



**CITY OF  
SOUTH SAN  
FRANCISCO**

**CITY COUNCIL  
PROCEDURES AND  
PROTOCOLS  
HANDBOOK**



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## **PREFACE**

As provided by California Government Code Section 36813, the City Council of the City of South San Francisco establishes the City Council Procedures and Protocols Handbook contained herein.

The Handbook shall be in effect upon adoption by the City Council and shall remain in effect until such time as it is amended, or new rules are adopted in the manner provided herein. In addition to the City Council Procedures and Protocols Handbook, the City Council has included in this document other information that may be useful to the City Council, administrative staff, and the general public.

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

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CITY OF SOUTH SAN FRANCISCO  
CITY COUNCIL  
PROCEDURES AND PROTOCOLS HANDBOOK

TABLE OF CONTENTS

**Chapter I – General Powers and Duties**

- Introduction..... 6
- Mission Statement..... 6
- Values ..... 6
- Guiding Principles ..... 6
- **Council Strategies** ..... 7
- City Council ..... 7
- Roles and Responsibilities ..... 8
- Concurrent Roles ..... 10
- Council Committee Assignments ..... 11
- San Mateo Council of Cities/City Selection Committee ..... 11
- Role in Disaster..... 12
- Council Reorganization ..... 15
- Selection of Mayor **and Vice Mayor**..... 15
- Elected Seat Vacancies ..... 16
- Compensation ..... 16
- City Council-Manager Form of Government ..... 16
- Role of the City Attorney ..... 16
- Role of the City Manager ..... 17
- Role of the City Clerk ..... 17

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**Chapter II – City Council Norms and Protocols**

- Conduct of Meetings..... 18
- Council Conduct with Staff ..... 18
- Staff Assistance..... 18
- Political Support from Staff during Elections..... 19

- Council Mail ..... 20
- Subpoenas ..... 20
- Use of the City Seal ..... 20
- Conflict of Interest ..... 21
- Levine Act Report (SB 1439) ..... 21
- Donations to the City (FPPC Form 801) ..... 22
- Behested Payment Reporting (FPPC Form 803) ..... 22
- City Council Training Expenses ..... 22
- City Issued Credit Cards ..... 23
- Use of Public Resources for Political Purposes ..... 23
- Equipment and Supplies ..... 24

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**Chapter III – City Council Meetings**

Formatted: Font color: Red

- Meetings ..... 24
- Meeting Cancellation ..... 26
- Quorum ..... 26
- Councilmember Seating in Council Chambers ..... 26
- Call to Order and Roll Call ..... 26
- Order of Business ..... 26
- Agenda Order ..... 27
- Legislative Matters/Actions ..... 27
- Presentations ..... 27
- Proclamations ..... 27
- Certificates of Recognition/Commendations ..... 28
- Ordinances ..... 28
- Resolutions ..... 28
- Motions ..... 28
- Minute Orders ..... 29
- Public Hearings ..... 29
  - \* Legislative Public Hearing
  - \* Quasi-judicial Public Hearing
- Council Discussions ..... 30

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

- Finality of Administrative Actions ..... 31
- Introduction of Items after 11:00 p.m. .... 31
- Absences ..... 31
- Remote Attendance..... 32
- AB 2449 Remote Attendance Procedures..... 33
- **SB 707 Key Changes to Teleconferencing/Remote Participation** ..... 32

**Chapter IV – Procedural Rules**

- **Brown Act**..... 36
- **Rosenberg’s Rules of Order**..... 39
- Basic Procedures – Main Motions ..... 40
- Council Discussions..... 41
- Requests for Agenda Items, Ordinances, or Legal Opinion ..... 41
- **Public Participation**..... 42
- **Written communication** ..... 42
- **Speaker Cards and Other Protocols** ..... 44
- Addressing the Council during Council Deliberations ..... 44
- Failure to Speak ..... 44
- Councilmember Participation ..... 44
- Assembly Bill (AB) 1787 Public Comments (Translation) ..... 45
- Meetings – Video Streamed and Broadcast ..... 45
- **Minutes** ..... 45

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Formatted: Font color: Red

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**Chapter V – City Council Meeting Decorum**

- Decorum..... 46
- Enforcement of Decorum ..... 47
- Use of Cellular Telephones and Electronic Devices ..... 48
- **Noise in the Lobby and Public Area** ..... 48
- Crowd Control in the Council Chambers..... 48
- **Smoking Prohibited** ..... 48
- Distribution of Literature and Other Materials in City Council Chambers ..... 49

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**Chapter VI – Boards, Commissions, and Committees**

- Boards, Committees, and Commissions ..... 50
- Stipend ..... 50
  
- Reappointment Process..... 50
- Resignations..... 51
- Removal of Members..... 51
- Term of Office ..... 52
- Orientation ..... 52
- Application Process ..... 52
- Late Applications..... 52
- Eligibility Review ..... 52
- Candidate Interviews ..... 53
- **Absentee Policy** ..... 53
- **Maddy Act** ..... 54
- Administrative Support..... 54
- Department Liaisons ..... 54
- South San Francisco Boards, Commissions, and Committees ..... 55

**Appendices**

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

**Appendix B** - Guide to Conducting Meetings

**Appendix C** – City Council Travel Budget and Expense Reimbursement Policy

**Appendix D** – City Council Request for Travel and Expense Reimbursement Forms

**Appendix E** – Summary of Elected Officials' Benefits

**Appendix F** – City Council Policy for Councilmember Use of Telecommunication Equipment

**Appendix G** – Donations to the City of South San Francisco

**Appendix H** – Policy on Dedication of City Facilities

**Appendix I** – Policy on Expression of City or Council Procedures

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| **Appendix J** – Policy on Community Funding

| **Appendix K** – Rules of Conduct for City Property (SSF Muni Code - Chapter 10.76)

| **Appendix L** – A Guide to the Ralph M. Brown Act, published by the League of California Cities

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## **CHAPTER I - GENERAL POWERS AND DUTIES**

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### **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 the 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 terms.

### **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, inclusive, 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.

South San Francisco is a place where everyone can thrive. Its high quality of life, diverse and inclusive community, livable neighborhoods, excellent services, culture of innovation, and environmental leadership ensure all people have the opportunity to reach their full potential.

### **Values**

As an organization, we are committed to:

- Diversity and Inclusion
- Livability
- Sustainability
- Innovation

### **Guiding Principles**

- Affordable, Safe, Attractive Amenity-Rich Neighborhoods
- High-quality and Accessible Services, Facilities, and Amenities for Residents at All Stages of their Lives

- A Safe, Convenient, and Accessible Transportation Network well-connected to the Region
- A Resilient Community
- A Prosperous Downtown and Local Economy

**Council Strategies**

<b>Major Focus Areas</b>	<b>Key Strategies</b>
Housing and Supportive Services	Pursue creative financing strategies for housing
	Encourage balanced housing supply, including rent & own, workforce
Quality of Life	Support a sustainable retail environment
Modern and Sustainable Organization	Ensure financial sustainability, pursue creative revenue generation
Welcoming and Connected Community	Engage community volunteers for events through commissions and partners.

