



## “The City with a Heart”

Rico Medina, Mayor  
Linda Mason, Vice Mayor  
Tom Hamilton, Councilmember  
Marty Medina, Councilmember  
Michael Salazar, Councilmember

### AB361

### CORONAVIRUS COVID-19

On September 16, 2021, the Governor of California signed AB361, suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Pursuant to the CDC’s social distancing guidelines which discourage large public gatherings, the San Bruno City Council is now holding meetings via Zoom. Members of the public may attend the meeting by video or phone linked in this agenda or watch by livestream at [www.youtube.com/user/cityofsanbruno](http://www.youtube.com/user/cityofsanbruno). CityNet Services Channel 1 will air the meeting live and the recorded meeting will be made available for viewing on the City’s YouTube channel after the meeting has concluded.

If you would like to make a Public Comment on an item not on the agenda, or comment on a particular agenda item, please email [cityclerk@sanbruno.ca.gov](mailto:cityclerk@sanbruno.ca.gov). Emails received before the special or regular meeting start time will be forwarded to the City Council, posted on the City’s website and will become part of the public record for that meeting. If emailed comments are received after the meeting start time, or after the meeting ends, they will be forwarded to the City Council and filed with the agenda packet becoming part of the public record for that meeting. Emails received will not be read aloud during the meeting.

Individuals who require special assistance of a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, agenda packet or other writings that may be distributed at the meeting, should contact the City Clerk’s Office 48 hours prior to the meeting at (650) 619-7061 or by email at [cityclerk@sanbruno.ca.gov](mailto:cityclerk@sanbruno.ca.gov). Notification in advance of the meeting will enable the City of San Bruno to make reasonable arrangements to ensure accessibility to this meeting, the materials related to it, and your ability to comment.

Copies of staff reports or other written documentation, relating to each item of business described in this agenda, are posted to the City’s website at <https://sanbruno.ca.gov/AgendaCenter> and are on file in the City Clerk’s Office at 567 El Camino Real.

## AGENDA

### SAN BRUNO CITY COUNCIL SPECIAL MEETING

### CITY COUNCIL RETREAT

September 14, 2022

4:30 p.m.

#### Zoom Meeting Details:

<https://sanbruno-ca-gov.zoom.us/j/87041649214?pwd=SUQrdmduZVhsaTRRdUINc2lKaFBjZz09>

Webinar or Meeting ID: 870 4164 9214

Webinar or Meeting Password: 911533

Zoom Phone Line: 1-646-558-8656 (same webinar ID and password as above)

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

Individuals allowed three minutes. It is the Council’s policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Council from discussing or acting upon any matter not agendaized pursuant to State Law.

4. **STUDY SESSION**

a. Discuss and Review Draft City Council Policies and Procedures.

5. **ADJOURNMENT:** The next Regular City Council Meeting will be on September 27, 2022 at 7:00 p.m.

**Posted Pursuant to Law 09/13/2022**

September 14, 2022

(Follow-up to August 30, 2022 Meeting)

## City Council Policies and Procedures Retreat

### Proposed Meeting Goals

- 1. Identify areas of consensus.**
  - After reviewing the document, sections that no Councilmember desires to change, delete, or discuss will be flagged as language that there is a general consensus to support as written.
- 2. Identify sections of the document that one or more Councilmembers would like to discuss, delete, or amend.**
  - I propose that the City Council aim to identify these areas, but not attempt to draft revised language or discuss the sections in detail. Such detailed conversations can occur at a subsequent, in-person retreat. Additionally, Councilmembers will have the option draft their proposed changes before the next meeting.
  - If there is a desire to delete a section of the document, I propose that the City Council engage in a brief discussion to see if there is a consensus or majority support to delete the section. However, if it appears that it will take longer than 10 minutes to arrive at a decision, the City Council should postpone discussion on the topic to a later meeting.
- 3. Identify any new topics or sections that one or more Councilmembers would like to add or discuss.**
  - I propose that the City Council seek to identify all new topics/sections at the meeting, but plan for a detailed conversation on the new topics at a subsequent, in-person retreat. Additionally, Councilmembers may draft proposed language on the new topic before the next meeting.

### Suggested Changes and/or Areas to Discuss

Note: At the August 30 meeting, the City Council discussed items 1-18.

1. Suggested edit: “These rules are also intended to foster and promote the right of residents ~~citizens~~ to have adequate notifications of city council meetings ~~notice of business scheduled for consideration by the Council~~ and a fair and reasonable opportunity to participate in meetings to ~~participate in meetings to be heard.~~” **(MARTY MEDINA)**
  - Section 1.A.1, pg. 4
2. Does the Council desire to explain the supermajority (4/5<sup>th</sup>) voting requirements and list examples of when it is required? **(STAFF)**
  - Section 1.C, pg. 4
3. Suggested edit: “Convey the Mayor’s position regarding issue ceremonial proclamations (or the City, subject to Council approval) on behalf of the City.” **(MARTY MEDINA)**
  - Section 3.A.5, pg. 6

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**City Council Policies and Procedures Retreat**

