutorily defined and, when used, ensures compliance with the Brown Act. (See Government Code Sections 54954.5; 54956 et. seq.; 54957 et. seq.) Closed session may not occur in an “emergency meeting” unless agreed to by a two-thirds vote of the Councilmembers present (i.e. four members), or, by a unanimous vote if less than two-thirds of the Councilmembers are present. (Gov. Code § 54956.5(c)).

Permitted Closed Sessions

A summary listing of permitted closed session items under the Brown Act include:

1. License applicants with criminal records
2. Real Estate Negotiation
3. Conference with Legal Counsel on Initiation of Existing and Anticipated Litigation
4. Liability Claims
5. Threats to Public Services or Facilities (public security)
6. Personnel Matters (public employee appointment, termination, discipline, etc.)
7. Labor Negotiations

The Brown Act requires the disclosure of certain items decided in closed session meetings. Minutes may be taken during closed session, but they are not considered part of the public record. If there is an approval of agreements concluding real estate negotiations and the City finalizes the agreement, the report given in open session, during the same meeting, must include the approval action taken, a voting tally and the substance of the agreement. If the other party finalizes the agreement, it must include the same information but is given as soon as the other party informs the City of its approval.

In an approval of a litigation defense, appellate review or amicus curiae participation, the report must include the approval action, adverse parties (when known), litigation substance and the voting tally. The approval is reported in open session, during the same meeting. If approval to initiate or intervene in litigation is granted, the report given in open session during the same meeting, must include the decision to take action and intended action to be taken. After the action has started and if the disclosure does not jeopardize the City’s legal position the disclosure given only upon inquiry, must include the approval action, the voting tally, defendant(s) and the substance of the litigation. If the City’s ability to affect service or to conclude existing

settlement negotiations would be compromised by disclosure, the City does not have to do so until the conclusion of the matter. When the matter is concluded, the City must disclose, only upon inquiry, the same as above.

When pending litigation settlements are approved, if the City finalizes a signed settlement offer, the report given in the open session, during the same meeting, must include the acceptance action, the voting tally, and the substance of the agreement. If the other party or a court must finalize the agreement, the disclosure occurs when the settlement is finalized, and includes the same information.

With a disposition of Joint Powers Agency claims, the report includes a voting tally, the name of the claimant, the name of the local agency claimed against, the substance of the claim and the monetary amount approved for payment (if any). The report is made as soon as the disposition is reached.

For actions affecting the employment status of public employees, twenty-four (24) hours before the meeting the employee must be informed of the charges, and of the right to hear the charges in open session. When a decision is reached in closed session, the report must include action taken that affects the employment status, the voting tally and the title of the position. If the action taken is a dismissal or a nonrenewal of a contract, the report will be deferred until the employee has an opportunity to exhaust all administrative remedies. Otherwise, the report will be given in the open session, during the same meeting.

For agreements concluding labor negotiations, the report is required after the agreement is finalized and ratified. The report must include the item approved, the voting tally, and the other party.

Violation of the provisions of the Brown Act can result in criminal penalties, the imposition of civil remedies, and the award of attorney's fees. Attendance at a meeting at which a violation occurs and action is taken when there is knowledge by the official that a violation is occurring, can result in misdemeanor liability. The available civil remedies are injunction, mandamus or declaratory relief, as well as allowing recordings of closed sessions. The remedies are designed to prevent further or future violations and do not require knowledge or action be taken. Before a suit can be initiated, however, the complainant must make a written demand to the City Council to correct or cure the violation, and the Council must fail to do so.

An action taken by the Council during a time of alleged Brown Act violations is not automatically null and void. If the actions were in "substantial compliance" with the law, or if they related to the sale of bonds or the issuance of contracts, those actions would still be valid.

If a violation is found and attorney's fees are awarded, the award is against the city and not against the individuals who violated the law. If someone brings an action against the city and the City prevails or the action is determined to be frivolous and without merit, the City may be awarded its attorney's fees.

For a more detailed discussion of Brown Act provisions and requirements including relevant case law, please refer to the publication prepared by the First Amendment Coalition, a copy of which is available for review in the City Council's Office. The publication referenced herein is for information purposes only and does not impose any obligations on the City Council that do not otherwise exist under California law.

MEETINGS

The City Council holds various types of meetings. All meetings of the City Council (except closed sessions held pursuant to state law) are open to the public.

Quorum

A majority of the Council in office constitutes a quorum for the transaction of business, but a lesser number may adjourn from time to time and may compel by a notice the attendance of absent members refusing or neglecting to attend meetings under Government Code Section 36813. Disobedience of the notice may be punished at the discretion of the Council by a fine. The notice may be by any means giving actual notice to appear and may be given by the City Clerk or any person authorized by the Council.

When there is no quorum, the Mayor, Vice-Mayor, or any Councilmember may adjourn a meeting, or if no Councilmember is present, the City Clerk may adjourn a meeting.

Regular Meetings

Regular meetings are held on the second and fourth Wednesdays of each month at 6:00 p.m. in the Council Chambers of the Municipal Services Building, 33 Arroyo Drive, South San Francisco, CA. In the event it becomes necessary to change the place of the meeting, public notice must be given by posting the change at the entrance to the regular meeting place. Whenever any regular meeting falls on a public holiday, the regular meeting is held on the following business day. The Successor Agency meets the second Wednesday of each month, in the same location, starting at 6:30 p.m.

Special Meetings

A special meeting may be called at any time by the presiding officer or by a majority of the Councilmembers, by delivering written notice twenty-four (24) hours in advance to each member of the Council by personal delivery or any other means that ensures receipt, and to each local newspaper of general circulation, radio, and television station requesting notice in writing. Written notice may be dispensed with for any member who at or prior to the time the meeting commences files a written waiver of notice or for any member who is actually present at the time the meeting convenes. Notice of the meeting must be posted at least twenty-four (24) hours prior to the special meeting in a location freely accessible to members of the public. Only business described in the notice may be transacted and the notice requirements apply even if the entire meeting is a closed session.

Emergency Meetings

An emergency meeting dealing with matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities may be held without complying with either the twenty-four (24) hour notice or posting requirements. However, the presiding officer must inform any newspaper and radio or television station who requested notice of special meetings one (1) hour prior to the emergency meeting, if possible. After the meeting, the Council must post the minutes, the people notified of the meeting, the roll call vote and any action taken. This information must be posted in a public place for ten (10) days.

Adjourned Meetings

The City Council may adjourn any meeting to a later time, date and place. If the subsequent meeting is conducted within five (5) days of the original meeting, matters on the agenda for the original meeting may be considered at the subsequent meeting. Less than a quorum may adjourn. A copy of the order or notice of adjournment must be conspicuously posted on or near the door of the place where the meeting was held within twenty-four (24) hours after the time of the adjournment. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, the meeting is held at the usual hour specified for regular meetings. No adjournment may be for a longer period than the next regularly scheduled meeting.

Closed Sessions

Closed sessions, sometimes called executive sessions, are duly held meetings or portions of meetings, which are not open to the public and news media. Closed sessions must be held in accordance with the provisions of the Brown Act. Matters discussed in closed session are considered confidential. The Council may vote to sanction any Councilmember the City Manager or City Attorney who, without authorization, discloses the substance of any discussion which took place during a closed session.

Additionally, attendance at a closed session should be limited to those actually necessary to advise or take direction from the Council. This may include the City Attorney, senior management staff, experts, negotiators or consultants. Third parties not serving as agents of the City cannot attend, with the exception of witnesses in the event of a closed session to hear charges or complaints under Government Code Section 54957.

Study Sessions

Study sessions or work sessions, if needed, are generally held at City Hall in the main conference room on the third Wednesday of each month and generally begin at 5:00 p.m. Study sessions are considered special meetings pursuant to the Brown Act. The time and location for such sessions may be changed by the City Manager with appropriate notice. Study/work sessions are open to the public and are meetings for the purposes of the Brown Act, but such sessions are not intended to constitute regular meetings. Usually, at such sessions, no motions are to be offered and no formal action is to be taken. The primary purpose of such sessions is to provide background

information to members of the Council. Public comments at study sessions are limited to the subject of the study session and will be received during the public comments section of the study session.

Teleconference Meetings

The City Council Procedures provisions concerning Teleconference meetings shall apply to City Council members. Requests by Council Members to attend a Council meeting via telephonic appearance are actively discouraged. Telephonic attendance shall be permitted not more than 3 times a year. In addition, at least a quorum of the Council must participate from a location within the City (Government Code Section 54953(b)(3)).

If these two threshold requirements are met, the Council Member who will be appearing telephonically must ensure that:

- * The meeting agenda identifies the teleconference location and is posted at that location in an area that is accessible and visible 24 hours a day for at least 72 hours prior to the meeting.
- * The teleconference location is open and fully accessible to the public, and fully accessible under the Americans with Disabilities Act, throughout the entire meeting. These requirements apply to private residences, hotel rooms, and similar facilities, all of which must remain fully open and accessible throughout the meeting, without requiring identification or registration.
- * The teleconference technology used is open and fully accessible to all members of the public, including those with disabilities.
- * Members of the public who attend the meeting at the teleconference location have the same opportunity to address the Council from the remote location that they would if they were present in Council Chambers.
- * The teleconference location must not require an admission fee or any payment for attendance.
- * If the meeting will include a closed session, the Council Member must also ensure that there is a private location available for that portion of the meeting.

If the Council Member determines that any or all of these requirements cannot be met, he or she shall not participate in the meeting via teleconference.

Approved Teleconference Guidelines for Council Members:

- * Five days written notice in advance of the publication of the agenda must be given by the Council Member to the City Clerk’s office; the notice must include the address at which the teleconferenced meeting will occur, the address the Council packet should be mailed to, who is to initiate the phone call to establish the teleconference connection, and the phone number of the teleconference location. If cellular telephones are used to participate in teleconferenced meetings, Council members need to ensure the speaker phone option is functioning.
- * The Council Member is responsible for posting the Council agenda in the remote location, or having the agenda posted by somebody at the location and confirming that posting has occurred. The City Clerk will assist, if necessary, by emailing or mailing the

agenda to whatever address or fax number the Council Member requests; however, it is the Council Member’s responsibility to ensure that the agenda arrives and is posted. If the Council Member will need the assistance of the City Clerk in delivery of the agenda, the fax number or address must be included in the five-day advance written notice above.