**City Council**

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 elected at district-level seats by each of the City’s five (5) districts 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.

The powers of a City Council in California to establish policy are quite broad. Essentially, councils may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, the City Council shall have the power, in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants, which are not specifically forbidden by the Constitution and laws of the State of California.

The South San Francisco City Council acts as a body. While the Mayor has some additional ceremonial and administrative responsibilities, no Councilmember has any power or additional votes beyond those of the other members or the Mayor. In the establishment of policy, voting and in all areas except those identified below, all members are equal. Except where the law requires a certain number of affirmative votes, a majority vote of the City Council establishes policy and makes decisions for the City. While an individual member may disagree with a decision of the City Council, a decision of the majority does bind the City Council to a course of action. In turn, it is the city staff’s responsibility to ensure that the policy of the City Council is implemented. Actions by city staff to implement a decision of the City Council do not reflect any bias against a Councilmember who held a minority view on that issue.

### **Roles and Responsibilities**

Councils are comprised 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 the Council may "agree to disagree" on contentious issues.

**The Mayor is not elected by the public; instead, the role rotates among members of Council in accordance with Council's established procedures.** All members of the City Council, including those serving as Mayor and Vice-Mayor, have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect and provided with the same opportunities for discussion and dialogue during deliberations considered by the council.

### **Mayor**

- \* Nominated and appointed on a special council meeting held after the final declaration of the results of the preceding Council election and prior to the first regular council meeting in December during election years, and on a special council meeting held prior to the first regular council meeting in December in non-election years.
- \* Serves as the presiding officer of the City Council, preserving strict order and decorum at all publicly noticed meetings of the City Council; announces City Council decisions on all subjects; and decides all questions of order, including items to be placed on the regular council meeting agenda in communication with the City Manager, City Attorney, and City Clerk, subject to modification by the City Council.
- \* Plans and organizes with City Manager and city staff the annual City Council strategic priorities retreat.
- \* Leads the City Council into an effective and cohesive working team.
- \* Recognized as the ceremonial spokesperson for the City.
- \* Serves as the City Council's spokesperson in the media. However, when a direct inquiry is made to Councilmembers from media, members should apprise the Mayor and City Manager of communications with any media outreach, interview or presentations, when possible and if timing permits.
- \* Selects a substitute for City representation when unable to attend and speak.
- \* May call for special meetings or council study sessions as necessary in response to the scope and timing of the City Council's workload and schedule.
- \* Signs minutes or other required documents on behalf of the City when Mayor's signature is required.
- \* Appoints other councilmembers to regional or county government bodies, associations, boards, and commissions and checks in with them on their current assignments.
- \* Rotates the assignment of councilmembers to internally assigned committees that focus on direct internal city work.
- \* Responds to correspondence submitted to the full City Council on non-agenda items, regular mail or electronic communication.
- \* Oversees the administration of proclamations and plaques as adopted by the City Council.

- \* Issues proclamations and plaques as needed without formal action by the City Council. However, any councilmember may submit a request to the **City Manager** for such items. Certificates of Recognition and Commendations may be issued by all members without formal approval action being taken.
- \* Coordinates the annual performance evaluation of the City Manager and City Attorney.
- \* Entitled to vote on all matters and vote counts only once. Does not have veto power or the ability to break any form of vote ties.
- \* Has the discretionary decision-making authority of time allotment given to speakers or members of the public during special or regular council meetings.
- \* The Mayor may require any person addressing the Council to be sworn in as a witness and to testify under oath and must so request 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.

**Vice Mayor**

- \* Serves as the presiding officer when the Mayor is absent.
- \* Performs all of the duties of the Mayor in the Mayor’s absence or specific duties at the request of the Mayor.
- \* Represents the City at ceremonial functions at the request of the Mayor.

**Councilmember(s):**

- \* Uphold the highest standards of respect, civility, honesty, and leadership in the maintenance of effective intergovernmental relations; serve as role models for public service and civility; and inspire public confidence and respect in the South San Francisco government.
- \* Respect the roles of all elected officials and City staff to ensure an open and effective government.
- \* Work for the common good, not personal interest.
- \* Participate in all scheduled City Council meetings in person or virtually, as allowed by the Brown Act, and in other public forums while demonstrating respect, consideration, and courtesy to others.
- \* Prepare in advance of City Council meetings and be familiar with issues on the agenda. This includes making every effort to consult with the City Manager and ask questions with enough time for a response to be provided prior to the City Council meeting.
- \* Shall be respectful of other people’s time, stay focused, and act efficiently during public meetings.
- ~~\* Shall not represent publicly that they have authority to take action on behalf of the City in their capacity as an elected official or that they have authority to take action on behalf of the City on any matter that has no direct effect on the local affairs of the City and over which the City has no jurisdiction, including and not limited to the council district they have been elected to represent. This includes writing or authoring letters of support or other documents without prior authorization from the Mayor and City Council.~~
- \* Shall refrain from representing or implying, in any public forum, that they have authority to act on behalf of the City on matters outside the City’s jurisdiction or that do not directly affect the City’s local affairs, including matters beyond the council district they represent. This

includes preparing, signing, or issuing letters of support or other documents on behalf of the City without prior authorization from the Mayor and City Council.

- \* Commit to spending time each year outside of regular City Council meetings to work with the City Manager and staff on setting goals and priorities for the City government, including the District they represent, and by attending the annual council ~~retreat~~ workshop and/or to work on issues that may be inhibiting the maximal achievement of City goals.
- \* Represent the City at ceremonial functions at the request of the Mayor.
- \* Represent the City on regional appointed bodies (boards, associations, ad hoc committees, and commissions) as appointed by the Mayor. Ensuring that the voice of the City is brought forth in all votes and matters addressed in those bodies.
- \* Participate in scheduled activities to increase Council effectiveness.
- \* Review Council procedures, such as these Council Protocols, biennially.
- \* Represent their respective districts and bring forth issues of concern that may affect their district(s) and may have a citywide impact.
- \* Complete all required training in a timely manner, including State-mandated AB 1234 Ethics Training, SB 827 Fiscal and Financial Oversight, Workplace Harassment Training, and Cyber Security training.
- \* **Comply with filing** all required Fair Political Practices Commission documentation, including the annual Statement of Economic Interests and campaign statements in a timely manner with all entities as required i.e., Successor Agency and Regional Bodies.