4. ~~On behalf of the City Council~~ Represent the city to officially welcome/thank dignitaries, outside officials and open formal city sponsored gatherings. **(MARTY MEDINA)**
  - *Section 3.A.7, pg. 6*
5. Suggested edit: “Propose Appointments of Councilmembers for liaison positions to various internal and external government agencies on an annual basis or from time to time as necessary, subject to City Council approval.” **(MARTY MEDINA)**
  - *Section 3.A.8, pg. 6*
6. Suggested edit: “Recommend Make all appointments to and removals from City boards, commissions, and committees, subject to approval by the City Council. Also, see Section 7 in this document and SB MuniCode 2.04.120.” **(MARTY MEDINA)**
  - *Section 3.A.10, pg. 6*
7. Add information on how the rotation of the Vice Mayor process occurs. **(MARTY MEDINA)**
  - *Section 3.B.1, pg. 6*
8. Suggested edit: “Resident concerns/complaints shall be referred to the Office of the City Manager for immediate...” **(TOM HAMILTON)**
  - *Section 4.A.2.vii., pg. 8*
9. Discuss process for referring resident concerns, complaints, and questions to the Office of the City Manager. **(STAFF)**
  - *Section 4.A.2.vii., pg. 8*
10. Suggested addition: “City letterhead, logo, insignia and brand representing the “Councilmember” may be used in written communications by the councilmember.” **(MARTY MEDINA)**
  - *Section 4.A.2.x., pg. 9*
11. Suggested edit: “...to review progress on goals previously set, reprioritize existing goals as needed, and define and prioritize new goals and objectives for city departments.” **(TOM HAMILTON)**
  - *Section 5.3., pg. 9*
12. Suggested new section: Include guidelines related to the use of City Hall and the Mayor/Council office **(MARTY MEDINA)**
  - *Section 4.A.2.x., pg. 9*
13. Amend the title of Section 6 to read “Conduct with Commissions, Boards, and Committees.” **(STAFF)**
  - *Section 6, pg. 10*

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14. Add a section to explain how the City Council establishes ad hoc committees. **(STAFF)**
  - *Section 6, pg. 10*
15. New language: Add language to explain that the City Council has elected to not form a Council subcommittee to review annual firework stand applications, as permitted in [add citation]. **(STAFF)**
  - *Section 6, pg. 10*
16. Discuss City Council conduct with Committees (RE: lobbying) **(MARTY MEDINA)**
  - *Section 6.3, pg. 10*
17. Delete: “Refrain from lobbying any Commission, Board or Committee Members on behalf of any particular project, in an effort to sway their decision to match that of the Councilmember.” **(MARTY MEDINA)**
  - *Section 6.3.B, pg. 10*
18. Suggested edit: “In accordance with the San Bruno Municipal Code, the Mayor shall make recommended ~~all~~ appointments to and removals from City boards, commissions, and committees, subject to approval by the City Council. **(MARTY MEDINA)**
  - *Section 7.A.1, pg. 11*
19. Review and confirm SBCF Appointment Process. **(STAFF)**
  - *Section 7.C.1., pg. 13*
20. Suggested edit: “The City Council may invite the SBCF Board ~~shall to~~ select two members to attend and participate in the City Council interview process.” **(STAFF)**
  - *Section 7.C.1., pg. 13*
21. Discuss process for taking votes at Regular Meetings.” **(STAFF)**
  - *Section 8.B.1., pg. 14*
22. Discuss process for taking votes at Special Meetings.” **(STAFF)**
  - *Section 8.B.1., pg. 14*
23. Discuss process for scheduling closed sessions and other special meetings of the City Council. **(STAFF)**
  - *Section 8.B-C, pg. 14-16*
24. Add sentence at the end of the Study Sessions section: “For maximum clarity and to minimize any confusion by staff on the direction given by council, all council direction to staff on study session items will be provided in the standard format of a motion, a second, and a roll call vote.” **(TOM HAMILTON)**
  - *Section 8.B.3., pg. 15*

Note: The City Council is anticipated to resume discussions at #19 at the September 14 meeting.

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25. Add sentence at the end of the Closed Sessions section: “For maximum clarity and to minimize any confusion by staff on the direction given by council, all council direction to staff on closed session items will be provided in the standard format of a motion, a second, and a roll call vote.”  
**(TOM HAMILTON)**  
– *Section 8.B.5., pg. 15*
26. Discuss the process for roll call votes during closed session? **(RICO MEDINA)**  
– *Section 8.B.5., pg. 15*
27. Add new section between subsections 3 & 4: “Regular meeting agendas will include an item “Review Meeting Agenda”, placed before Announcements. This item will be an opportunity for the chair or members to propose moving an agenda item. For example if there are several members of the public in attendance to speak on a particular item, the council may choose by majority vote to move that item earlier in the agenda for the convenience of those speakers.”  
**(TOM HAMILTON)**  
– *Section 8.C., pg. 16*
28. Add a "Committee Report Out" item at all regularly scheduled Council Meetings. **(LINDA MASON)**  
– *Section 8.C., pg. 16-19*
29. Policy on council questions in advance of meetings, which ones will be published and which will not. **(LINDA MASON)**  
– *Section 8.C., pg. 16-19*
30. Missing word: “The Mayor should first ask Councilmembers if they wish...” **(TOM HAMILTON)**  
– *Section 8.C.6., pg. 18*
31. Suggested new subsection: “Similarly, a motion, second, and a majority vote of the City Council shall be required for any council direction to staff that occurs during any meeting type. If staff direction is proposed through a motion and there is no second verbally stated, the Mayor must ask the City Council for a second to the motion to be made. If no second is presented, the motion failed for a lack of second and the staff will not consider that item as direction from council. Any vote of abstention must clearly indicate for the record the basis for the abstention.”  
**(TOM HAMILTON)**  
– *Section 8.C.8., pg. 18*
32. Suggested edit: “In the interest of facilitating the Council’s conduct of City business, speakers are provided up to 3 minutes to speak. Members of the public may not defer their time to another member of the public, ~~allowing the speaker more time to speak.~~” **(MARTY MEDINA)**  
– *Section 10.1.ii, pg. 19*
33. Suggested addition: “Staff shall attempt to contact all members of the public that provide public comment to follow up on the issue if possible.” **(MARTY MEDINA)**  
– *Section 10.1.v, pg. 20*