- * The Council Member must ensure that the location will be publicly accessible while the meeting is in progress.
- * The Council Member must state at the beginning of the Council meeting that the posting requirement was met at the location and that the location is publicly accessible and must describe the location.

Virtual Council Meetings

During the novel coronavirus pandemic, the city used a virtual meeting tool that allowed the City Council, Council Boards, Commissions and Committees to continue to hold meetings and provide a way for the public to participate in meetings. Recognizing that public participation is a critical component of the civic process and valuing the input it receives from members of the public during meetings. The City established a Remote Public Participation Policy outlining roles and responsibilities to host virtual meetings.

Councilmembers should endeavor to always have their video on so that the public, staff, and colleagues can see that they are listening. A minimum of three members must be on video to constitute a quorum. Brief turnoffs are understandable and permitted, but for example, having video off throughout public comments and then turning it back on when it is time for Councilmembers to speak is not appropriate for a public meeting. The Chair will strive to give ten-minute breaks every two hours.

Meeting Cancellation

Any meeting of the Council may be cancelled in advance by a majority of the Council. The City Manager may cancel a meeting in the case of an emergency or when a majority of members have provided notice of their unavailability to attend a meeting.

CONDUCT OF MEETINGS

The Council should refer to one another formally during Council meetings as Mayor, Vice-Mayor or Council Member followed by the individual’s last name. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. Be respectful of diverse opinions. Council Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community. Council Members are role models for residents, business people, and other stakeholders involved in public debate.

Agenda Order

City Council agendas will be prepared by the City Clerk and presented to the City Council in the following order. The City Manager, with prior approval of the Mayor, is authorized to make

changes to the agenda of the Council, and the City Clerk shall publish the agenda. The City Council may take matters up out of order upon approval by a majority vote of those present:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Agenda Review
5. Announcements from staff
6. Presentations
7. Public Comments
8. Council Comments/Requests
9. Consent Calendar
10. Public Hearing
11. Administrative Business
12. Items from Council – Committee Reports and Announcements
13. Closed Session
14. Adjournment

Call to Order and Roll Call

The presiding officer takes the chair at the hour appointed for the meeting and calls the Council to order. Before proceeding with the business of the Council, at the request of the presiding officer, the City Clerk calls the roll. In the absence of the Mayor and the Vice-Mayor, the City Clerk calls the Council to order, whereupon a temporary presiding officer is elected by a majority of the Councilmembers present. Upon the arrival of the Mayor or the Vice-Mayor, the temporary presiding officer relinquishes the chair at the conclusion of the business then before the Council.

Order of Business

Unless the reading of minutes is requested by a Councilmember, minutes may be approved without reading as part of the consent calendar if each Councilmember has previously received a copy. Thereafter, the order of business is as presented on the Council agenda, prepared at the direction of the City Manager. With the approval of a majority of the Council, an item may be taken out of order. *Appendix 2: Sample guide to conducting Council meetings.*

Continued Items

Any item or hearing may be continued to any subsequent meeting in accord with the procedures set forth for the adjournment of meetings. If a hearing is continued to a time less than twenty-four (24) hours after the time specified in the original hearing notice, a copy of the notice of continuance of the hearing must be posted immediately following the meeting at which the determination to continue the matter was made.

Introduction of Items After 11:00 PM

The City Council makes every effort to end its meetings before 11:00 p.m. The Council also generally does not take up new matters after 11:00 p.m. The meeting shall continue only on the

matter being discussed and the remaining items on the agenda shall be carried over, unless the Council chooses to take up new items.

Presentations

The total amount of time for all presentations shall not exceed fifteen minutes per meeting unless otherwise approved by the Council.

Councilmember Participation

Every Councilmember desiring to speak addresses the chair, and upon recognition by the presiding officer, may speak on the matter before the Council. A member, once recognized, shall not be interrupted when speaking unless it is to call the person to order. If a member, while speaking, is called to order, the member shall cease speaking until the question of order has been determined, and, if in order, the member shall be permitted to proceed. Questions of staff should be directed through the chair.

Public Participation

Any person desiring to address the Council on any item on the regular meeting agenda may do so at the time designated for that item after first being recognized by the presiding officer. Any person desiring to address the Council on an item on the consent calendar or on an item not on the agenda may do so at the time designated on the agenda as "Public Comments" after first being recognized by the presiding officer. Individuals speaking under "Public Comments" generally are limited to three (3) minutes. If there appears to be a large number of speakers, the Mayor may reduce speaking time to limit the total amount of time for public comments (Gov. Code sec. 54954.3.(b)(1)). In compliance with Assembly Bill 1787 ("AB 1787"), which requires local agencies to provide at least twice the allotted time for public comment to speakers who require translation services. When a member of the public is addressing the Council or one of its Committees, and when time limits have been placed on public comments, the Mayor or Vice-Mayor, shall allow persons requesting interpretation assistance, by another individual, to testify for twice the amount of the time limit, thereby providing uniform time for the speaker's testimony, as well as the time necessary for the interpretation of the testimony for the benefit of the Council and the public.

Individuals speaking under "Public Comments" are limited to topics on the consent calendar or on items that are not otherwise on the agenda. It is acknowledged that individuals may wish to address the Council under "Public Comments" for the purpose of obtaining general information or receiving responses to specific questions.

State law prevents Council from responding to public comments or acting on matters not on the agenda. In general, the Mayor shall ascertain whether the Council or staff is able to provide the requested information immediately. If this is not possible because the information is not readily available, the matter may be referred to staff for a written response. Unless the matter raises issues of an extraordinary nature, it is expected that a response will be presented to the Council by its next regular meeting. If it is not possible to do so by this date, the Council will be advised as to when a response will be forthcoming.

Speakers at meetings are requested, but not required, to identify themselves and fill out cards placed near the public microphone. The information is used to help prepare the minutes of the meeting. All remarks should be addressed to the Council as a body and not to any individual member. Time limits may be imposed upon speakers. No person, other than the Councilmembers and the person having the floor, should be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the presiding officer. No question is to be asked a Councilmember or staff member except through the presiding officer. After a motion is made by the Council, no person shall address the Council without first securing the permission of a majority of the Councilmembers present to do so.

Decorum

While the Council is in session, the Councilmembers must preserve order and decorum, and no Councilmember should, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any Councilmember while speaking or refuse to obey the orders of the Council or other presiding officer.

The United States Constitution and California Constitution protect individuals' rights to free speech and expression. Accordingly, the city can only remove an individual if they are disrupting a meeting. Courts have struck down rules of decorum that allow for removal of a speaker for personal attacks, slanderous speech, or insolent behavior when such conduct did not actually disturb the meeting. Courts hold that a "disruption" means something more than a bare violation of a rule of decorum. For example, an expressive sign or the use of profanity, by themselves, do not warrant removal from a meeting. The conduct must cause the meeting to be disrupted or impede the city from conducting its business. Courts often measure whether something is a disruption by its effect on the audience, and not by its effect on members of the legislative body.

Given these restrictions on being able to remove a speaker, the Chair should be careful to ensure that the following steps are applied to all speakers equally, regardless of their viewpoints:

1. **Reminder to the Speaker or Audience Member:** If a speaker goes beyond his or her allotted time, continues to speak on matters unrelated to District business or otherwise violates the rules on public comment, it is appropriate to remind the speaker of the City's rules on public comment. A reminder to an audience member who violates the rules by calling out or interrupting a speaker is also recommended.
2. **Direction to the Speaker:** If a speaker continues to violate the rules on public comment by exceeding his or her time, speaking on topics unrelated to City business or otherwise, the Chair should request the speaker to finish his or her comments and allow for the next speaker to address the Council.
3. **Declare a Violation of the Rules on Public Comment and Request a Police Officer to Escort the Speaker to His or Her Seat:** If the speaker continues to violate the time or topic regulations and the Council is impeded from continuing its business, the Chair should:
 - a) Inform the speaker that he or she has failed to comply with the rules.

- b) Inform the speaker that he or she is impeding City business by violating the public speaking rules; and
- c) Request the City Manager, or his designated Sergeant-at-Arms, to escort the speaker to his or her seat.

4. Instruct the Sergeant-at-Arms to Remove the Individual or Arrest The Individual If He or She Refuses to Leave: If the speaker refuses to comply with Step 3, the Chair should:

- (a) Declare that the individual is disrupting the meeting and impeding City business, and
- (b) Instruct the City Manager, or his designated Sergeant-at-Arms, to remove the individual from the room and arrest the individual if he or she refuses. This should occur on the record.
- (c) The Chair then proceeds immediately to Step 5.
- (d) The individual should be informed by the Sergeant-at-Arms that: If he or she refuses to comply with the request to leave the meeting room, He or she will be escorted out of the meeting room by officers and ordered to not return; or

5. Immediately Invite a Motion for a Recess: After instructing the Sergeant-at-Arms, the Chair should invite a motion for a ten-minute recess. Council members should leave the dais area and allow for the officer to communicate with the individual.

6. Continuing Disturbances: If an actual disturbance is caused by one person or a group, such that order cannot be restored by the Chair after following the above steps, the Chair should:

- (a) Declare on the record that an actual disturbance has occurred;
- (b) Order the room to be cleared by the Sergeant-at-Arms and his or her designees;
- (c) Allow any members of the public and the press who did not take part in the disturbance to return to the meeting room; and
- (d) Continue the meeting.

Cellular telephones or any other telecommunications device should be in the silent mode or turned off during the City Council meeting.

Literature distribution or petition circulation is not permitted when Council is in session. Such activity may occur outside the meeting room, provided access is not blocked.