### **Concurrent Roles**

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

#### **1. 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.

#### **2. 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.

#### **3. 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.

#### **4. 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.

#### **Council Committee Assignments**

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.

There should be a yearly rotation in December for city internal committees and ad-hoc bodies in order for all members of the council to gain knowledge, provide feedback and expertise on city matters.

The Mayor shall assign each Council member to various standing committees annually in January. The external/regional assignments shall stay the same year over year, unless there is a vacancy created by termination of term of office, death, or other physical restrictions that do not allow a member to continue in that role. The consistency of members in each of the regional bodies is important for the representation of the city and for contextual business knowledge of the topics of that body. The confirmation will be conducted publicly at the City Council's first meeting following the City Council Reorganization, typically in January each year, under "Items from Council," with a roll-call vote of approval by members. The item will be placed on the agenda by the City Manager's office.

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 that 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.

#### **San Mateo Council of Cities/City Selection Committee**

Before each Council of Cities meeting, the Mayor shall consult the City Council on the direction for the first vote for a position. On the first vote for a position opened and advertised and subsequently selected by the San Mateo Council of Cities/City Selection Committee, the City's designated representative which can be the (i.e., Mayor or Vice Mayor or the presiding officer indicated via a formal proxy) must vote in accordance with the City Council's direction. All subsequent votes are left to the discretion of the designated representative.

If the Mayor is not able to attend the monthly San Mateo Council of Cities/City Selection Committee meeting the order of seniority will take place and the Vice Mayor will serve as proxy by submitting a formal document and submitting, it to the county clerk of the board via the City

Manager’s office. At these meetings, the Mayor, Vice Mayor or the most senior member of council (determined by election date) will introduce the council delegation attending and representing the City at these events/meetings.

**Role in Disaster**

The City Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the City Council may be directed to assemble in the City’s Emergency Operations Center (EOC), to provide policy guidance and to receive information.

Refer to **South San Francisco Municipal Code Chapter 2.72**, which establishes the Disaster Council under state law, and the City’s Emergency Operation Plan. For the statutory provisions authorizing cities to establish disaster relief bodies, see Gov. Code § 8610 et seq. For the statutory provisions on the State Emergency Council’s rules and regulations governing disaster services workers, see Gov. Code § 8580.

**2.72.010**

**Purposes.**

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations and affected private persons. (Ord. 622 § 1, 1971)

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**2.72.020 Definition.**

As used in this chapter, “emergency” means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this city, requiring the combined forces of other political subdivisions to combat. (Ord. 938 § 1, 1983; Ord. 622 § 2, 1971)

**2.72.030 Disaster Councilmembership.**

The city disaster council is created and shall consist of the following:

- (a) The Mayor, who shall be chairman;
- (b) The director of emergency services, who shall be vice-chairman;
- (c) The assistant director of emergency services;
- (d) Such chiefs of emergency services as are provided for in the current emergency— plan of this city, adopted pursuant to this chapter;
- (e) Such representatives of civic, business, labor, veterans, professional or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the City Council. (Ord. 622 § 3, 1971)

**2.72.040 Disaster council powers and duties.**

It shall be the duty of the city disaster council, and it is empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and

agreements. The disaster council or selected representation therefrom shall meet upon call of the chairman or, in their absence from the city or inability to call such meeting, upon call of the vice-chairman. (Ord. 622 § 4, 1971)

**2.72.050 Director and assistant director of emergency services.**

(a) The offices of Director of Emergency Services and Assistant Director of Emergency Services are created. The City Manager shall be the director of emergency services, and the Fire Chief shall be the assistant director of emergency services.

(b) The order of succession to the office of the director of emergency services shall be the assistant director and thereafter the police chief. (Ord. 1053 § 6, 1989; Ord. 622 § 5, 1971)

**2.72.060 Powers and duties of the director and assistant director of emergency services.**

(a) The director is empowered to:

- 1) Request the City Council to proclaim the existence or threatened existence of a local emergency if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the director, the City Council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;
- 2) Request the governor to proclaim a state of emergency when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency;
- 3) Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter;
- 4) Direct cooperation between and coordination of services and staff of the emergency organization of this city; and resolve questions of authority and responsibility that may arise between them;
- 5) Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein;
- 6) In the event of the proclamation of a local emergency as herein provided, the proclamation of a state of emergency by the Governor or the Director of the State Office of Emergency Services, or the existence of a state of war emergency, the director is empowered:

(A) To make and issue rules and regulations, on matters reasonably related to the protection of life and property as effected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council,

(B) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use,

(C) To require emergency services of any city officer or employee and, in the event of the proclamation of a state of emergency in the county in which this city is located or the existence of a state of war emergency, to command the aid of as many citizens of this community as they deem necessary in the execution of their duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers,

(D) To requisition necessary personnel or material of any city department or agency, and

(E) To execute all their ordinary power as City Manager, all of the special powers conferred upon them by this chapter or by resolution or emergency plan pursuant hereto adopted by

the City Council, all powers conferred upon them by any statute, by any agreement approved by the City Council and by any other lawful authority.

(b) The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this city; and shall have such other powers and duties as may be assigned by the director. (Ord. 1053 § 7, 1989; Ord. 622 § 6, 1971)

**2.72.070 Emergency organization.**

All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 2.72.060(a)(6)(C), be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city. (Ord. 622 § 7, 1971)

**2.72.080 Emergency plan.**

The city disaster council shall be responsible for the development of the city emergency plan, which plan shall provide for the effective mobilization of all of the resources of this city, both public and private, to meet any condition constituting a local emergency, state of emergency or state of war emergency, and shall provide for the organization, powers and duties, services and staff of the emergency organization. Such a plan shall be in effect as of the date of an approving resolution by the City Council. (Ord. 622 § 8, 1971)

**2.72.090 Relationship with San Mateo Operational Area.**

The city of South San Francisco shall be a member of the San Mateo Operational Area Emergency Services Organization, which serves to coordinate civil defense and disaster plans, programs, and agreements among the political subdivisions in the County of San Mateo and between the political subdivisions and the Office of Emergency Services of the State of California. The Mayor or an alternate from the City Council shall be a voting member of the San Mateo Operational Area Emergency Services Council, which serves as the governing body of the San Mateo Operational Area Emergency Services Organization. (Ord. 938 § 2, 1983; Ord. 622 § 9, 1971)

**2.72.100 Expenditures.**

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (Ord. 622 § 10, 1971)

**2.72.110 Penalty for violations.**

It is a misdemeanor, punishable by a fine of not to exceed five hundred dollars, or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to:

(a) Willfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this city, or to prevent, hinder or delay the defense or protection thereof;

(c) Wear, carry or display, without authority, any means of identification specified by the emergency agency of the state. (Ord. 622 § 11, 1971)

**Council Reorganization**

Newly elected Councilmembers are sworn into office at a special meeting in December following a regular municipal election in even-numbered election years. 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 will be held immediately following the reorganization meeting, provided that there is no other emergent matter occurring at that time or a declared State of Emergency.