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34. Suggested edit: "All statements made to the City Council must be made at the appropriate time of the meeting and may not be shouted from the audience. Any person wishing to address the City Council will be called to the podium at the appropriate time by the Mayor ~~and their comments will be timed.~~" **(MARTY MEDINA)**
  - *Section 10.1.vi, pg. 20*
  
35. Suggested edit: Members of the public may not defer their time at the podium to another member of the public, ~~alotting the speaker more time to speak.~~ If a member of the public has already addressed the City Council or has a speaker card in queue to address the City Council, they may not speak on behalf of another member of the audience. **(MARTY MEDINA)**
  - *Section 11.4, pg. 21*
  
36. Include a process for requesting analysis from the City Attorney **(MARTY MEDINA)**
  - *Section 12, pg. 21*
  
37. Include details on the process for communications with City Manager & staff **(MARTY MEDINA)**
  - *Section 12, pg. 21*
  
38. Process for responding to emergency events for the Mayor and Councilmembers **(MARTY MEDINA)**
  - *Section 12, pg. 21*
  
39. Suggested addition: "Depending on the nature and time-sensitivity of a particular request, the Mayor may act without full formal concurrence of the City Council when the situation warrants. When there is not formal concurrence the Mayor shall clearly indicate the issue is from the Mayor and not the Council." **(MARTY MEDINA)**
  - *Section 15.1.ii, pg. 24*
  
40. How will the City Council Policies and Procedures be enforced? **(MARTY MEDINA)**
  - *Section 16, pg. 24*
  
41. Clarification on Censorships - "existing committees" vs "all committees" (what are you censured from) and anything else we should add that we have learned from the censorship this year. **(LINDA MASON)**
  - *Section 16, pg. 24*



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**DRAFT**  
CITY OF SAN BRUNO  
CITY COUNCIL  
POLICIES AND PROCEDURES

Adopted on \_\_\_\_\_

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## Section 1. General Rules

### A. Preamble

1. The purpose of this policy and procedure manual is to assure the orderly and efficient conduct of the meetings of the City Council. These policies and procedures are intended to assure the right of the majority of the City Council to decide items of business brought before the Council; and the right of the minority to be heard. These rules are also intended to foster and promote the right of citizens to have adequate notice of business scheduled for consideration by the Council and a fair and reasonable opportunity to participate in meetings to be heard.

### B. Statutory Authority

1. These policies and procedures for the meetings of the City Council are adopted in compliance with laws of the State of California, in particular, Government Code Sections 54940 et. Seq. (herein referred to as the "Brown Act"). Whenever these policies are found to be in conflict with the terms and provisions of the Brown Act, the Act shall apply and govern. Further, the City of San Bruno Municipal Code shall control whenever these rules are found to be in conflict therewith.

### C. Quorum

1. A quorum shall be three or more Councilmembers. Policies, goals and priorities for the City of San Bruno shall be established by a majority vote of at least a quorum of the Council unless otherwise required by State law.
2. Per Government Code section 36936, ordinances and resolutions must be adopted by a majority vote of the total membership of the City Council.

### D. Training Requirements

1. Per California Assembly Bill (AB) 1234, each Councilmember shall receive at least two hours of training in general ethics principles and ethics laws relevant to their public service every two years.
2. Per California Assembly Bill (AB) 1661, each Councilmember shall receive at least two hours of training in prevention of harassment, discrimination and retaliation.

## **Section 2. Responsibilities of the City Council**

### **A. Responsibilities of the City Council as the governing body for the City of San Bruno shall be to:**

1. Be stewards of the public interest as the primary concern.
2. Establish clear goals and priorities for addressing short and long-range needs of the community.
3. Adopt policies that define a course of action that shape the City now and in the future.
4. Demonstrate dignity, courtesy, honesty, integrity and respect during every public meeting.
5. Assure the fair and equal treatment of all persons coming before the City Council and Commissions.
6. Value all opinions, be tolerant of new and different ideas, and encourage different viewpoints while being mindful to not unnecessarily prolong discourse, or block consensus or majority action.
7. Strive to keep comments clear, concise, and on topic.
8. Work towards the common good, not personal interests.
9. Start City Council meetings on time.

## **Section 3. Responsibilities of the Mayor and Vice Mayor**

### **A. Responsibilities of the Mayor:**

1. Conduct meetings of the City Council as its Presiding Officer. *(SB MuniCode 2.04.120)*
2. Ensure that items on the agenda move along without delay or disruption.
3. If necessary, to keep Councilmember questions, and questions from members of the public relevant and on topic.

4. Maintain meeting order and limit meeting disruptions.
5. Issue ceremonial proclamations on behalf of the City.
6. Represent City Government as its chief elected official at community functions, events, meetings, and business outreach and retention visits.
7. On behalf of the City Council, to officially welcome/thank dignitaries, outside officials and open formal city sponsored gatherings.
8. Appoint Councilmembers for liaison positions to various external government agencies on an annual basis or from time to time as necessary, subject to City Council approval.
9. Convey the Mayor's position regarding potential federal, state and regional legislative actions on behalf of the Mayor (or the City, subject to Council approval).
10. Make all appointments to and removals from City boards, commissions, and committees, subject to approval by the City Council. *Also, see Section 7 in this document and SB MuniCode 2.04.120.*
11. To vote as the City's "voting delegate" at the League of California Cities Annual Conference and other similar meetings. This responsibility may be delegated to another Councilmember, as desired by the Mayor.
12. City letterhead, logo, insignia and brand representing the "Office of the Mayor" may be used in written communications by the Mayor in furtherance of the Mayor's duties.

#### **B. Responsibilities of the Vice Mayor:**

1. Rotation of Vice Mayor will be ranked by time of service on the City Council, with the longest serving member at the top of the rotation, and the newest member placed at the bottom of the rotation. If more than one newly elected member is added to the City Council, their names will be added to the rotation schedule in the order they appeared on the ballot. If a Councilmember declines appointment to Vice Mayor, he/she will move to the bottom of the rotation and the next Councilmember on the list will be selected as Vice Mayor.