The Chief of Police or the representative of the Chief of Police is the ex officio sergeant-at-arms of the Council. The ex officio sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum in the Council Chamber. Upon instructions from the presiding officer, it shall be the duty of the sergeant-at-arms to eject any person, place the person under arrest or both.

As set forth in Government Code Section 54957.9, in the event any meeting is willfully interrupted by a group of persons so as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the presiding officer may order the meeting room cleared and continue in session.

Smoking Prohibited

It is unlawful for any person to smoke in any room in which a Council meeting open to the public is being held.

COUNCIL ACTIONS

Several different types of action may be taken by the Mayor and/or the City Council.

Proclamations

Proclamations are issued by the Mayor without formal action by the Council. Proclamations are public announcements directing attention to a person, an organization or event, such as Citizen of the Year, a retiring employee, Girl Scout Week, or International Year of the Child. Proclamations will be issued to Board and Commissioner members who have served the authorized maximum number of terms to acknowledge their contributions to the City of South San Francisco. Proclamations may be requested by any member of the Council.

Commendations/Certificates of Recognition

Commendations/Certificates of Recognition are acknowledgements of the activities of a person or organization, issued by the Mayor or by all Councilmembers without formal action being taken. Commendations/Certificates of Recognition typically acknowledge exceptional endeavors or are given to departing Board and Commission members and Councilmembers and are presented at an appropriate function or Council meeting.

Ordinances

Legislative acts of the City Council are known as ordinances. Ordinances may be general or special, depending upon their effect. Those which relate to the health, safety, and welfare of the community and are intended for long-term application throughout the city are known as general ordinances. Special ordinances are those with limited application. General ordinances are codified in the South San Francisco Municipal Code. Subject to certain state law exceptions, most ordinances are introduced at one meeting and are adopted by majority vote at a subsequent meeting.

An ordinance is necessary (1) when state law requires a regulation to be adopted by ordinance, (2) to amend or repeal provisions of the Municipal Code or any uncodified ordinances, and (3) to impose regulations on persons or property which impose a penalty by fine, imprisonment or forfeiture for the violation.

Ordinances shall be prepared by the City Attorney. Ordinances are prepared for presentation to the Council when ordered by a majority vote of the Council, or when requested by the Mayor or the City Manager, or when prepared on the City Attorney's own initiative.

Resolutions

Resolutions are Council actions which become effective upon adoption and encompass the business not addressed through ordinances. They are typically used to handle routine business and administrative matters requiring some type of formal memorialization. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another agency, or where the frequency of future reference back to its contents warrants a separate document to facilitate reference and research.

Motions

The least formal of Council actions, motions typically are used for procedural matters (such as to continue items) or for administrative matters (such as to accept reports). An adopted motion is as legally effective and binding as an adopted resolution but generally is recorded simply as an item entry in the minutes.

Minute Orders

A minute order is a brief notice documenting an action taken by the Council and distributed subsequent to the meeting at which the action is taken. It is used only occasionally, generally when the Council wishes to provide notice other than in the minutes that it adopted a particular motion.

Finality of Administrative Actions

For the purpose of judicial review, all administrative actions by the City Council become final on the date taken, except where (1) state or local law provides that the action becomes final on a later date; or (2) a request for reconsideration is made in a timely fashion.

MINUTES

The preparation of accurate intelligible minutes is the responsibility of the City Clerk. In general, action minutes are used to record proceedings. Action minutes contain very little narrative. The record focuses on who spoke and the motions and votes. Recordings are used in order to serve a number of administrative, legal and historical functions and to provide a verbatim record of meetings. Failure to record does not affect the validity of any proceedings or action taken by the Council.

The City Clerk may be directed by the presiding officer, with the consent of the Council, to enter in the minutes a synopsis of the discussion of any matter coming before the Council. The synopsis should be in complete sentences.

A Councilmember may request, through the presiding officer, the privilege of having a previously prepared written abstract summarizing the major points of his or her statement on any subject under consideration entered into the minutes. If the Council consents, such an abstract is entered into the minutes.

Items such as letters which individuals request "to have entered into the record" are referred to in, but do not become a part of, the minutes. Changes in substantive matters may be made only at the direction of a majority of the Council. Clerical corrections are to be made when discovered in order to maintain accuracy.

BASIC PROCEDURES - MAIN MOTIONS

In conjunction with the agenda for a Council meeting, business is brought before the City Council by the motion of a member. A motion may itself bring a subject to City Council's attention or it may follow the presentation of a report or other communication. A motion is a formal proposal that the City Council take a certain action.

The proposed action may be of a substantive nature, or it may consist in expressing a certain view, or directing a specific investigation and report back, or the like.

The basic form of motion, the form which brings business forward, is known as a "main motion". The main motion sets a pattern from which all other motions are derived. The steps by which a motion is normally processed are (1) a member makes (or moves or offers) a motion, (2) another member seconds the motion and (3) the chair states the motion. After a main motion is made and before the question is stated by the chair, any member can informally suggest one or more modifications in the motion, which the member can accept or reject. Once stated, the motion is pending and open for discussion/debate. The chair then puts the matter to a vote and announces the result. If the Council decides to do what a motion proposes, it adopts the motion; if the decision is against what the motion proposes, the motion is rejected.

Effective January 1, 2014, California Senate Bill 751 amended the Brown Act to require that all legislative bodies “publicly report” any “action taken” and the vote or abstention on that action of each member present for the action. “Action taken” is defined in the Brown Act as a collective decision made by a majority of the members of a legislative body upon a motion, proposal, resolution, order or ordinance. The Brown Act previously required legislative bodies to report certain actions taken in closed session. Now, those reporting requirements will extend to actions taken by legislative bodies in open session.

PARLIAMENTARY PROCEDURE MOTIONS

Processing of Motions

After a main motion is made and seconded, it must be stated by the presiding officer before it can be debated. Until the presiding officer states the motion, the maker has the right to modify or withdraw it. Once stated, a main motion may not be withdrawn by the mover without the consent of the person seconding it.

Precedence of Motions

Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon.

1. Fix the time to which to adjourn
2. Adjourn
3. Recess
4. Raise a question of privilege
5. Call for the orders of the day (raise a point of order)
6. Lay on the table
7. Previous question (close debate)
8. Limit or extend limits of debate
9. Postpone to a certain time (postpone definitely)
10. Postpone indefinitely
11. Refer or Commit
12. Amend
13. Motion to reconsider

These motions have precedence in the order indicated above, except that a motion to reconsider has precedence over all motions.

Types of Motions/Purpose

1. Fix the time to which to adjourn. A motion to fix the time to which to adjourn requires a second, is amendable and is debatable only as to the time to which the meeting is adjourned. The purpose is to set a time for continuation of the meeting.
2. Motion to adjourn. A motion to adjourn requires a second and is not debatable except to set the time to which the meeting is adjourned. A motion to adjourn shall be in order at any time, except as follows:
 - a. When repeated without intervening business or discussion;
 - b. When made as an interruption of a member while speaking;
 - c. When the previous question has been ordered;
 - d. While a vote is being taken.
3. Motion to recess. A motion to recess requires a second, is amendable, but is not debatable. Its purpose is to interrupt the meeting and is usually done by Mayor's declaration.
4. Motion to raise a question of personal privilege. Any Councilmember at any time during the meeting may make a request of the chair to accommodate needs such as reducing noise, adjusting heating or cooling system, etc. In situations in which a Councilmember's integrity, character, or motives are questioned, or to where the welfare of the Council is concerned, the maker of the motion may interrupt another speaker if the presiding officer recognizes the "privilege". The motion does not require a second, is not amendable, and is not debatable.
5. Motion to call for the orders of the day. A motion to call for the orders of the day does not require a second, is not amendable, and is not debatable. Purpose is to require

adherence to the agenda. By a two-thirds vote, the orders of the day may be set aside. Changes are frequently handled by consensus.

6. Motion to lay on the table. Purpose is to interrupt current business for more urgent business. A motion to lay on the table requires a second, is not amendable, and is not debatable. It temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. If the motion prevails, and the subject is tabled, a member must move that the matter be "taken from the table" at the same meeting or at the next regular meeting of the Council. Otherwise, the motion that was tabled dies, although any Councilmember may request the subject be placed on an agenda for a later City Council meeting.
7. Motion to move the previous question. The purpose of this motion is to close debate and a two-thirds vote is required for passage. A motion to move the previous question must be made and seconded without interrupting one who already has the floor. It is not debatable and is not amendable. It applies to all previous motions on the subject unless otherwise specified by the maker of the motion. If the motion to move the previous question fails, debate is reopened; if it passes, then a vote is taken on the pending motion.
8. Motion to limit or extend debate. A motion to limit or extend debate requires a second, is amendable and is not debatable. The motion requires a two-thirds vote. Its purpose is to limit or extend debate.
9. Motion to postpone to a certain time. A motion to postpone to a certain time requires a second, is amendable, and is debatable as to propriety of postponement and time set. Purpose is to postpone the pending question to a specified time.
10. Motion to postpone indefinitely. A motion to postpone indefinitely requires a second, is not amendable, and is debatable. If the motion is adopted, the principal question shall be declared lost. The purpose of the motion to postpone indefinitely is to avoid a direct vote on the main motion. Its correct use is when the intent is not to vote on the matter at all. It should not be confused with the motion to lay on the table, which is a means of temporarily bypassing a subject.
11. Motion to refer or commit. A motion to refer requires a second, is amendable, and is debatable only as to the propriety of referring. The substance of the subject being referred shall not be discussed at the time the motion to refer is made. Purpose of the motion is to send subject to another city department, board, commission, committee or officer for further study and report back to Council, at which time subject is fully debatable. The motion may or may not contain directions or a return date.
12. Motion to amend. A motion to amend requires a second, is amendable, and is debatable only when the motion to which it applies is debatable. A motion to amend an amendment is in order, but one to amend an amendment to an amendment is not. An amendment modifying a motion is in order, but an amendment substituting a new motion or raising an independent question is not in order. Amendments take precedence over the main

motion. Amendments to amendments are voted first, then the amendment, then the main motion as amended.