The City Council shall meet annually to select 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 or before the Tuesday that immediately precedes the Wednesday of the first regularly scheduled meeting of the City Council in December, unless the Mayor and City Council select a different date in discussion with the City Clerk’s office. In even-numbered years in which a regular City Council election occurs, the reorganization shall follow certification of the election results by the San Mateo County Office of Elections.

**Selection of Mayor and Vice Mayor - Rotation by District:**

Members **rotated in order of the district number** they represent. With the advent of district elections, it is important to ensure that every district has an equal chance at representation through the Mayorship.

In the event of new councilmembers being elected and beginning their term on their district’s “Mayor year,” it will be required for any new Councilmember to start their first year as Councilmember, then the subsequent year as Vice Mayor, and the third year as Mayor.

The order will temporarily skip that district’s new councilmember to the next in line, until that new Councilmember is in their **third year**, where they will have some experience that allows them to serve more effectively. The order will resume following the temporary displacement.

This will allow for newly elected Councilmembers to gain experience instead of immediately assuming the Mayor role. A councilmember **does not** have to be Vice Mayor the year immediately preceding their Mayoral year.

**Order of Rotation per District**

2025 District 5	2026 District 1
2027 District 2	2028 District 3
2029 District 4	2030 District 5

### Vacancies in Elected Offices

~~Government Code Section 36512 governs the filling of vacancies in the offices of City Council, City Treasurer, and City Clerk~~ elected seat vacancies for general law cities if the City has not already adopted its own ordinance governing vacancies pursuant to that section shall be pursuant to Government Section 36512 and Municipal Code Section 2.18.040. Per Government Code Section 36512, the City Council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date, not less than 114 days from the call of the special election.

~~If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office. If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general municipal election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall hold office for the unexpired term of the former incumbent. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent. However, the City may enact an ordinance providing that a person appointed to fill a vacancy holds office until the date of a special election, which shall immediately be called to fill the remainder of the term.~~

~~Additionally, pursuant to Municipal Code Section 2.18.040, the City Council may appoint an individual to serve as an interim City Council member. The term of an interim appointee shall be from the date of the appointment until a new member is elected to the Council at a special election. If an appointment is made pursuant to the Municipal Code, Council shall, at the same time it makes the interim appointment, call for a special election to fill the vacancy. This section needs to be updated to match recent amendments to the Elections Code. The Elections Code requires the special election after an interim appointment to be held on the next regularly established election date or regularly scheduled municipal election to be held in the city not less than 114 days from the call of the special election.~~

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### Compensation

Each member of the City Council receives a monthly salary as provided for in the **South San Francisco Municipal Code Chapter 2.12**, 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. Attendance at pertinent meetings, conferences, or seminars will be reimbursed in the same manner as for city employees.

City Council compensation is governed by state law. Under Government Code sections 36516 and 36516.5, Council compensation can only be adjusted by ordinance. Changes only go into effect

when a member of the Council begins a new term, and increases can only be 5% per year since the last adjustment.

Councilmembers are optional 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. 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 E: Summary of Elected Officials' Benefits*)

### **City Council – Manager Form of Government**

#### **Appointment of City Manager and City Attorney**

The City Council appoints two positions within the city organization: the City Manager and the City Attorney (currently a contract attorney). Both positions serve at the will of the City Council as a body. 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.

#### **Role of the City Attorney**

The City Attorney's Office represents and advises the City Council, City Departments, Boards, Commissions, officers, and employees of the City of South San Francisco on all legal matters relating to City business and official activities. In addition, the City Attorney's Office prepares all legislation and legal documents, reviews City contracts and agreements, prosecutes violations of the municipal code, and manages litigation on behalf of and against the City.

#### **Role of the City Manager**

The City Manager is an employee of the City and has an employment agreement that specifies certain terms of employment, including an annual performance evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City with the exception of the City Attorney's office. The employment relationship between the City Council and the City Manager honors the fact that the City Manager is the Chief Executive Officer of the City, who works for five independently elected officials. The City Council and City Manager should be a participatory team.

Councilmembers should avoid situations that can result in the City staff being directed by one or two members of the Council. **Individual councilmembers do not have the authority to direct staff – only the City Manager does.** This ensures staff neutrality and that policy direction comes from the Council as a body. Regular communication between the City Council and the City Manager is important in managing open communication. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters. The City Council evaluates the performance of the City Manager on an annual basis to ensure that both the City Council and the City Manager are in agreement about performance and goals.

As in any professional relationship, the City Manager must keep the City Council informed. The City Manager respects and is sensitive to the political responsibility of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council.

The City Manager's power and authority include the ability to:

- Review all agenda documents before preparing the agenda for any regular or special meeting of the City Council.
- Direct the work of all appointive City officers and departments that are the concern and responsibility of the City Council, except those that are directly appointed by or report directly to the City Council.
  
- Recommend to the City Council the adoption of policies or procedures that the City Manager may deem necessary for the health, safety, or welfare of the community.
- Conduct research in administrative practices in order to bring about greater efficiency in City government.
- Execute and issue letters of support in communication with the Mayor for funding support as directed by a majority of the City Council.

**Role of the City Clerk**

The City Clerk is an independently elected official who serves as the official custodian of the City's legislative records and supports the administration of City Council meetings. The City Clerk oversees the preparation of City Council agendas and the noticing of meetings to ensure compliance with applicable laws, including the Ralph M. Brown Act, the Political Reform Act of 1974, and the California Public Records Act.

As Clerk of the Council and Successor Agency, the City Clerk maintains legislative records, serves as the archivist of City documents, and maintains custody of the City seal. Through these responsibilities, the City Clerk and staff work to ensure transparency, accuracy, and service to the residents of South San Francisco.

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## **CHAPTER II – CITY COUNCIL NORMS AND PROTOCOLS**

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### **Conduct of Meetings**

The Council should refer to one another formally during Council meetings as Mayor, Vice-Mayor, or Councilmember, 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. Councilmembers 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. Councilmembers are role models for residents, businesspeople, and other stakeholders involved in public debate. At meetings, Councilmembers should agree to sit at the dais, use the microphone and chair assigned to them, and not sit elsewhere during a meeting.