2. In the absence or incapacity of the Mayor, or upon specific delegation by the Mayor, to perform the functions of the Mayor and possess all of the powers and duties thereof. *(SB MuniCode 2.04.120)*

## Section 4. City Councilmember Duties

### A. The duties for all Councilmembers (including the Mayor and Vice Mayor):

The items listed below are a guideline for all members of the City Council.

1. As independently elected members of the City Council, each Councilmember shall:
  - i. Treat each other, city employees, and members of the public with dignity, courtesy and respect.
  - ii. Be attentive to others and not interrupt or distract during public meetings.
  - iii. Keep comments during meetings clear, concise, and on-topic; manage meeting time appropriately.
  - iv. Respect the role of the Presiding Officer in maintaining order during public meetings.
  - v. Arrive on time for Council meetings, having reviewed meeting materials in preparation for the meeting.
  - vi. In the absence of the mayor and the vice mayor, the City Council shall select a temporary presiding officer. *(SB MuniCode 2.04.120)*
  - vii. Comply with all requirements of the Brown Act when communicating with each other.
  - viii. At the request of the Mayor, when available, represent the City at ceremonial functions, or at meetings of other agencies or bodies.
  - ix. Respect the roles of staff in ensuring open and effective government.
2. Additionally, each Councilmember (including the Mayor and Vice Mayor) shall abide by the following policies:

- i. No Councilmember who attends a Closed Session meeting may disclose or discuss any statements, items or documents which were developed for or presented in any Closed Session, except when specifically authorized by State law. Violation of this rule shall be considered a breach of confidentiality. *Violations of closed session confidentiality may include the city obtaining injunctive relief in court and/or referral of the Councilmember to the grand jury. – Government Code Section 54963*
- ii. Councilmembers may not utilize City letterhead, logo, insignia and brand. Such materials are intended for official communications of the City and their use is delegated to the City Manager and City Attorney, or their designees, or as otherwise provided herein.
- iii. Councilmembers shall not attempt to interfere, direct, inhibit, or become involved in administrative functions and operations of the City, unless granted specific permission by the City Manager. *(SB MuniCode 2.12.060)*
- iv. Councilmembers should respect and adhere to the City's form of government which is a general-law City operating under a Council-Manager form of government, with the City Council acting as the legislative body of the City. Council is the visionary policy maker; the City Manager is responsible for implementation of the Council's vision through the administration of staff and resources.
- v. Councilmembers must not influence or attempt to influence a decision on a matter or project on which they have a conflict of interest.
- vi. When using City reporting tools, such as SB Responds, email, or telephonic messages, Councilmembers shall identify themselves when possible commenting on open/archived reports. Councilmembers shall not attempt to influence staff responses to citizen comments/service requests.
- vii. Councilmembers are encouraged to refer operational and policy interpretation questions on specific matters from residents to the appropriate staff members. Resident concerns/complaints should be referred to the City Manager for immediate resolution by the appropriate department head.

- viii. Councilmembers will comply with Brown Act communication protocols.
- ix. If a Councilmember is unable to attend a specific regional agency meeting that they are the liaison for, they should notify their alternate as soon as possible, and alert the regional agency staff representative of their absence and provide information as to where to send any packet materials.

## **Section 5. Strategic Initiatives and Goal Setting**

1. The City Council and individual Councilmembers are often tasked with balancing myriad community needs, concerns, and potential policy directives, and as such the Council agrees to undertake an annual Strategic Initiatives & Goal Setting Process which is designed to:
  - i. Set a basic framework for action within a specific timeframe; supporting council in allocating time to accomplish the most important tasks and focus on the most critical issues, with less distraction.
  - ii. Provide clear direction to staff on budgetary guidelines and the City Council's priorities and initiatives for the upcoming year. This is important because clearly defined goals offer the City Manager and staff a roadmap to meet the expectations of Council and avoid any conflicting priorities that do not meet the collective vision of the Council as a whole.
2. Strategic planning is one of the tools that enable a council to define their vision and determine methods for accomplishing short-term and long-term goals. Strategic planning and goal setting will be identified during Study Sessions.
3. Each year before the budget sessions, the Council holds a Study Session to review progress on goals previously set and define new goals and objectives for the city departments.
4. An update on City Council Strategic Initiatives will be submitted to the City Council on a quarterly basis, but only reprioritized by vote of the Council annually at the City Council Retreat, unless altered as prescribed in Section 5.5.
5. From time to time, the need for a new City Council Strategic Initiatives may arise outside of the Council's annual priority setting process. When this occurs, a Councilmember may request that the topic of their proposed Strategic Initiative be placed under the "Comments from Councilmembers" section on the agenda of

regularly scheduled meeting, as described in Section 8.C.6 of this document. At such meeting, the Councilmember shall articulate why the new Strategic Initiative is of critical importance and requires immediate action from the City Council to consider and/or be prioritized above existing Strategic Initiatives. Upon a majority vote of the City Council, the Council may request the City Manager and/or the City Attorney analyze the impact on other priorities if directed to work on the requested item and provide the City Council with an estimated timeframe and resources needed for the work effort at a subsequent Council meeting.