14. Motion to reconsider. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing a motion to reconsider any action taken by the Council may be made during the meeting at which the action was taken or at an adjourned meeting thereof. A motion to reconsider requires a second, is debatable, and is not amendable. The motion must be made by a Councilmember who voted in favor of the motion originally, but may be seconded by any Councilmember. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters. The purpose is to bring back the matter for review. If a motion to reconsider fails, it may not itself be reconsidered. Reconsideration may not be moved more than once on the same motion.

Division of Question

14. Division of question. If the motion contains two or more propositions, each of which is capable of standing on its own if the others are removed, the presiding officer may, and upon request of a member shall (unless appealed), divide the motion.
15. Rescind, Repeal or Annul. The Council may rescind, repeal or annul any prior action taken with reference to any legislative or administrative matter so long as the action to rescind, repeal or annul complies with all of the rules applicable to the initial adoption and no rights have intervened to create an estoppel, unless otherwise specified by law.
16. Suspend the Rules. Any Councilmember may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. A second and a two-thirds vote is necessary.

Robert’s Rules of Order

Procedural matters not otherwise covered by either city ordinance, city resolution, state law, or this handbook, are handled in accord with Robert's Rules of Order. No provision in Robert's Rules is to be construed to supersede any procedure adopted by the City Council or required by state law.

It is recognized that Robert's Rules applies to deliberative assemblies, but that the City Council also functions as a quasi-judicial body. Due process considerations impose certain procedural requirements and are sometimes different than the provisions of Robert's Rules. For example, a City Council cannot reconsider or rescind a quasi-judicial decision after the decision is final, in the absence of statutory authority to the contrary. In addition, the Government Code sometimes imposes different rules, such as providing that the chair does participate in debate. (Section 36803).

Rules adopted to expedite the conduct of business in an orderly fashion are procedural only. The failure to observe a procedural rule does not affect the jurisdiction of the Council or invalidate any action taken at a meeting that is otherwise held in conformance with the law.

Parliamentarian

The City Attorney serves as parliamentarian during City Council meetings. The role of the parliamentarian is advisory and consultative; the chair has the power to rule on questions of order.

VOTING

Votes are taken by voice or roll call and entered in full upon the record. Votes are by voice vote, unless a request for a roll call vote is made by any member or the motion requires more than a majority. During the roll call, it is not in order for any member to explain a vote.

Silence constitutes an affirmative vote. Councilmembers who are silent during a voice vote shall have their vote recorded as an affirmative vote, except when individual Councilmembers have stated in advance that they will abstain.

It is the responsibility of every Councilmember to vote unless disqualified. When someone chooses not to vote, the person in effect "consents" that a majority of the Councilmembers present may act for him or her.

A Councilmember may change a vote or withdraw an abstention and vote if a timely request to do so is made immediately following the announcement of the vote and before the next item in the order of business is taken up.

Disqualification. A Councilmember disqualified because of any financial interest or other interest proscribed by law, may not participate in the discussion or the vote.

Tie Votes. Tie votes are lost motions. Tie votes may be reconsidered on motion by any member of the Council voting aye or nay during the original vote. Before a motion is made on the next item on the agenda, any member of the Council may make a motion to continue the matter to another date. Any such continuance suspends the running of any time in which action of the City Council required by law. Any Councilmember may place on an agenda for a subsequent meeting a matter which resulted in a tie vote.

When less than all Councilmembers are present and a matter under discussion remains unresolved as the result of a tie vote on all motions made on such matter, the matter is automatically continued to the next Council meeting.

Voting requirements for specific actions. Certain actions require a minimum number of affirmative votes for approval. These include:

1. Approval of a general plan or specific plan amendment – 3 Affirmative Votes

2. Approval of a Resolution of Necessity – 4 Affirmative Votes
3. Approval of an ordinance or expenditure of funds – 3 Affirmative Votes
4. Approval of an urgency ordinance – 4 Affirmative Votes
5. Approval of a general tax – 4 Affirmative Votes plus Majority Voter Approval

PUBLIC HEARINGS

By their nature, all hearings (except personnel matters) are public. The Council has the prerogative of conducting a public hearing on any item on its agenda, whether or not the matter has had formal notice as a public hearing. Certain matters are formally noticed in advance as public hearings, pursuant to various provisions of state law. Unless otherwise specifically required by federal, state or local law, all public hearing dates and times are set administratively.

Public hearings tend to be of two types: legislative or quasi-judicial. Legislative hearings generally result in the adoption of policy or regulation. Quasi-judicial hearings are those in which the Council applies existing laws (State and/or local) to a particular project or action. For example, an application for a variance or conditional use permit would involve a quasi-judicial hearing. Quasi-judicial hearings are also occasionally referred to as an adjudicatory hearing. In a quasi-judicial hearing, the Council will often make findings based on the facts presented to the Council.

Formally noticed public hearings generally are conducted in the following format:

- a. Staff review
- b. Questions of staff by Council
- c. Comments from public
- d. Questions by Council
- e. Discussion by Council
- f. Action by Council.

The presiding officer conducts the hearing in such a manner as to provide for freedom of speech and expression of opinion, subject to the limits of courtesy and respect of others. Comments and questions from the public are limited to the subject under consideration. Depending upon the extent of the agenda and the number of persons desiring to speak on an issue, the presiding officer may limit a speaker's time. Any person speaking may be questioned by members of the City Council.

In those instances where there is a specific applicant for a matter which is the subject of a public hearing, the applicant is entitled to make a presentation at the commencement of the public hearing, and also is entitled to make any concluding remarks just prior to closure of the public hearing.

Councilmembers should not speak on an issue until the public hearing has been closed. Once a hearing is closed, it is inappropriate for the public to speak except to answer an inquiry of a Councilmember, as addressed through the chair.

When the Council conducts a quasi-judicial hearing, particularly when it is hearing an appeal of a decision by a Board or Commission, on a case-by-case basis the City Attorney determines if alternate hearing procedures are necessary and advises the City Council accordingly.

All persons interested in the matter which is the subject of a hearing are entitled to submit written or photographic evidence relevant to the issue for consideration by the Council, in addition to or in lieu of any oral evidence. The Council determines relevancy. If the Council feels that material is relevant but that due to its quantity or complexity there is insufficient time to fully review it, the hearing may be recessed or continued. All evidence considered by the Council in reaching its decision must be retained by the City as part of the record, as a supplement to but not as a part of, the minutes. The Council retains discretion to accept or to reject new documentation furnished on the night of the Council meeting.

Advocates of a matter before the City Council who furnish documentation on the night of the Council meeting are expected to furnish sufficient copies for the City Council, City Clerk, and City Manager. Failure to do so may cause the Council to reject consideration of such information or cause the item to be continued.

If a Councilmember has met with a proponent or opponent of a matter which is the subject of a hearing, that meeting should be acknowledged on the record prior to the opening of the hearing at the Council meeting.

BOARDS AND COMMISSIONS

Boards and Commissions (except the Housing Authority, Design Review Board, General Plan Community Advisory Committee, and Measure W Citizens' Oversight Committee) are established by ordinance and set forth in the Municipal Code. The purpose of Boards and Commissions is to provide advice to the City Council to aid in its decision making and to handle matters within its area of expertise. Boards and Commissions should submit their recommendations to the Council in writing. Once Council has reached a decision after due consideration of a matter, it is inappropriate for a Board or Commission to criticize or attempt to change a decision made by Council. *Appendix 7: Staff Liaisons to Boards and Commissions.*

No member of any Board or Commission may be a member of any other Board or Commission or hold any paid position with the City, unless otherwise approved by the Council. In order to be eligible for an appointment to any Board or Commission, a person must be a resident of the City, unless otherwise provided by law.

The members of each Board or Commission (except the Design Review Board) are appointed by the Council in accordance with governing law. The number of members, length of terms, time of appointment, and method of appointment differ. Members are subject to removal by a vote of three Councilmembers. Board and Commission members are appointed to serve for one term at a time. Terms continue until a successor is appointed and qualified. Except when appointed as a Commissioner Emeritus by the Council, no Board or Commission member may serve more than the authorized number of terms on any one Board or Commission as set forth in the Municipal Code. *Appendix 8: Board and Commission Roster.*

Boards and Commissions are authorized to appoint advisory committees to assist them in performing their duties. A member of the Board or Commission shall be designated as chairperson of these advisory committees upon approval of the appointing Board or Commission. The advisory committees shall be assigned functions consistent with the duties of the appointing Board or Commission and shall report to at the times and in the manner which the appointing Board or Commission may require.

All Board and Commission members except members of the General Plan Community Advisory Committee, Housing Authority Tenant Commission, Measure W Citizens’ Oversight Committee, Colma Creek Flood Zone Advisory Committee, and San Mateo County Mosquito and Vector Control District, Emeritus Members, Ex Officio Members, and Council representatives to the Conference Center Authority are compensated at a rate of \$50.00 per regular meeting.

From time to time the Council may establish non-compensated citizen committees or task forces of limited duration to focus on specific topics.

Procedure for Making Appointments and Reappointments

Any person desiring to be considered for an appointment to any City Board or Commission should submit an online application indicating on which Board or Commission he or she desires to serve. Paper applications must be typed and may be submitted on an on-going basis. For applications submitted after a deadline has passed, the City Clerk shall present the late application for consideration by the City Council but note that the application was submitted after the deadline passed. Applications are considered current for one year from the date received. *Appendix 9: Commissions, Boards, and Committees Application Process*

Any appointees must comply with appropriate provisions of law regarding disclosure of financial interests, if applicable. It is the policy of the City Council not to appoint any person to a Board or Commission who would have continually recurring conflicts of interest requiring abstentions, or an excessively high percentage of such situations.

Appointments are for a single term. At the conclusion of this term, after consideration of the member's record (including attendance), an individual may be reappointed for a second term.

Vacancies in any board or commission are filled by appointment in the same manner as original appointment. When a vacancy occurs leaving an unexpired portion of the term, any appointment is for the unexpired portion of the term. The interest of the city is best served by actual and regular participation by Board and Commission members.