### **Council Conduct with Staff**

The Council shall treat all staff as professionals, expecting clear and honest communication that respects the abilities, experience, and dignity of everyone. There shall be no demeaning or belittling of staff during public meetings. If a specific performance issue arises, the matter shall be addressed privately with the City Manager through correspondence or conversation **and should not be shared publicly or with department heads**. As with Council colleagues, practice civility, respect, and decorum in all interactions with City staff.

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

The Council shall not attend any city staff or departmental meetings unless requested by the City Manager. This includes and is not limited to if the Councilmember does not say anything, the Councilmember's presence may imply support, show partiality, intimidate staff, or hamper staff's ability to do their job objectively. Councilmembers must not direct staff, including department heads, outside of properly agendized Council action. Councilmembers must not individually interfere in administrative functions.

### **Staff Assistance**

The 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.

**Responses to a Councilmember’s written request for information shall be distributed to all Councilmembers. The councilmember should not need to be identified when the information is shared to all councilmembers. Correspondence to political organizations or persons in support of pursuit of political office is not to be prepared using city resources.**

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

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, update the councilmember on past or current action items or legislation pertaining to that body, support the councilmember with correspondence to that body, scheduling with those meetings and at times attend the meeting with the councilmember, as deemed appropriate by the City Manager and advise and assist the Councilmember in presenting issues.

Requests for assistance with speech and correspondence preparation should be made to 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 individuals and organizations on behalf of the City, the Mayor's correspondence work is given priority.

City Councilmembers may alert staff through the City Manager, or while copying the City Manager, of any requested amendments or suggestions to agenda items, so that staff may have adequate time to prepare such amendments ahead of council meetings.

**Political Support from Staff During Elections:**

~~The City Clerk shall timely notify the City Council and executive staff of all election-related information, including the list of qualified candidates and an overview of applicable election processes and timelines during the election period.~~

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 electronically or otherwise in response to a 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 the 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 Assistant City Manager) have a professional Code of Ethics that preclude politically partisan activities or those that give the appearance of political partisanship.

### **Council Mail**

Except when mail is marked “confidential”, the City Manager or its immediate designee is authorized to receive and open all regular post office mail addressed to Councilmembers, and to give it immediate attention. Mail ~~specifically sealed and~~ marked “personal” or “confidential” will be transmitted to the Councilmembers unopened. Administrative business referred to in mail opened by the City Manager or designee 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.

Each Councilmember, including the Mayor and Vice Mayor, shall exercise the best use of city letterhead in all correspondence. Councilmembers are allowed to correspond to constituents directly via mail using city letterhead and or other elected officials as long as they don’t officially state an opinion on behalf of the city or the entire City Council in the correspondence.

### **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.

### **Use of the 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 that 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**”. The use of the corporate seal is primarily 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 that would imply the official sanction of the City when such is not the case. For anything 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.

Councilmembers who abuse the use of the city seal in intentional political and campaign activities, such as paid campaign advertisements, shall apologize publicly for their abuse of city resources. The councilmembers will also do whatever is in their power to cease and desist the spread and distribution of such campaign materials.

### **Conflict of Interest**

The City is required to adopt a Conflict-of-Interest Code, which the **City Clerk reviews** every two (2) years, and **the City Council amends** 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 reason to believe **they have** 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 step down from the dais. A member may remain on the dais for consent items, as long as they are voted on with other consent items and not taken individually. 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.

### **Levine Act Report (SB 1439)**

The purpose of the Levine Act is to prevent public officials who are members of local government agencies, including the City Council, from being influenced by campaign contributions from individuals and parties appearing before them.

This summary of the Levine Act does not constitute legal advice. The principal requirements are listed below:

- While a license, permit, or other entitlement for use from the City is pending, and for 12 months after a final decision is made on the matter, a Councilmember may not solicit, accept, or direct a contribution of more than \$500 from a party, a participant with a financial interest, or their respective agents.
- A Councilmember may not make, participate in making, or in any way use their official position to influence a decision regarding a license, permit, or other entitlement if they have received a contribution of more than \$500 from a party, a participant, or their respective agents within the previous 12 months unless they have returned the contribution.
- A party to a proceeding involving a license, permit, or other entitlement for use pending before the City in the proceeding must disclose any contribution of more than
- \$500 made to a Councilmember within the previous 12 months was made by them or their agents.

Additional information regarding the Levine Act and associated regulations can be found below:

- FPPC – 2023 Changes to Section 84308
- Government Code Section 84308

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 (FPPC), by written letter, can confer immunity from subsequent enforcement action. The FPPC has sole jurisdiction to administer, interpret, and enforce the Political Reform Act statute and the newly adopted regulations implementing the amended statutory language.**

#### **FPPC Form 801 - Donations to the City**

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.

Officials must report the payment within 30 days of the date made by filing FPPC Form 801 (Payment to Agency Report) with the City Clerk's Office.

*Appendix G: Donations to the City of South San Francisco.*

#### **FPPC Form 803 -Behested Payment Reporting**

A behested payment is when a state or local elected official or a member of California's Public Utilities Commission solicits a donation to an organization, such as a 501(c)(3), that is used for legislative, governmental or charitable purposes. These types of payments are not considered campaign contributions or gifts, but are payments made at the "behest" of elected officials to be used for legislative, governmental or charitable purposes.

While state law limits the amount of campaign contributions and gifts, there are no limits on behested payments. State law requires the reporting of behested payments if they total \$5,000 or more per calendar year from a single source. There are no reporting requirements for payments up to \$4,999.99.

Officials must report the behested payments within 30 days of the date they are made by filing FPPC Form 803 (Behested Payment Report) with the City Clerk's Office.

#### **City Council Training Expenses**

*The following guidance on the use of public funds is provided by the Fair Political Practices Commission (FPPC) as part of its online AB 1234 training:*

“Public officials deal with many difficult and complex issues. It can be helpful to attend

conferences to learn more about these issues and consult with officials from other jurisdictions about what they do. There are a number of conferences that offer valuable information to help local officials better serve their communities. But what happens if an official says they are going to a conference and then misses all or most of the educational sessions? Such a scenario raises both legal and ethical issues.”

The **legal issue** is that all expenditures of public money must support a public purpose. The public purpose of sending someone to a conference is for the attendee to acquire new information and knowledge to help better serve the community. **If the official doesn't do this (and instead uses the trip as a recreational opportunity), the official risks being accused of using public resources for non-public, personal purposes.**

The **ethical issue** is whether the charge can be made that the official misrepresented his or her purpose in traveling to the conference location. If the official said it was to attend the conference, but the official really didn't, then both the official's colleagues and the public's trust in the official's truthfulness will be diminished.