## **Section 6. Conduct with Commissions, Boards and Committees**

1. The City has established several Commissions, Boards and Committees as a means of gathering community input. Citizens who serve on Commissions, Boards and Committees are volunteers who have taken their positions in an effort to become more involved with local government and to serve on advisory bodies to the City Council. Each Commission, Board, and Committee will provide an annual update to Council.
2. City Councilmembers are encouraged to *not* regularly attend advisory body meetings in order to avoid interference in the operation of the advisory body or an appearance of specific City Council direction as to matters under consideration by the advisory body.
3. City Councilmembers who plan to attend Commissions, Boards or Committee meetings shall adhere to the following protocols:
  - A. When a Councilmember attends a particular Commission, Board or Committee, they may address the body before them, but may do so only when stating that the comments they are about to make do not necessarily reflect the views of the entire City Council, unless they are explicitly referencing an action that was taken by the City Council at a public meeting.
  - B. Refrain from lobbying any Commission, Board or Committee Members on behalf of any particular project, in an effort to sway their decision to match that of the Councilmember.
  - C. Keep political campaign discussions away from the Commission, Board or Committee meetings. For example, if a Commission, Board or Committee Member is running for a particular elected office, a Council Member may not voice their support of the candidate during any public meeting.



## Section 7. Appointments to City Commissions, Boards and Committees (CBCs)

### A. Appointments per San Bruno Municipal Code Process

1. In accordance with the San Bruno Municipal Code, the Mayor shall make all appointments to and removals from City boards, commissions, and committees, subject to approval by the City Council. (*SB MuniCode 2.04.120 and CA Gov't Code §40605*)
2. Use of the Alternative Appointment Process for Commission, Board or Committee Members
  - a. The Mayor may elect to use the Alternative Appointment Processes outlined in Sections 7.B and 7.C.
  - b. A majority of the City Council may only elect to use the Alternative Appointment Process after the Mayor has proposed an appointment(s) that the City Council has not approved in accordance with *SB MuniCode 2.04.120 and CA Gov't Code §40605*.
3. Removals from City boards, commissions, and committees shall follow the process outlined in *SB MuniCode 2.04.120* as well as applicable Federal and State law.

### B. Alternative Appointment Process for Commission, Board or Committee Members

*Does not apply to San Bruno Community Foundation Board of Director Appointments, see Section 7.C.*

#### Round One: Nominations

- Mayor or Presiding Officer of the Meeting to facilitate nominations
- Council members to be given the opportunity to make a Motion for Consideration for Appointment for any applicant
  - Requires a Second

Note: Any applicant that receives a Motion and a Second advances to Round 2 (no vote of the full City Council taken at this time). During the nomination process, Council members will not be called upon in alpha order. Members must ask to be recognized through the Chair if they would like to make a nomination.

**Round Two: Simultaneous Voting Process for Nominees**

- City Clerk to call Council members alphabetically, with the Vice Mayor and Mayor last.
- Once called upon, Council members shall vote for their preferred nominee or abstention.
- In the event of a tie or if no single nominee receives three votes from the City Council, the appointment process proceeds to Round Three.
  - The nominee(s) that receive the lowest number of votes (or are tied for the lowest number of votes) shall be eliminated.
    - Note: If five nominees each receive one vote, all five nominees advance to Round Three.

**Round Three: Simultaneous Voting Process for Nominees, if needed**

- City Clerk to call Council members alphabetically, with the Vice Mayor and Mayor last.
- Once called upon, Council members shall vote for their preferred nominee or abstention.
- In the event of a tie or if no single nominee receives three votes from the City Council, the appointment process proceeds to Round Four.
  - The nominee(s) that receive the lowest number of votes (or are tied for the lowest number of votes) shall be eliminated.
    - Note: If five nominees each receive one vote, all five nominees advance to Round Four.

**Round Four: Simultaneous Voting Process for Nominees, if needed**

- City Clerk to call Council members alphabetically, with the Vice Mayor and Mayor last.
- Once called upon, Council members shall vote for their preferred nominee or abstention.
- In the event of a tie or if no single nominee receives three votes from the City Council, the appointment process ends and Council shall provide direction to staff whether to leave the position vacant or conduct a new recruitment process to fill the vacancy.

### **C. Appointment Process for SBCF Board of Director Appointments**

Founded in 2013 by the City of San Bruno, the San Bruno Community Foundation (SBCF) is a 501(c)(3) tax-exempt nonprofit organization. The SBCF is distinguished from other City CBC's in that its legal structure is a dependent-nonprofit corporation under the City of San Bruno and SBCF Board members have a legal fiduciary duty to the Foundation (not the City). As such, the City Council has established the following Alternative Process for appointing SBCF Board members, which may be used at the discretion of the Mayor or a majority of the City Council.

1. Advertising for and recruitment of SBCF Board members shall be done in accordance with Section 7D of this document, with the exception that
  - The City Council shall receive all applications.
  - The Council may meet to review applications and determine which applicants to invite for an interview.
  - The SBCF Board shall select two members to attend and participate in the City Council interview process.
  - The appointment process for SBCF Board members shall follow the procedures outlined in Section 7A (option: Section 7B) of this document.

### **D. Recruitment Officer for Commission, Board or Committee Members**

1. The City Clerk serves as the official Recruitment Officer for members of the CBC's. As such, the City Clerk is responsible for advertising vacancies (whether scheduled or unscheduled) in conformance with Government Code section 54974, receiving and processing applications, scheduling interviews, and preparing staff reports related to CBC appointments. Additionally, as the CBC Recruitment Officer, the City Clerk is responsible for maintaining the City's official lists of CBC membership, vacancies, appointment dates, and term expirations.
2. Prior to the end of the term for a filled position or when a CBC position is vacated, the City Clerk shall initiate a recruitment, which includes an initial recruitment period of 10 business days or greater, and/or schedule interviews to fill the position, if there are at least 2 individuals have applied for vacancy.
3. Per Government Code Section 54974 (a), a Notice of Vacancy, shall be posted not earlier than 20 days before, or not later than 20 days after the vacancy occurs. The Notice of Vacancy shall be posted to the City's website, as well as published on the City's social media accounts, and the City Clerk's

Office will share the Notice of Vacancy with the City Council during the initial recruitment period, schedule permitting. The initial recruitment period may be extended at the discretion of the City Clerk in the event that fewer than 2 individuals have applied for the vacancy.