Committee and Board members may be removed by a majority vote of the City Council following three excused or two unexcused absences during the course of one fiscal year. An absence is considered excused when a committee or board member notifies the secretary of the intended absence at least twenty-four (24) hours prior to the scheduled meeting time. All other absences are considered unexcused.

Thus, upon the second excused absence or first unexcused absence from a regular meeting within a twelve-month period, the staff liaison shall notify the Board or Commission member in person or via telephone regarding the absentee policy. The staff liaison shall remind the Board or Commission member that with one more absence, the Mayor may report to the City Council the member's absences for further discussion and possible removal. If the City Council determines that the absences occurred for legitimate reasons, the City Council may excuse one or both of the absences.

Upon the third excused absence or second unexcused absence, the City Manager's Office shall draft a letter from the Mayor to the Board or Commission member regarding the absentee policy and inquire as to whether the Mayor wishes to bring the matter to the Council. Members are also encouraged to give advance notice of their absence from a meeting to the staff liaison as well as the City Clerk's office with a brief explanation for the absence. This absentee policy as expressed in the Council Handbook shall be as provided on the Board and Commission form and provided in the congratulatory letter welcoming new Board and Commission members.

The preceding procedures shall not apply to non-voting Emeritus Members of appointed Boards and Commissions. Any member of an appointive Board or Commission may also be removed by simple majority vote of the City Council.

Government Code Section 54974 provides that whenever an unscheduled vacancy occurs, a special vacancy notice shall be posted within twenty days (20) after the vacancy occurs and that final appointment to fill such vacancy shall not be made for at least ten (10) working days after such posting. The special vacancy notice must be posted in the City Clerk's Office and the City's Internet website or at a designated public library.

Pursuant to Government Code Section 54972, on or before December 31st of every year the City Clerk shall prepare the Local Appointment List of all Board and Commission members that details when all appointive terms will expire during the next calendar year, the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position, as well as a list of all members who serve at the pleasure of the City Council and the necessary qualifications for each position. In compliance with the Maddy Act, Government Code Section 54973, a copy of the Local Appointments List shall be posted on the City's Internet website or designate the public library with the largest service population within the City to receive a copy of the list.

Procedures for granting Emeritus Status

A termed out or otherwise resigning Board or Commission Member may apply to the City Council for Emeritus Status related to the particular Board or Commission on which he or she served. The Criteria for granting Emeritus Status, limitations on granting authority and the role of an Emeritus Board or Commission Member are set forth below:

Emeritus Criteria

- The applicant must have over 50 years of uninterrupted service to the City in various

capacities, including but not limited to, as an employee, a volunteer, and/or a Commissioner.

- The applicant must be an active participant in the Community.
- The applicant’s historical/institutional knowledge must contribute to the Agency’s discussions.

Limitations on Granting Emeritus Status: There is to be only one seated Emeritus Member on any single Board or Commission at any given time.

The Role of an Emeritus Board or Commission Member

- The Emeritus will be a recognized Board and Commission Member, appearing on all rosters and being invited to all Board and Commission events with Emeritus Status noted.
- The Emeritus will receive all Commission paraphernalia, including, but not limited to, nametags, meeting placards, jackets, T-shirts, etc. with Emeritus Status noted.
- The Emeritus is not subject to the Board and Commission absence Policy.
- The Emeritus will sit on the dais and participate in discussion at meetings of the respective Board or Commission.
- The Emeritus does not have a voting role on the Commission.
- The Emeritus’ presence is not necessary for a quorum.
- The Commission may schedule a meeting even if the Emeritus cannot attend.
- The Emeritus will not participate in Closed Sessions of the respective Board or Commission.
- In the case of the Personnel Board, the Emeritus cannot participate in a Personnel Board Disciplinary Hearing, whether held in open or closed session.
- Due to the non-voting role, the Emeritus will not receive a stipend for meeting attendance.

Council of Cities/City Selection Committee

On the first vote for a position selected by the Council of Cities/City Selection Committee, the City’s designated representative must vote in accordance with the City Council’s direction. All subsequent votes are left to the discretion of the designated representative.

POLICY ON EXPRESSIONS OF CITY OR COUNCIL POSITIONS

Be cautious in representing City Positions on Issues. Individual City Councilmembers are not authorized to speak on behalf of the City or the Council with regard to City or Council policy or positions, except when such policy or position has been clearly established or when the Councilmember has been designated as a spokesperson on a given subject.

Periodically the City Council is requested to formally support or oppose state or federal legislation. In considering whether or not to take such action, it is Council policy to determine first if the legislation involves matters pertaining directly to the City of South San Francisco or its residents as a whole. If the subject matter does not relate directly to city business or to local citizens, then the Council declines to take a position. If the legislation could be expected to affect the city or its citizens, then the Council may elect to take a position.

POLICY ON COMMUNITY FUNDING

In making grants available to community organizations, the City Council adheres to the following policy:

1. Grant awards are made only for purposes which are legal.
2. Grant funds are to primarily benefit South San Francisco residents/taxpayers.
3. One-time grants for capital items, or seed money, for new or expanded services are preferred to continuing grants for operations.
4. Recipients are asked to provide financial and performance accountability.
5. Requests for funds must be received in a timely fashion. Applications received beyond established deadline dates will not be considered.
6. Preference will be given to requests which are of a matching nature.
7. Other sources of available funds should have been diligently sought or are generally unavailable in the amounts needed.

POLICY ON DEDICATION OF PUBLIC FACILITIES

Dedication of new public facility shall occur only after the building is completed and ready occupancy. Dedications should recognize the efforts of prior City Councils in designing and facilitating construction of the public facility.

**CITY COUNCIL
PROCEDURES AND PROTOCOLS HANDBOOK**

**Appendix 1
Selection of Mayor and Vice-Mayor/Council Reorganization**

Selection of Mayor and Vice Mayor/Council Reorganization

As set forth in the City Council Handbook, the Vice-Mayor is usually selected as the Mayor. The City Council believes the community benefits by ensuring the positions of Mayor and Vice-Mayor are held at various times by all council members. The City Council also believes the experience as a council member will assist those who ultimately serve as Mayor or Vice-Mayor. To that end, the following process is hereby adopted for the future selection of Mayor and Vice-Mayor. This process will remain in effect until modified by a subsequent City Council.

Commencing at the end of the present Mayor's term, the Vice-Mayor will become Mayor and the most senior council member who has not within the previous three (3) years served as Mayor or Vice-Mayor, will serve as Vice-Mayor. This process for selection will also apply in subsequent years, provided that a council member will first become eligible for service as Mayor or Vice-Mayor once the Councilmember has served for two (2) years. In the event new council members are elected in the same year, the ranking of the newly elected council members amongst themselves will be in the order of the highest number of votes received to the lowest number. If any council member declines a nomination during a year when they would have been eligible to be appointed as Mayor or Vice-Mayor, the next eligible council member in sequence shall be nominated for that position. The council member that declined the nomination will then move to the bottom of the rotational order as if they had just completed serving a year as Mayor.

Based on Councilmember Addiego's appointment as Mayor on December 9, 2020, and assuming all current council members are re-elected, the succession according to the current policy would be as follows:

<u>Year</u>	<u>Mayor</u>	<u>Vice-Mayor</u>
2021-2022	Nagales	Nicolas
2022-2023	Nicolas	Nagales
2023-2024	Nagales	Coleman
2024-2025	Coleman	Flores
2025-2026	Flores	Addiego

Installation and Reorganization Costs

Council members shall contribute to the cost of light snacks/deserts and refreshments for the reception following the Installation and Reorganization Meeting. Each council member's contribution shall not exceed \$200. During any year in which the City Treasurer and City Clerk are up for election, the City Clerk and City Treasurer shall each contribute up to \$200 for the cost of light snacks/deserts and refreshments for the reception following the Installation and Reorganization Meeting. The incoming Mayor may choose to separately pay for additional snacks and refreshments beyond those normally provided every year.

Recognition of Outgoing Mayor and/or Council Members

The Installation and Reorganization Meeting will also include recognition of the outgoing Mayor and any outgoing council member(s). As part of the recognition, the City may provide the outgoing Mayor and any outgoing council member(s) with a nominal gift recognizing their service to the City.

**CITY COUNCIL
PROCEDURES AND PROTOCOLS HANDBOOK**

**Appendix 2
Guide to Conducting Meetings**

GUIDE TO CONDUCTING MEETING

Call to Order: “The meeting of the South San Francisco City Council for _____ will come to order.” (Mayor may also advise the audience of any special circumstances or announcements.)

Roll Call: “Madam Clerk, Roll Call please.”

Pledge of Allegiance/Invocation: “Please stand for the Pledge of Allegiance and remain standing for the invocation that will be given by _____”

Agenda Review: “City Manager _____ are there any changes to the order of the Agenda?”

Announcements from Staff: “City Manager _____ are there any announcements from staff?”

Proclamations/Presentations

Public Comment: Begin to singly announce the names on the speaker cards and ask them to provide their name for the record. If there are no speaker cards, ask if anyone would like to address the Council on a matter not on the Agenda.

Council comments/requests: Council announcements and requests.

Consent Calendar: “Madam Clerk would you please read the Consent Calendar.”

- Ask for motion to approve.
- If any items are pulled, announce: “Item Nos. (cite numbers) will be taken off the Consent Calendar for discussion.”
- Ask for a motion and a second, “All in favor, oppose?”, “The motion passes.”
- Items taken from the Consent Calendar should be considered one at a time and the appropriate staff member will approach the table to answer Council’s question(s) or concerns(s)
- Ask for a motion and second for approval for each item.