#### **City Issued Credit Cards**

City-issued credit cards shall only be used for City expenses. Councilmembers must submit original or legible digital receipts within two weeks of expenditure to the City Manager's office with an **explanation** as to the nature of the expense. Failure to consistently provide credit card receipts will result in Councilmembers losing the privilege of having a City-issued credit card. **The City will not reimburse Councilmembers for the cost of attendance at any political event.**

#### **Use of Public Resources for Political Purposes**

The same rules that prevent personal use of public resources also prohibit political use of public resources. This means public officials may not use agency equipment, supplies, or staff time for political purposes. "Political purposes" includes activities to promote or defeat candidates for public office; they also include campaign activities promoting the passage or defeat of ballot measures.

- **Consequences of Violations:** Misuse of public resources for personal or political purposes is punishable by:
  - Civil penalties of up to \$1,000 a day, plus three times the value of the resource used.
  - Criminal penalties include a two- to four-year prison term and being disqualified from holding public office.
  - Prosecution for income tax evasion, with associated penalties under federal law.
  - Administrative or civil penalties under the Political Reform Act for failure to report the value of the misused resources as a campaign contribution if the official is running for office.

Note too that local officials have also been sued by private parties seeking to force the local officials to pay back the dollar value of the public resources the private parties believe that the officials misused.”

### Equipment and Supplies

The City provides Councilmembers with a computer, cellular telephone, iPad, accessories, and credit card. The City Council should use city-provided equipment consistent with the City Council policy for the use of telecommunications equipment. *Appendix F: City Council Policy for the use of telecommunication equipment.*

## CHAPTER III - CITY COUNCIL MEETINGS

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### 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.

- ❖ **Regular Meetings:** Regular meetings are held on the second and fourth Wednesdays of each month at 6:30 p.m. in the Council Chambers of the Library | Parks and Recreation Center, 901 Civic Campus Way, 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 and posted online. 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 providing written notice twenty-four (24) hours in advance to each member of the Council electronically 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 visibly 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.

- ✓ **Continued Items:** When a meeting is adjourned or an item is continued to another date, generally the continued item will be placed first on that portion of the agenda at that meeting; however, where deemed necessary, the City Clerk, with the concurrence of the City Manager and Mayor, may place a continued item in a different order on the agenda.

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, meeting with the City Manager to get updated and if possible, listening to, viewing the recording and reading the minutes of the meeting.

Any item or hearing may be continued to any subsequent meeting in accordance 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.

- ❖ **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 or fine any Councilmember, the City Manager, City Attorney, or department head 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, consultants, and legal staff. 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 in the Council Chambers and 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. No Council comments, special recognitions or committee reports shall occur at study sessions.

### **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.

### **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 either in person or a combination of in person and virtual, the Mayor, Vice-Mayor, or any Councilmember may adjourn a meeting, or if no Councilmember is present, the City Clerk may adjourn a meeting.

### **Councilmember Seating in Council Chambers**

The Mayor sits in the middle seat at all formal in-person Council meetings. The Vice Mayor is seated immediately on the right side next to the Mayor. The former Mayor, if still in office, will sit on the left of the Mayor, if not the assignment will be left at the will of the current Mayor. The other Councilmembers will join in as per the will of the current Mayor. The new Mayor shall exercise the right to assign the seats of the two Councilmembers accordingly.

### **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 or designee calls the roll. In the absence of the Mayor and the Vice-Mayor, the City Clerk or designee 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**

For a regular or special meeting, the City Council will take up its business for consideration and disposition in the order prescribed. The Mayor or Presiding Officer may, with the consent of the City Council, modify the order of the agenda

Items may be placed on the Consent Calendar by the City Manager when such items are expected to be routinely approved without discussion or debate. The Consent Calendar shall be voted upon as one item, provided, however, that Councilmembers may request that an individual item be removed from the Consent Calendar, in which case the item shall be considered after the vote on the remainder of the Consent Calendar. Any item pulled from the consent agenda may be up for discussion and a brief staff explanation will be provided to provide context or answer the question or reason the item was pulled/removed from the consent calendar. Members of the public will only have one opportunity to address the council on ALL items on the consent calendar; there will not

be separate time allotted for each individual item on the consent calendar, if more than one item is commented by a member of the public. *Appendix B: Guide to Conducting Council meetings.*

### **Agenda 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 prepare and publish the agenda. In an effort to highlight an agenda item, or to address the growing interest of a particular agenda item, the City Council, may direct the City Manager to review and change the agenda and may take matters up out of order, any member may bring this up and a vote will be taken if there is a dissent from any of the members present.

The Order of items for **Regular meetings** shall be as follows:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Agenda Review
5. Levine Act Disclosures (SB 1181)
6. Announcements from staff
7. Presentations (shall not exceed fifteen minutes)
8. Council Comments/Requests/Honoring the Life of Request
9. Public Comments (Total time allotment of 30 minutes)
10. Consent Calendar
11. Public Hearing
12. Administrative Business
- ~~13.~~ Items from Council/Committee Reports/Announcements/ Honoring the Life of
- ~~14.~~ 13. Closed Session
- ~~15.~~ 14. Adjournment

The Order of items for **Special meetings** shall be as follows:

1. Call to Order
2. Roll Call
3. Agenda Review
4. Public Comments – *Comments are limited to items on the Special Meeting agenda.*
5. Consent Calendar
6. Public Hearing
7. Administrative Business
8. Closed Session
9. Adjournment

### **LEGISLATIVE MATTERS/ ACTIONS**

The Mayor and/or the City Council may take several different types of actions.

- ❖ **Presentations:** The total amount of time for all presentations **shall not exceed fifteen minutes** per meeting unless otherwise approved by the Council. This includes presentations from staff, community members or a group, or by a councilmember. It should be the aim that the total amount of time for all presentations shall not exceed fifteen minutes

per meeting. The council may motion to vote to move presentations to future meetings or to the end of the meeting after fifteen minutes have passed.