4. Per Government Code Section 54974 (a), final appointment to the board, commission, or committee shall not be made by the legislative body for at least 10 working days after the posting of the notice in the clerk's office.
5. Notwithstanding a decision to extend the initial recruitment period, the City Clerk shall furnish all submitted applications to the City Council at the close of the initial recruitment period and each subsequent recruitment period. During the period when the recruitment is extended, if a majority of the City Council requests to interview the applicants, the City Clerk shall work to schedule interviews with the City Council.
6. Unless directed by a majority of the City Council, all CBC applicants shall be given the opportunity to be interviewed by the City Council.

## **Section 8. Meetings**

### **A. City Council Meeting Dates**

1. Regular meetings of the City Council shall be held on the second and fourth Tuesday, at 7:00 p.m. (*SB MuniCode 2.04.020*)
2. The second regular meeting shall not be held in December. (*SB MuniCode 2.04.020*)

### **B. Types of Meetings**

1. Regular Meetings – Agendas for regular meetings shall be released to the public no later than 72 hours in advance of the meeting, as required by the Brown Act and will include the meeting location and access information. Every effort will be made to release agendas and distribution materials prior to 72 hours before the meeting, when possible.
2. Special Meetings – May be held on a non-regular meeting date and/or time. Special Meetings may be called with a minimum of 24 hours' notice, versus the required 72 hours' notice for regular meetings.

3. Study Sessions – Can occur during a Regular Meeting or a Special Meeting. They are held for the purpose of providing information to the City Council, typically on issues that are more complex and time-consuming than matters scheduled during a regular meeting agenda. During Study Sessions, Councilmembers may state their individual responses, preferences and questions based on the information provided during the meeting, and the Council may provide direction to staff regarding the discussed topic.
4. Closed Sessions – May be part of either a regular or special meeting. All closed sessions shall be noticed and conducted in accordance with the provisions of the Brown Act. Actions taken in closed session shall be publicly reported in open session when appropriate in accordance with section 54957.1 of the Brown Act. Closed sessions may be held to discuss certain matters specified by law, including:
  - Personnel matters to consider the appointment, employment, performance, or dismissal of a public employee
  - Public safety threats
  - Labor negotiations
  - License applications by persons with criminal records
  - Real estate negotiations
  - Pending and existing litigation
5. Closed sessions (excluding those related to employee performance evaluations) are attended by the City Council, City Manager, City Attorney, and if requested, appropriate management staff or special consultants. Except for public comment at the beginning of the meeting, Closed Sessions are not open to the public. The City Attorney shall keep a record of the Closed Session, including the votes taken on each closed session item where appropriate. No other notes or minutes of closed session discussions shall be recorded. The record of the votes taken shall constitute the exclusive record of the closed session, shall not be considered a public record, and shall be confidential pursuant to section 54957.2 of the Brown Act. Violations of the closed session confidentiality requirement are serious and may have impacts with respect to litigation exposure and represent a violation of the law for the person violating the confidentiality requirement.
6. Emergency Meetings – Are allowed per the Brown Act when an emergency situation involving matters upon which prompt action is

necessary due to the disruption or threatened disruption of the public's well-being.

7. Accessibility of City Council Meetings – All meetings of the City Council shall be conducted in accordance with the Brown Act (as amended), which guarantees the public's right to attend and participate in meetings of local legislative bodies. Subject to technical constraints and consideration of other factors at the City Manager's discretion, broadcasting of such meetings shall be conducted as follows:

- Regular Meetings / Special Meetings / Study Sessions: Open to the public for in-person attendance, recorded, televised and/or livestreamed online, and available to on-demand viewing online. Action minutes prepared and published.
- Retreats & Committee Member Candidate Interview (*a type of special meeting*): Open to the public for in-person attendance. Action minutes prepared and published.
- Closed Sessions: Closed to the public. Action minutes prepared and published, as per applicable laws.
- Emergency Meetings: As directed by the City Manager, as per applicable laws.

### C. Meeting Requirements

1. Per Executive Order of the Governor of the State of California, certain provisions of the Brown Act have been suspended in order to allow for local legislative bodies to conduct meetings telephonically or by other electronic means to meet Shelter-In-Place orders or social distancing guidelines. In this event, councilmembers, staff and members of the public may attend the meeting by video or phone linked to the agenda or watch by livestream when the meeting is not available for in-person attendance at a physical location.
2. Except as otherwise provided by the Executive Orders in Section 1 above, if the Councilmember is permitted to attend a meeting telephonically or digitally, the Councilmember must ensure that:
  - i. The City Clerk is provided the teleconference/digital address location, and the councilmember must ensure the agenda is posted at that

location 72 hours prior to the meeting and is visible 24 hours per day until the meeting is adjourned.