(Any Councilmember should abstain from approving minutes from a meeting they were not present)

Public Hearings

- Ask the Clerk to read the item.
- **Open the public hearing.**
- Call for the staff report.
- Inquire if the applicant is present and if so, would he/she like to speak after applicant speaks, ask if there are any more speaker cards for this item and commence reading the speaker cards.
- When everyone has spoken, **declare the hearing closed.**

- Council discussion – when discussion is complete, ask “Do I have a motion?”, “A second?”, “All in favor/oppose?”. On sensitive items and on motions requiring 4/5 or 2/3 vote, a roll call vote is advisable. State: “Motion passes”.
- If no second is made, announce that the motion died for lack of a second.
- If an amendment is made to the original motion after it is seconded, obtain a motion and a second on the amendment first.
- If a motion for approval fails, obtain a motion, second and vote to deny.

Administrative Business

- City Clerk will read each item.
- Staff Report
- Discussion
- Vote

Legislative Business

- City Clerk will read each item.
- Staff Report
- Discussion
- Vote

Items from Council: Committee Reports and Announcements

Closed Session

- City Clerk will read item.
- Reporting out – if no item(s) approved, state “direction given no action taken”; if item(s) approved, have City Attorney report.

Adjournment

- When all business concluded, ask for motion and second to adjourn
- Gavel the meeting adjourned.

**CITY COUNCIL
PROCEDURES AND PROTOCOLS HANDBOOK**

**Appendix 3
City Council Expense Reimbursement Forms**

City Council Expense Reimbursement Forms

FORM 1

City Council Expense Reimbursement Local Events

*Including local workshops or conferences
(no overnight and no mileage)*

For mileage, use form Form 4

If CM's Office initiates event sign-ups, staff may complete on Council's behalf

5031 (business meetings)

5030 (promotional)

Name/Sponsor of Event: _____

Meeting/Event Date: _____

Attach agenda, or, briefly describe how event affects City's interest:

Cost of Event: \$ _____

Attach receipts and return to City Manager's Office

I hereby certify that attendance at the above event furthered the City's interests.

By: _____
Councilmember Signature

Date: _____

Print Name

Reviewed by: _____
City Manager's Office

Date: _____

Reviewed by: _____
Finance Director

Date: _____

FORM 2

City Council Expense Reimbursement

Registration for Overnight Travel:
Conferences, educational, or legislative meetings
out of the area (exceeding 50 miles one way from SSF)
Generally filled out by City Manager's Office staff
Fill out separate form for each event attending

5032 (travel, conferences - overnight)

Name/Sponsor of Event: _____

Meeting/Event Dates and Location: _____

Attach agenda/flyer, or, briefly describe how event affects City's interest if not a League of California Cities event:

Registration Cost: \$ _____

If City Manager's Staff is pre-registering for Conference/meeting/workshop, attach this form to receipt(s) and attach to check request. **Stop here.** Additional expenses incurred after pre-registering to be filled out upon return from trip using **FORM 3.**

I hereby certify that attendance at the above event furthered the City's interests, and that the Council has approved the number of Councilmembers attending this workshop.

By: _____
Councilmember Signature

Date: _____

Print Name

Reviewed by: _____
City Manager's Office

Date: _____

Reviewed by: _____
Finance Director

Date: _____

FORM 3

City Council Expense Reimbursement Non Registration Expenses Related to Overnight Travel

*Conferences, educational, or legislative meetings
out of the area (exceeding 50 miles one way from SSF)*

Complete separate form for each event attending

5032 (travel, conferences - overnight)

Name/Sponsor of Event: _____

Meeting/Event Dates and Location: _____

1. Number of Days of Meeting (Attach agenda) _____
2. Number of days lodging claimed _____
3. If #2 exceeds #1 above, attach explanation why travel home was not possible after the last day of the conference/workshop/meeting, to avoid another day's lodging expense for City, or attach check payable to City of South San Francisco for extra night's lodging and check here:

4. **City Manager's Staff:** Was daily hotel/lodging rate equal to or less than advertised group rate?
Yes If yes, City Manager's Staff initials: _____
No, Attach check payable to City of South San Francisco for difference

5. **Meals:**

Maximum meal allowance per day is **\$75**, with receipts, including tips. If conference/event provided one or more meals as part of the event, Councilmember may not request reimbursement for the meal.

Meal Amount subject to change in compliance with the City's Administrative Instruction Section IV, No. 2 – Travel and Training Policy and Reimbursement of Expenses.

Total Meal Receipts claimed/included _____

Meal receipts equal no more than \$75/day less any conference provided meals: City Manager's Staff initials: _____

OR

Check is attached for difference, payable to City of South San Francisco

6. Parking, Airport Shuttles & Taxis (including tips), buses, subway, etc
Receipts are attached for travel to from airport and while at Conference.

Note: rental cars carry additional cost and liability and should generally not be used for travel while at conference. Use of taxis or public transportation is encouraged. If rental car was used, attach explanation and confirm rate was for standard size car or less

Councilmember's initials: _____

City Manager's Staff initials: _____

7. Incidentals related to this trip: List below along with amounts and attach receipts

<u>Incidental Items:</u>	<u>Amt.</u>
_____	\$ _____
_____	\$ _____

Because city provides cell phones for city business, telephone charges should generally not be submitted as part of a hotel bill for overnight travel. If submitted, attach explanation. Attach all receipts and return to City Manager's Office.

For mileage reimbursement use **FORM 4**, Monthly Mileage Form

I hereby certify that attendance at the above event furthered the City's interests, and that the airfare reflected the most economical alternative given my scheduling needs.

By: _____
Councilmember Signature

Date: _____

Print Name

Reviewed by: _____
City Manager's Office

Date: _____

Reviewed by: _____
Finance Director

Date: _____

City Manager's Staff: Attach completed form (along with prior Form 2) to Check Request along with receipts and send to Finance Director

**CITY COUNCIL
PROCEDURES AND PROTOCOLS HANDBOOK**

**Appendix 4
Summary of Elected Officials Benefits**

City of South San Francisco
Human Resources Department

Summary of Elected Officials (City Council & City Treasurer) Benefits

These are exempt, elected positions not eligible for overtime compensation.

Effective Date: 12/11/2018 (Supersedes City Council Handbook Appendix 4, Resolution 61-2015)

<i>Benefit</i>	<i>Provision Pay and Compensation Information</i>	<i>When Eligible</i>
Compensation		
<i>Compensation</i>	\$1,000 per month (\$461.55 biweekly) effective 12/11/2018	Date of appointment
Health & Welfare Benefits		
<i>Medical Insurance</i>	City pays 90% of premium for full-time non-safety AFSCME-represented employees' HMO coverage for member and eligible dependents under age 26. These employees pay 10% towards the premium. Employees pay any additional premium cost over the HMO rate for higher cost plans. Elected officials' premium contributions shall match these non-safety employees' contributions.	First of the month following date of appointment
<i>Vision Insurance</i>	City pays 100% of premium for full-time non-safety AFSCME-represented employees' coverage for member and eligible dependents under age 26. Elected officials' premium contributions shall match these non-safety employees' contributions (i.e., \$0).	First of the month following date of appointment
<i>Dental Insurance</i>	City pays 100% of premium for full-time non-safety AFSCME-represented employees' coverage for member and eligible dependents under age 26. Incentive plan starts at 70% and may increase each year until 100% of allowed fee. Calendar year maximum benefit of \$1,500 per enrollee and orthodontia lifetime cap of \$1,000 for dependent children. Elected officials' premium contributions shall match these non-safety employees' contributions (i.e., \$0). Option to buy-up to enhanced dental plan.	First of the month following completion of 6 months of employment
<i>Discretionary Benefit Option</i>	City pays \$550 per month into pre-tax 457 deferred compensation account if elected official waives City health coverage and maintains medical coverage elsewhere.	First of the month following date of appointment
<i>Executive Management Physical Fitness Program</i>	Elected officials are allowed up to \$1,000 per fiscal year to use for physical fitness or unreimbursed health care costs.	Date of appointment
<i>Life and AD&D Insurance</i>	City paid life insurance amount of \$50,000; and AD&D amount of \$50,000.	First of the month following date of appointment
<i>Short-term and Long-term Disability</i>	City paid disability insurance. 20-day waiting period and sick leave exhausted with up to a maximum of 66 2/3% of pay.	First of the month following date of appointment
Other Benefits		
<i>Credit Union</i>	Credit Union available.	Date of appointment
<i>Direct Deposit</i>	Direct deposit of payroll checks available.	Date of appointment
<i>Employee Assistance Program</i>	Available to selected officials and their eligible dependents.	Date of appointment
<i>Health Savings Account (HSA)</i>	Councilmembers enrolled in the PPO High Deductible Health Plan (HDHP) may contribute to an HSA through the City's HSA provider.	Upon qualified plan (PPO HDHP) enrollment.
Separation/Retirement		
<i>Benefit</i>	<i>Provision Pay and Compensation Information</i>	<i>When Eligible</i>
<i>Deferred Compensation (457 Plans)</i>	Elected officials may contribute pre-tax or after-tax dollars towards retirement. Contribution limits are determined by IRS regulations.	First of the month following date of appointment
<i>Medicare</i>	Elected officials appointed/elected after 1986 participate in Medicare.	Date of appointment

City of South San Francisco, Human Resources
 Summary of Elected Officials Benefits
 Effective Date: 12/11/2018

<i>Public Employees' Retirement System (PERS)/Social Security or 3121 Plan</i>	Eligible for 3121 retirement plan with the official contributing employee share. Excluded from PERS membership unless an election for membership is filed with CalPERS. Elected official participating in PERS must contribute employee's share and participate in Social Security. PERS Annuitants are excluded from 3121 plan and PERS/Social Security.	Date of appointment
<i>Retiree Health Benefits</i>	Only those officials elected/appointed prior to 1995 are eligible for retiree health benefits. City-paid retiree medical coverage. Covered dependent may continue coverage at his/her cost. Dental and Vision insurance maybe purchased from City. Upon retiree's death 2, months City-paid medical coverage for spouse.	After minimum 5 years of City service and age 50; concurrent City and CalPERS retirement (if applicable).

Note: This is a summary of benefits for Elected Officials (City Council) and is not intended to provide all information. Specific facts about the benefits are based on the terms and conditions of the City's contracts with the providers, and any limits, as stipulated by law. Summary plan documents may be obtained from Human Resources.