- ❖ **Proclamations:** Proclamations are issued by the Mayor without formal action by the Council to be presented at an appropriate function. Proclamations are public announcements directing attention to a person, an organization ~~or~~, or an event, or bringing awareness or commemorating a holiday or cause of historic significance. They can also be issued to individuals such as a Citizen of the Year, a retiring employee, or a recipient of the 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. They will be presented are at a regular council meetings, and the Mayor may designate a councilmember to read the proclamation into the record. All members of the City Council should make every effort to sign the proclamation prior to the start of the council meeting in which it will be presented, unless unforeseen circumstances prevent them from doing so. Proclamations for recipients in-person will be added under Presentations, and proclamations without in-person recipients, along with external agency requests, will be placed on the consent calendar for approval.
- ❖ **Certificates of Recognition/Commendations:** 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/or Councilmembers and are presented at an appropriate function or Council meeting. Councilmembers may request a certificate of recognition for a particular cause, organization, person, or event happening in their respective districts.
- ❖ **Ordinances:** Legislative acts of the City Council are known as ordinances. Ordinances may be general or special, depending upon their effect. Those that 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~~that 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. The minute orders shall be delivered by the City Manager’s office via electronic form to all residents and posted outside of City Hall. The City Manager will consult with the City Clerk and Communications ~~director~~Manager to ensure consistency and factual information and votes/motions from the meeting are recorded and publicly shared.
- ❖ **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 are generally conducted in the following format:

- Public Hearing opened by presiding officer.
- Staff presentation.
- Questions to staff by Council.
- Comments from the public.
- Public Hearing closed by presiding officer.
- Questions by Council.
- Discussion by Council.
- 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 for others. Comments and questions from the public are limited to the subject under consideration. Depending on the agenda and the number of speakers on an issue, the presiding officer may limit a speaker's time. This should also consider the number of public members joining virtually to speak remotely. 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 and public comment has been received or read. 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 the 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 the 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 will 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 that is the subject of a hearing, that meeting should be acknowledged during the meeting on the record prior to the opening of the hearing at the Council meeting.**

**Council Discussions:** To assist the City Council in the development of a structure for orderly discussion of items, rules have been prepared **that** represent accepted practices for the management of City Council meetings.

- 1. Obtaining the floor.** A member of the City Council or staff shall first address the Mayor to gain recognition. Comments and questions should be limited to the issue before the Council. **Cross-exchange between Councilmembers and public should be avoided.**
- 2. Questions to Staff.** A Councilmember shall, after recognition by the Mayor, address questions to the Department Director or designated staff member. If a Councilmember has questions on an agenda item, that member should make every

reasonable effort to express and share those questions to the City Manager and with their knowledge, contact staff prior to the meeting in order to allow staff time to research a response/answer for the meeting. If staff answers a written question from a Councilmember about an item on the agenda via written form, that response should be copied to all other Councilmembers.

3. **Interruptions.** Once a Councilmember has the floor, other Councilmembers may not interrupt except to make a point of order or point of personal privilege. The public may not interrupt or interfere with a councilmember's comments.
4. **Discussion Limit.** A Councilmember should not speak more than once on a particular subject until every other Councilmember has had the opportunity to speak, unless that item is of high concern to the district that councilmember represents.
5. **Tabling Procedure** Tabling an item immediately stops discussion and causes a motion and a vote to postpone a matter indefinitely or to a time and date certain. This requires the majority vote of Councilmembers.
6. **Right of protest.** A Councilmember is not required to state reasons for a dissenting vote.
7. **Calling for the question.** The purpose of calling for the question is to disallow further debate and put an issue to an immediate vote. A Councilmember may move to "call for the question" on an item which is being considered. The motion requires a second, is not debatable, and must pass by a four-fifths vote. If the motion carries, the item is no longer debatable, and no further action or public comment may be taken, and the City Council must vote on it.

**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.

#### **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 will not take up new matters after 11:00 p.m., unless a majority of the Council votes to extend the meeting to discuss specified items, including Closed Session matters. The motion to extend the meeting shall include the list of items to be discussed by the City Council.** The meeting shall continue only on the matter being discussed, and the remaining items on the agenda shall be carried over unless the Council votes. The Mayor may ask the City Manager to identify any time-sensitive matters that need to be addressed by the council and shall prioritize those items over any others that warrant a lengthier or more substantive discussion.

The City Council will endeavor to conclude its remaining business that evening in an expeditious manner by continuing all other items of anything other than a routine nature.

#### **Absences**

Councilmembers are strongly encouraged to attend meetings in person. 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.

### **Remote Attendance**

State law allows Councilmembers to attend meetings remotely by following the procedures outlined in Government Code Section 54953(b) (“Standard Remote Attendance”) or the procedures outlined in [Assembly Bill 2449 \(2022\)](#) (“[AB 2449 Remote Attendance](#)”). [Government Code Section 54953.8](#) (“[Just Cause Remote Attendance](#)”). For convenience, these procedures are summarized below and are current as of the date of Handbook revision. If state law is subsequently amended, the amended terms of State law will apply.

**Standard Remote Attendance Guidelines:** A councilmember participating remotely, following the guidelines, must ensure that:

- a) **At least** five days **advance** written notice from the publication of the agenda must be given by the Councilmember to the City Clerk’s office **and City Manager’s Office** about their intent to participate remotely; the notice must include the address at which the remote attendance will occur, and the address the Council packet should be mailed to if a hard copy is requested.
- b) The Councilmember 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, faxing or mailing the agenda to whatever address or fax number the Councilmember requests; however, it is the Councilmember’s responsibility to ensure that the agenda arrives and is posted. If the Councilmember needs 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.
- c) The Councilmember must ensure that the location will be publicly accessible while the meeting is in progress.
- d) The Councilmember 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.

**Standard Remote Attendance Procedures:** A Councilmember attending remotely using these procedures must ensure that:

- a) The meeting agenda identifies the remote attendance 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 a regular meeting and 24 hours prior to a special meeting.
- b) The remote attendance 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.

- c) Members of the public who attend the meeting at the remote attendance location have the same opportunity to address the Council from the remote location that they would if they were present in Council Chambers.
- d) The remote attendance location must not require an admission fee or any payment for attendance.
- e) If the meeting includes a closed session, the Councilmember must ensure that there is a private location available for that portion of the meeting. A private location means a closed room such that no other person can hear any portion of the closed session.
- f) All votes must be by roll call.
- g) At least a quorum of the City Council must attend the meeting from locations within the City, but they are not required to be at the same location.

**AB 2449 Just Cause Remote Attendance Procedures**

In 2022, the Legislature adopted AB 2449, which amended the Brown Act to allow remote participation in certain narrow circumstances (~~listed below~~) without publishing the remote location on the meeting agenda and without providing public access from the remote location. ~~Where the requirements of AB 2449 are met, a Councilmember is not required to follow the procedures described in Section 2.3(b)(3)(A)-(E), above.~~ In 2025, the Legislature adopted SB 707, which further amended the Brown Act, including amendments to remote participation procedures.

A Councilmember may use AB 2449 Just Cause Remote Attendance, ~~without the need to post the address of their location or allow the public to attend from that location~~, if the Councilmember ~~has~~ has either “just cause” or “emergency circumstances” that requires remote participation, as defined by AB 2449-Government Code Section 54953.8.