- ii. The teleconference location is open and fully accessible to the public, as well as fully accessible under the Americans with Disabilities Act, throughout the entire meeting.
  - iii. These requirements apply to private residences, hotel rooms, conference rooms, and similar facilities as well as digital platforms all of which must remain accessible throughout the duration of the meeting, without requiring identification or registration on the part of the public to attend. These rules also apply to the same type of locations outside of the United States.
3. Items Considered After 11:00 p.m. – The City Council and members of staff will make every effort to end its meetings before 11:00 p.m. At 10:30 p.m. during a regular or special meeting, the City Council will decide by majority vote and announce whether it will begin consideration of any agenda items after 11:00 p.m. and, if so, which specific items will be discussed.
  4. A City Councilmember may request that the City Council remove an item from the Consent Calendar; however, the Councilmember shall strive to notify the City Manager’s Office, in writing, of the request no later than noon on the day of the City Council meeting. Given that, from time to time, new information or questions may arise after noon on the day of the meeting, a Councilmember may also request to pull an item from the agenda for clarifying questions, or they may have written the City Manager earlier with questions regarding a specific agenda item. The City Manager may report answers for any agenda item questions when the item is being discussed during the meeting or provide a written response to the entire City Council (and made available to the public) before the meeting and prior to the close of business for the City Clerk’s Office on the day of the meeting.
  5. Council Comments on Agenda Items – No discussion or debate shall be permitted upon items on the Consent Calendar; however, any Councilmember may request that their vote on a particular Consent Calendar item be noted as “Abstain” or “Recuse” due to a potential conflict of interest. In such case, a vote may be taken on the item the Councilmember is abstained from, and a separate vote must be taken for the remaining Consent Calendar items. Alternatively, a Councilmember may announce their recusal or abstention before the vote on the Consent

Calendar. In such cases, a vote on the entire Consent Calendar will occur and the official minutes will reflect the Councilmember's recusal or abstention on the specific items.

6. If a Councilmember would like to pull any item(s) from the Consent Calendar for further discussion, they may do so before voting on the Consent Calendar begins. Consent items are meant to address routine items. The Mayor should first Councilmembers if they wish to move any consent agenda items to the regular agenda for further discussion. If requested, the Mayor would move the item and open it up for discussion during the Conduct of Business portion of the agenda, or make it a "parking lot" item for a future agenda. Ideally, Councilmembers should ask for such a move before the meeting so it can be placed on the Conduct of Business agenda before the meeting starts.
7. Comments from Councilmembers – The purpose of this regular meeting agenda item is to allow the City Council an opportunity to make important city announcements, such as City-sponsored, or City-related public events and pertinent information. Each Councilmember shall strive to make comments that are respectful and beneficial to the community. Councilmembers shall refrain from making any campaign announcements or solicit votes for an election-related matter during this agenda item. Each Councilmember shall strive to be brief during this agenda item. Councilmembers shall notify the City Clerk (with a copy to the City Manager and City Attorney) of the subject of their comments one week prior to the meeting, so they the topic may be placed on the agenda in accordance with State law.
8. Voting – A motion, second, and a majority vote of the City Council shall be required for any formal action detailed on the agenda. If a motion is stated and there is no second verbally stated, the Mayor must ask the City Council for a second to the motion made. If no second is presented, the motion fails for lack of a second. Any vote of abstention must clearly indicate for the record the basis for the abstention.
9. Reconsideration – Once an item has been voted on, it will not be permitted for further discussion, unless a motion for reconsideration is made by a Councilmember who voted in the majority on that item at the same meeting (as per Robert's Rules of Order).
10. Full Participation - To encourage full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question or agenda item. If a councilmember has already



spoken and other members wish to speak, the latter members should be recognized in preference to the member who has already spoken. However, if no other members seek recognition, the Mayor may recognize the member who has already spoken or make a motion on the item. The Mayor has the responsibility of controlling and expediting any debate or item. It is the duty of the Mayor to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

## **Section 9. Action Minutes**

1. The City Council shall use Action Minutes to record their proceedings.
2. Action minutes shall be defined as decision-only minutes that exclude any discussion that went into making the decision and capture only the conclusion and/or action to be taken. *The minutes shall include the definition of action minutes.*
3. Motions and votes are outlined in the action minutes.
4. Members of the public/media are authorized to bring personal recording devices to the public meeting, as long as the equipment used does not cause a disturbance or disruption to the official business of the City Council or the official recording and documentation of the meeting by the City or its agents.

## **Section 10. Public Participation**

1. Public Participation - Members of the public are encouraged to participate in the legislative process by either submitting written comments before the meeting or speaking in person during a meeting. The following is a list of rules designed to explain how members of the public may address the governing board:
  - i. The public is welcome to address the City Council on items on the Consent Calendar and/or items that are not listed on the agenda during the Public Comment section of the agenda, which occurs directly before the Consent Calendar is approved.
  - ii. In the interest of facilitating the Council's conduct of City business, speakers are provided up to 3 minutes to speak. (note: clarify that the Mayor/VP decides) Members of the public may not defer their time to another member of the public, allotting the speaker more time to

speaking. If a speaker decides not to address the Council after submitting a speaker card, they may decline their time when their name is called by the City Clerk.

- iii. Those in the audience may not jeer, boo, or applaud if these activities cause any disruption during the meeting, including times when other members of the public are speaking at the podium. If a disruption occurs, the Mayor may recess the meeting. The Mayor also has the right to request removal of any member of the audience causing a disruption.
- iv. No member of the audience, or person(s) speaking at the podium may approach the dais at any time before, during, or after the meeting. Any documents being presented to the City Council, or any Committee, Board, or Commission must be provided to the City Clerk, or staff liaison before public comment.
- v. For public comment on items not on the agenda, the Brown Act prohibits councilmembers from discussing or acting upon any matter not agendaized pursuant to State Law. Councilmembers and staff may respond briefly to comments by members of the public or ask questions for clarification. The City Council may refer the matter back to staff for a future reply or may direct staff to place the matter on a future agenda.
- vi. All statements made to the City Council must be made at the appropriate time of the meeting and may not be shouted from the audience. Any person wishing to address the City Council will be called to the podium at the appropriate time by the Mayor and their comments will be timed.