**CITY COUNCIL
PROCEDURES AND PROTOCOLS HANDBOOK**

**Appendix 5
City Council Policy for use of telecommunication
equipment**

CITY COUNCIL POLICY REGARDING COUNCILMEMBER USE OF CITY PROVIDED TELECOMMUNICATIONS EQUIPMENT

1. Legal Background:

Government Code section 37350 authorizes the City to authorize the acquisition of personal (i.e. computers, chairs, cars, telephones, etc.) property. That section also authorizes the City to establish controls for the use of such property. One limitation on the use or disposition of public property is the gift of public funds prohibition in Article 16, Section 6 of the California Constitution. That section prohibits the Legislature from authorizing cities to make gifts of public money or things of value to any individual. The courts have, however, upheld expenditures which have an incidental private benefit, where the primary purpose of the expenditure is for a public purpose.

The ability of councilmembers to receive information or communicate with city staff and constituents through telephone contact or e-mail or to research city-related business on the Internet does serve a public purpose. Thus, providing telephones and computers with e-mail and Internet capabilities for use for city business does not violate the gift of public funds prohibition. A secondary issue is whether this equipment may be used for personal, non-city related business. There is no case law which would expressly prohibit such use provided that the use is incidental to the primary use of the computer for city business.

2. Usage Policy for Telecommunications Equipment:

A. City-owned telecommunications equipment including cellular telephones, computers and fax machines (collectively "telecommunications equipment") shall be used primarily for public purposes. Such public purposes include, but are not limited to, usage related to City business, communication with City employees, communications with constituents, and communications with other persons related to City business. The communications equipment may be used for incidental private purposes. "Incidental private purposes" means that usage of the telecommunications equipment for non-public purposes constitutes 33% or less of the total usage of the telecommunications equipment and does not involve the City incurring any additional expense.

B. Each councilmember shall receive on a quarterly basis an invoice of all calls associated with his or her cellular telephone for the three month period ending on the last day of the preceding month. Within thirty days of receipt of the invoice, each councilmember shall reimburse the City for all private telephone calls shown on the invoice.

C. No data related to usage for incidental private purposes shall be stored on the City-owned computer's hard drive. If a councilmember desires to download data or files for incidental private purposes, the data or files shall only be downloaded to a diskette or other storage media purchased by the councilmember. A councilmember may load commercially available, properly licensed, software into their computer.

CITY COUNCIL POLICY REGARDING COUNCILMEMBER USE OF CITY PROVIDED

D. With respect to software and data files that the user did not create on the computer, the user shall not load either onto the computer unless they have been provided by the City or they have been checked for viruses. This limitation is intended: (1) to limit the potential exposure of the city system to viruses; and (2) with regard to new software, to allow the City to possess proper evidence of authorized ownership of all software on City-owned computers.

E. The telecommunications equipment shall not be used for any campaign activities or any partisan election purposes. The telecommunications equipment may be used for objective, non-partisan informational purposes.

F. All usage of the telecommunications equipment shall comply with the restrictions of the Brown Act.

G. Upon leaving office, a councilmember shall have the option of purchasing surplus City-provided telecommunications equipment at market value. The value of the equipment should be determined by standard market evaluation processes for personal property, which include searches on online auction sites such as EBay and identification of South San Francisco book value. All non-surplus City-provided equipment shall be returned to the City. Equipment shall be considered "surplus" when at the end of the normal usage period.

**CITY COUNCIL
PROCEDURES AND PROTOCOLS HANDBOOK**

**Appendix 6
Solicitation of Donations**

CITY OF SOUTH SAN FRANCISCO INTEROFFICE MEMORANDUM

DATE: July 25, 2019

TO: Honorable Mayor and City Council

FROM: Jason Rosenberg, City Attorney

SUBJECT: Donations to the City of South San Francisco

This memo addresses whether any potential conflict of interest may exist for individual Councilmembers when donations are made to the City to be used to underwrite the cost of a City sponsored event or City facility.

The conflict-of-interest laws generally apply when a gift in the form of a donation is made to a particular councilmember. However, where such a donation is made to the public agency rather than to the public official, it does not qualify as a gift under the conflict of interest laws pursuant to California Code of Regulation Section 18944. Thus, under the limited circumstances of a gift to the public agency and provided that such gift is made consistent with the provisions of Section 18944, the gift does not create a conflict of interest should the donor of the gift be an individual or business that may at some point in the future have an item before the City Council for consideration.

Specifically, Regulation 18944 provides that a payment shall be deemed a gift to the public agency and not a gift to the public official if all of the following requirements are met:

- (1) The payment is used for official agency business.
- (2) The agency head controls use of the payment.
- (3) The agency reports the payment on FPPC Form 801 (Payment to Agency Report) that is maintained as a public record and includes the following information:
 - (a) A description of the payment, the date it was received, the intended purpose and the amount of the payment or the actual or estimated fair market value of the goods or services provided, if the amount is unknown.
 - (b) The name and address of the individual donor. If the donor is an entity, the report must also describe the business activity, or the nature and interests of the entity. If the donor has raised funds from another person for the specific purpose of making the payment to the agency, the report must contain the name of each person and the amount given by each person.
 - (c) The use of the payment, and the name, title, and department of the agency official who used the payment.
 - (d) The signature of the agency head.
 - (e) For any quarter when payments aggregate to \$2,500.00 or more since the last filing, the local agency must submit a copy of the form(s) or a detailed summary of the information on the form to the filing officer who receives the agency employees' statements of economic interests, within 30 days after the close of the quarter. The filing officer shall post a copy of the form or the information in the form on its website, in a prominent fashion within 30 days after the close of any quarter in which the agency receives payments aggregating to \$2,500.00 or more since the last filing.

**CITY COUNCIL
PROCEDURES AND PROTOCOLS HANDBOOK**

**Appendix 7
Department Liaisons to Boards and Commissions**

Department Liaisons to Boards, Commissions, and Committees

2021 Boards, Commissions, and Committees

Bicycle and Pedestrian Advisory Committee (BPAC)	Public Works Department
Conference Center Authority	Executive Director
Cultural Arts Commission	Parks and Recreation Department
Design Review Board	Economic and Community Development Department/Planning Division
General Plan Community Advisory Committee	Economic and Community Development Department - Lisa CostaSanders (Consultant)
Housing Authority	Executive Director
Library Board	Library Department
Measure W Citizens' Oversight Committee	Finance Department
Parks & Recreation Commission	Parks and Recreation Department
Parking Place Commission	Economic and Community Development Department
Personnel Board	Human Resources Department
Planning Commission	Economic and Community Development Department/Planning Division
Traffic Safety Commission	Economic and Community Development Department
Youth Commission	City Manager's Office
<i>County Board Commissions and Committee – Appointed by the City Council as representative of the City of South San Francisco</i>	
Colma Creek Flood Zone Advisory Committee	San Mateo County Public Works Department – Ann Stillman, Deputy Director
Mosquito & Vector Control District	San Mateo County Mosquito & Vector Control District - Brian Weber District Manager

Updated: 08/2021

**CITY COUNCIL
PROCEDURES AND PROTOCOLS HANDBOOK**

**Appendix 8
Board, Commission, and Committee Roster**

**CITY OF SOUTH SAN FRANCISCO
BOARDS, COMMISSIONS, AND COMMITTEES**

	Number of Members	Term Length	Term Limit	Method of Appointment
Bicycle and Pedestrian Advisory Committee (BPAC)	7	4 years	3	City Council
Conference Center Authority	9	4 years	3	City Council
Cultural Arts Commission	11	4 years	3	City Council
Design Review Board	5	4 years	None	Planning Commission
General Plan Community Advisory Committee	10	2 years	Limited Appointment	City Council
Housing Authority	5	4 years	4	City Council
Housing Authority Tenant Commission	2	2 years	None	City Council
Library Board	5	3 years	4	City Council
Measure W Citizens' Oversight Committee	5	4 years	Limited Appointment	City Council
Parking Place Commission	3	3 years	4	City Council
Parks & Recreation Commission	7	4 years	3	City Council
Personnel Board	5	4 years	3	City Council
Planning Commission	7	4 years	3	City Council
Traffic Safety Commission	5	3 years	4	City Council
Youth Commission	15	2 years	Age limit	City Council
Colma Creek Flood Zone Advisory Committee	3 City Appointed Representative (9 members)	4 years	3	City Council recommends appointment to the SMC Board of Supervisors
Mosquito & Vector Control District	1 City Appointed Representative (21 members)	2 or 4 years	None	City Council recommends appointment to the SMC Board of Supervisors

Updated: 08/2021

**CITY COUNCIL
PROCEDURES AND PROTOCOLS HANDBOOK**

**Appendix 9
Commissions, Boards, and Committees Application Process**

Commissions, Boards, and Committees Application Process Council Procedures

Application Procedures

Anyone interested in serving on a City Commission, Board or Committee must complete and submit a City Commissions, Boards, and Committee application. Forms are available in the City Clerk's Office. If there is no vacancy, the City Clerk will hold the application on file for one (1) year from receipt. If there is a vacancy, the City Clerk will notify the applicant of the date, time, and location of the Biannual City Council meeting for Board and Commission interviews/appointments.

Eligibility Review

All applications received by the filing date are reviewed by the City Clerk for conflict of interests, qualifications, and residency.

For applications submitted after the deadline has passed, the City Clerk shall present the late application for consideration by the City Council but note that the application was submitted after the deadline passed.

Other than those City employees who are currently serving on a Commission, Board, or Committee, City employees are generally considered to have a conflict of interest and generally will not be appointed (but may be re-appointed). However, any retired or former City employee is eligible, and prior employment with the City is not considered a conflict of interest.

Appointment Procedures/Criteria

Except for the Conference Center Authority and the Bicycle and Pedestrian Advisory Committee, Council may consider any Commission, Board, or Committee applicant who is a resident in the City of South San Francisco.