## **Section 11. Appeals**

1. Appeals are public hearings and will follow the time allocations for addressing the City Council detailed below, unless otherwise required, or provided by law:
  - i. Applicant – 10 minutes combined
  - ii. Appellant – 10 minutes combined
  - iii. Individual Speakers (public comments) – up to 3 minutes (as per Section 10)

2. Appeals from decisions of the City's Committees, Boards and Commissions shall appear on the City Council agenda for discussion. The City Council has the option to affirm the action of the commission, modify the action of the commission, refer the matter back to the commission, or reverse the decision, unless otherwise provided by law.
3. Any person that addressed the City Council during one of the 10-minute periods (as an applicant or appellant), may not speak again during the public comment period unless explicitly authorized to rebut or provide clarification by the Presiding Officer of the meeting.
4. Members of the public may not defer their time at the podium to another member of the public, allotting the speaker more time to speak. If a member of the public has already addressed the City Council or has a speaker card in queue to address the City Council, they may not speak on behalf of another member of the audience.

## **Section 12. Communication with City Council and Staff**

1. All communications between staff and councilmembers may be determined to be public records.
2. The Council, in adopting this policy, does not waive attorney-client privilege, the attorney work product privilege, or any other privilege associated with a closed session authorized under the Brown Act.
3. All emails sent and received through the City server are retained per the City's Records Retention Schedule and are subject to the Public Records Act.
4. Members of the public are permitted to email members of the City Council by sending each Council Member an individual email.

## **Section 13. Communication to the City Council and Use of Social Media**

1. The following guidelines apply to City Councilmember personal communications including use of various forms of social media, letters to the editor of newspapers, personal endorsements, email, newsletters, participation in public forums or other meetings and the like.

- i. Individual City Councilmembers should confirm and clarify that the comments they are about to make do not necessarily reflect the views of the entire City Council. Because members of the public will hear and understand comments by a Councilmember to represent City policy and/or the City Council as a whole, it is important that Councilmembers use discretion while engaging with members of the public on any social media/media platform or public forum, regarding matters of City business or policy. Suggested language for a disclaimer to be used when clarifying opinions or statements are made is:

*“I am a City Councilmember of the City of San Bruno. These are my own opinions and they may not represent those of the San Bruno City Council as a whole.”*

- ii. City Councilmembers are expected to actively protect any information received the course of service as a Councilmember which is considered confidential or protected, such as information that is protected under personnel privacy laws.
- iii. City Councilmembers shall not post information, images or icons to any social media platform, which was obtained in their official capacity and not otherwise available to the general public without specific confirmation by the City Manager that such information may be used and distributed publicly.
- iv. City Councilmembers shall make every effort to not comment on social media/media, or publish information related to City business without identifying themselves as a Councilmember and using a disclaimer such as is detailed in Section 12.1.i.
- v. If a City Councilmember creates a post on social media about city business (examples: upcoming meeting dates, public safety issues, etc.), they may not delete comments made by other users, or block any person who comments on the post(s). City Councilmembers should not block content or users due to a personal dislike of the user, or because of comments the other user makes, or has made.
- vi. Councilmembers’ use of social media is restricted by AB 992 (Mullin), and is limited to answering questions posed by the public, providing information to the public, or soliciting information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body.

- vii. A majority of Councilmembers are prohibited from discussing business of a specific nature that is within the subject matter jurisdiction of the legislative body.
- viii. Councilmembers may not directly respond to any communication made, posted, or shared by any other Councilmember regarding a matter that is within the subject matter jurisdiction of the legislative body.

## **Section 14. Budget Controls for the City Council Budget**

1. The annual City budget includes appropriations for City Council expenses and conferences. The amount allocated in the budget should be at least sufficient to cover City Council stipends, as well as limited funding to cover approved attendance at conferences or educational seminars when deemed appropriate.
2. If a City Councilmember wishes to attend a conference, educational seminar or training, they should contact the City Clerk, who will manage reservations for the Councilmember. Any out-of-state conferences or trainings for a Councilmember must be approved by a majority of the City Council during a regular or special meeting before the scheduled conference takes place.
3. If a City Councilmember attends a conference or educational seminar on the City's behalf, then the Councilmember must present a brief oral report of the conference or seminar at the next regularly scheduled City Council meeting during the "Comments from Council Members" section of the agenda.

## **Section 15. Ceremonial Matters**

1. The City may issue ceremonial proclamations, resolutions or certificates of appreciation when such an issuance positively impacts the community and conveys an affirmative message to residents. It will be the policy of the City Council to process requests for ceremonial documents in the following manner:
  - i. If the Mayor determines that a request is consistent with the policy stated above, the Mayor can request that the City Clerk prepare the document and coordinate the release of the document, either privately, or at a future public meeting.

- ii. The person who submitted the request must provide specific details regarding the request, including language for a proclamation or resolution, or information for a certificate of appreciation at the time the request is made.
- iii. Depending on the nature and time-sensitivity of a particular request, the Mayor may act without full formal concurrence of the City Council when the situation warrants.

## **Section 16. Enforcement**

1. Councilmembers have the primary responsibility to assure that these practices and protocols are understood and are followed. Councilmembers entering office shall sign a statement affirming they have read and understood the Council Policies and Procedures Manual.
2. The following sets forth the procedures to be followed when one or more Councilmembers allege that a Councilmember has violated this Policy or any other applicable City policy.
  - i. A majority of the City Council may request that an item be agendaized at a regular or special meeting to discuss an alleged violation of this Policy.
  - ii. After consideration of the issue, the City Council may direct that an investigation be conducted.
  - iii. The City Council may also schedule a hearing and provide the councilmember who is the subject of the allegation with the opportunity to submit a response in writing and/or orally at the hearing.
  - iv. The City Council may consider admonishing the councilmember by issuing a statement of disapproval, imposing a sanction such as removal from committee assignments, and/or censuring the councilmember by adopting a formal resolution.
3. The aforementioned shall not be used for violations of State or Federal laws, as such laws are subject to separate penalty and enforcement provisions outside of the City's purview.