The Council will receive all qualified candidate application materials for review prior to interviews. The City Clerk (or Council sub-committee) will develop questions for a structured interview process. Interview appointments will be scheduled, and candidates will be notified by the City Clerk.

During the interview, applicants will be assessed for background information that would make the candidate a good appointee, any continually recurring conflicts of interest, and reasons for wanting to serve the City. Only those candidates who support the Council's philosophy and who can regularly attend meetings will be appointed.

**Reappointment
Process**

Three (3) months prior to a term expiring, the Commissioner, Board Member, or Committee Member will be asked about their interest in reappointment. If not interested, a letter declining reappointment should be forwarded to the City Clerk. If interested in reappointment, an application must be submitted to the City Clerk by the final filing date. Not less than sixty (60) days prior to the term ending, the appointment will be advertised to notify other interested persons. The Commissioner, Board Member, or Committee Member who is interested in reappointment, as well as any other qualified persons, who have applied, will be considered in the selection process.

**Reappointment
Procedures/Criteria**

The Council may not reappoint anyone who has demonstrated non-support for the Council's philosophy, who has been absent from more than one-third of the regular meetings within a rolling 12-month period, or who has a continually recurring conflict of interest.

Term of Office

Other than the Library Board, Parking Place Commission, and Cultural Arts Commission, appointments to a specific Commission, Board, or Committee are limited to a maximum of three consecutive terms. For purposes of calculating consecutive terms, service of at least eighteen months plus one day during a term shall be counted as a complete term; all prior continuous service of existing trustees shall be counted.

Orientation

Each new Commissioner, Board Member, or Committee Member will have an orientation by the Department liaison for which the Commission, Board, or Committee has responsibility, by the City Attorney to review legal issues, and by the Mayor or designee to communicate council philosophy.

**CITY COUNCIL
PROCEDURES AND PROTOCOLS HANDBOOK**

**Appendix 10
City Council's Reimbursement policy**

CITY COUNCIL POLICY REGARDING REIMBURSEMENT OF COUNCILMEMBER EXPENSES

Authorized Expenses

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met: (1) Communicating with representatives of regional, state and national government on City adopted policy positions; (2) Attending educational seminars designed to improve officials' skill and information levels; (3) Participating in regional, state and national organizations whose activities affect the City's interests; (4) Recognizing service to the City (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost); (5) Attending City events; (6) Implementing a City-approved strategy for attracting or retaining businesses to the City, which will typically involve at least one staff member; (7) Direct expenses, including mileage reimbursement and audio or video tape or DVD costs, related to participation in community outreach programs (that do not involve any political advocacy); and (8) Meetings such as those listed above for which a meeting stipend is expressly authorized under this policy.

All other expenditures require prior approval by the City governing body.

Examples of personal expenses that the City will not reimburse include, but are not limited to: (1) The personal portion of any trip, including meals, lodging, and other incidental expenses; (2) Political or charitable contributions or events; (3) Family expenses, excluding spouse or significant other's registration or meal expenses when accompanying Councilmember on City-related business within San Mateo County; (4) Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events; (5) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; (6) Costs of alcoholic beverages and (7) Personal losses incurred while on City business. Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

Cost Control

To conserve City resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within the guidelines.

Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Charges for rental vehicles may be reimbursed under this provision if more than one Councilmember is attending an out of town conference, and it is determined that sharing a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of such other forms of transportation. Government and group rates must be used when available.

Airfare. When possible, Councilmembers should arrange for air travel to be paid for in advance by the City at the most economical and reasonable round-trip fare consistent with the Councilmember's scheduling needs. If advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances, Councilmember's may be reimbursed for the expense of the airfare, so long as it is the most economical and reasonable round-trip fare consistent with the member or employee's scheduling needs.

Automobile. Councilmembers shall use City vehicles for travel in performance of official duties, when available. A log sheet shall be provided in all City Council vehicles for Councilmembers to log in destination, dates and mileage for all travel. If a City vehicle is unavailable Councilmembers may be reimbursed for expenses incurred in traveling by personal vehicle on official business at the annual Internal Revenue Service Standard Mileage Rate. **The distance of travel will start from the place of work or from home, whichever is closer to the destination point of official business.** Reimbursement shall include road and bridge tolls. Councilmembers shall be responsible for procuring and maintaining liability insurance for their personal vehicles.

Car Rental. Councilmembers should arrange for car rentals to be paid for in advance by the City at the most economical rate available for cars of standard size or smaller. If advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances, Councilmembers may be reimbursed for the expense of car rental. Since the City has no insurance coverage on the first \$5,000 of property damage and the first \$100,000 of liability coverage, optional insurance coverage for rental cars is both reimbursable and recommended.

Public Transportation Taxis/Shuttles. Because of the relatively high cost of car rentals, Councilmembers should weigh the cost effectiveness of using taxis, shuttles, or public transportation when travelling out of town and choose the most economical means consistent with time and scheduling constraints. Taxis or shuttle fares may be reimbursed, including a 15 percent gratuity per fare.

Regional Non-Profit or Service Organization Events

Annual Limit for Regional Events and Dinners. Each Councilmember is subject to a reimbursement limit of \$1,500 per fiscal year for attendance at events, including dinners, that benefit non-profit/service organizations (e.g., Kiwanis, Rotary, and Lion's clubs) and associations of government (e.g. CCAG, ABAG, LOCC Peninsula Davison, San Mateo County Council of Cities) in the San Francisco Bay area. The Mayor is subject to an annual reimbursement limit of \$2,500 per fiscal year for attendance at said events. If the Mayor requests that another councilmember attend an event in the place of the Mayor, the costs for that event shall be charged against the Mayor's annual reimbursement limit. Charges for these expenses shall be to City Account Number 4380.

Expenses for attendance at conferences outside of the Bay area (e.g. LOCC state conferences or committee meetings) are not subject to the annual reimbursement limit. The annual limit for this category of expenses shall be determined as part of the annual budget process.

Membership dues for any non-profit or service organization are not reimbursable expenses.

Lodging

Lodging expenses will be reimbursed or paid for when the location of the official City business is greater than 50 miles from the Councilmember's work or home, whichever is closer to the destination.

When possible, Councilmembers should arrange for lodging expenses to be paid in advance by the City at the most economical and reasonable rates for single occupancy lodging that is in a location that is reasonable and convenient in relation to the Councilmember's scheduling and official business needs.

Conferences/Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking.

Other Lodging. Travelers must request government rates, when available. Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this policy. Actual lodging costs that exceed the government rate for the area may be reimbursed conditioned upon performance of a good faith effort, evidenced by documentation (e.g., internet search, phone calls) that demonstrate an attempt to find median-priced lodging.

Meals

Councilmembers may be reimbursed for expenses incurred for meals consumed in conjunction with travel on official business. Reimbursable meal expenses and associated gratuities will not exceed \$75 per day, excluding alcohol. In compliance with the City's Administrative Instruction Section IV, No. 2 – Travel and Training Policy and Reimbursement of Expenses.

Such amounts will be annually adjusted beginning January 1, 2009, to reflect changes in the cost of living in accordance with statistics published by the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index, all urban consumers for the San Francisco Metropolitan Area. (The annual adjustment will be based on this area whether travel is within the area or not.)

If a meal is provided by a conference or organized educational activity, or otherwise included in the payment of registration fees, Councilmembers may not be reimbursed for meals purchased in lieu of, or in addition to, the provided meal. Meal expenses incurred by a Councilmember's spouse or immediate family shall not be reimbursed.

Definition of Nominal Value related to Meals for FPPC Gift Reporting Purposes.

Meals with a value of \$15 or less are considered to be of nominal value. Any meal with a value that is not nominal, must however be reported if the value of the meal or a combination of meals exceeds the \$50-dollar annual reporting requirements for gifts.

Additional Incidental Expense Reimbursement

Councilmembers may be reimbursed for actual and necessary incidental expenses incurred in connection with a conference, organized educational activity, or other performance of official duties. Incidental expenses include reasonable gratuities for hotel and airline employees, baggage fees, parking fees, cab fares, public transportation costs, tolls, telephone calls, telegrams, faxing, and special delivery services related to the performance of official duties, telephone calls of a personal nature, hotel internet charges, and other such incidental expenses. Councilmembers may be reimbursed for such incidental expenses related to reasonable gratuities for which receipts are not customarily given.

Because the City provides cell phones to Councilmembers, phone reimbursement while travelling out of town should be submitted only if no cell phone coverage exists. Reimbursement for expenses incurred in placing telephone calls of a personal nature shall be limited to \$10 per day for travel within California, and \$20 per day for travel outside of California.

All other actual and necessary expenses incurred in the performance of official duties that are not described in this Policy shall not be reimbursed unless approved before the expense is incurred.

Prohibited Expense Reimbursements

Councilmembers shall not be reimbursed for non-business expenses including, but not limited to, entertainment expenses such as movie rental fees, theater tickets or sporting event fees, fines for parking citations, laundry, replacement fees for lost keys, fees assessed for damage to lodging premises, and expenses incurred pursuant to personal portions of business travel, including extra lodging and meals.

Expense Report Content and Submission Deadline

All Councilmember expense reimbursement requests must be submitted on the Expense Reimbursement Form found in Appendix 3 of this Handbook

Expense reports must document that the expense in question met the requirements of this policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the City's adopted legislative positions and priorities.

Councilmembers must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation.

Inability to provide such documentation in a timely fashion may result in the expense being borne by the Councilmember.

Reimbursements will not be made until after review and approval by the City Manager and the Finance Director (or their designees) for compliance with AB 1234.

Audits Of Expense Reports. All expenses are subject to verification that they comply with this policy.

Reports To Governing Board. At the following City governing body meeting, each official shall briefly report on meetings attended at City expense. If multiple Councilmembers attended, a joint report may be made.

Compliance With Laws. Councilmembers should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act, among other laws.

Violation Of This Policy. Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: (1) loss of reimbursement privileges; (2) a demand for restitution to the City; (3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities; (4) civil penalties of up to \$1,000 per day and three times the value of the resources used; and (5) prosecution for misuse of public resources.