**Just Cause is defined and limited to one or more of the following:**

- ~~(a) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires remote attendance.~~
- ~~(b) a contagious illness that prevents in person attendance.~~
- ~~(c) a need related to a physical or mental disability which cannot be resolved by a request for reasonable accommodation, or~~
- ~~(d) travel while on the business of a state or local agency.~~
- (a) Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires remote participation. (Section 54953.8.3(c)(1).)
- (b) A contagious illness that prevents a member from attending in person. (Section 54953.8.3(c)(2).)
- (c) A need related to a physical or mental condition for which a reasonable accommodation is not being provided. (Section 54953.8.3(c)(3).)
- (d) Travel while on official business of the legislative body or another state or local agency. (Section 54953.8.3(c)(4).)
- (e) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that requires the member to participate remotely. (Section 54953.8.3(c)(5).)
- (f) A physical or family medical emergency that prevents a member from attending in person. (Section 54953.8.3(c)(6).)
- (g) Military service obligations that result in a member being unable to attend in person because they are serving under official written orders for active duty, drill, annual

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training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the member to be at least 50 miles outside the boundaries of the local agency. (Section 54953.8.3(c)(7)).

**Limitations:** Each Council member may appear remotely for “just cause” for a maximum of five meetings per year.

**Notice:** A Councilmember with “just cause” to attend remotely must notify the Council or Council committee and the City Clerk at the earliest possible opportunity, including at the start of the meeting, of their need to participate remotely, including a general description of the “just cause.”

~~Emergency Circumstances are defined as a physical or family medical emergency that prevents a Councilmember from attending the Council meeting in person.~~

(a) Notification and acceptance.

- a. ~~A Councilmember attending remotely due to “emergency circumstances” must notify the Council or Council committee and the City Clerk at the earliest possible opportunity.~~
- b. ~~The Council or Council committee must request a general description of the circumstances relating to the Councilmembers’ need to appear remotely. The description does not need to be more than 20 words, and the Councilmember does not have to disclose any personal medical information.~~
- c. ~~At the earliest opportunity available to it, the Council or Council committee must, by a majority vote of its members, take action on the request to approve or disapprove it. If the request does not allow sufficient time to place it on the agenda for the meeting for which the request is made, the legislative body must take action on the request at the beginning of the meeting by majority vote.~~

**Disclosures:** Under ~~both Just Cause Remote Attendance and Emergency Circumstances~~, Councilmembers attending remotely must publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member’s relationship with the individual.

**Technology:** Councilmembers attending remotely shall participate using both audio and visual technology. The technology must provide either (A) a two-way audiovisual platform available to the public, or (B) a two-way telephonic service and a live webcasting available to the public, electronic platform to allow members of the public to hear, observe, and participate remotely in the meeting.

**Quorum:** At least a quorum of the Council must participate in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the City.

**Votes:** All votes must be by roll call.

**Agenda:** The agenda and all notices issued that relate to the meeting must include how members of the public may remotely access the meeting and offer public comment.

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**Disruption:** If a disruption occurs that prevents members of the public from offering public comments or attending the meeting through the two-way audiovisual platform, or the two-way telephonic service and a live webcasting of the meeting, the Council may not take any other action on agenda items until public access to the meeting is restored.

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**Public Comments:** The Council may not require public comments to be submitted in advance of the remote meeting and must provide an opportunity for the public to address the Council and offer comment in real time.

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If the Councilmember intends to follow the procedures of AB 2449 Just Cause Remote Attendance and determines that any or all of these requirements cannot be met, they shall not participate in the meeting remotely using AB 2449 Just Cause Remote Attendance procedures.

**Additional Notable SB 707 Changes – Key Changes to Teleconferencing / Remote Participation**

Key changes to remote participation under California Senate Bill 707 (SB 707) regarding public meetings and the Brown Act:

- 1. Expanded and Reorganized Teleconferencing Framework:** SB 707 updates and reorganizes the Brown Act’s teleconferencing provisions, creating a more comprehensive and uniform set of rules for remote participation both for members of legislative bodies and for public access, while retaining traditional teleconferencing options.
- 2. Extended “Just Cause” Remote Participation:** The law extends the “just cause” basis for remote participation through December 31, 2029, and broadens what qualifies as just cause to include caregiving, illness, family medical emergencies, military service, and certain other circumstances.
- 3. Accessibility and Hybrid Meeting Requirements:** Beginning July 1, 2026, SB 707 requires eligible legislative bodies (such as the City Council) to offer remote public access via two-way audio or audiovisual platforms for every meeting of the legislative body and to provide multilingual outreach, translated agendas, and accessible online information. It also mandates policies to address technology disruptions and assist interpretation needs.
- 4. Disability Accommodations for Members:** ~~The bill codifies~~ SB 707 codifies that legislative body members with qualifying disabilities may participate remotely as a reasonable accommodation under applicable law, with conditions for audio/visual participation and disclosure of others present at the remote location. Remote participation under this accommodation counts as in-person attendance for quorum purposes.
- 5. Special Meeting and Disruption Provisions:** ~~The law~~ SB 707 expands special meeting posting requirements and clarifies authority to remove or limit participation by disruptive individuals, including those attending via remote platforms.

## **CHAPTER IV - PROCEDURAL RULES**

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### **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 that 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. *Appendix L: A Guide to the Ralph M. Brown Act*

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, texts, a virtual meeting, 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 the 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, and if there is a crippling disaster. **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 the only part of a Council meeting that the public cannot attend, though the public may make a public comment(s) before the start of the closed session. The Council will make a public report after the session where required by State or local law. 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)).

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

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 disclosure of certain items decided in closed-session meetings. Minutes may be taken during a 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 an 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.

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.

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 to 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.

No person in attendance at a Closed Session may disclose the substance or effect of any matter discussed during the session, except to the extent authorized by a majority vote of the Council or as required by a court.

An action taken by the Council during the 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 the 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.~~

### **Rosenberg's Rules of Order**

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. Rosenberg's Rules of Order is a simplified set of parliamentary rules widely used in California. ~~Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations, and private corporations and companies have adopted Rosenberg's Rules in lieu of Robert's Rules because they have found them practical, logical, simple, easy to learn, and user friendly. The rules were developed by Dave Rosenberg, a longtime Superior Court Judge in Yolo County, based on his decades of experience chairing meetings in state and local government. The rules have been simplified for smaller governing bodies and slimmed down for the 21st Century, while retaining the basic tenets of order.~~ <https://www.calcities.org/resource/rosenberg-s-rules-of-order-simple-rules-of-parliamentary-procedure-for-the-21st-century>

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

It is recognized that Rosenberg's Rules apply 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 Rosenberg'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 specific rules, such as providing that the chair does participate in debate. (Section 36803).

### **Basic Procedures - Main Motion**

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 the 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 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 reporting 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.

### **Voting**

Votes are taken by voice or roll call and entered in full upon the record. During the roll call, it is not in order for any member to explain a vote.

**Silence constitutes an abstention vote.** Councilmembers who are silent during voting shall have their vote recorded as abstaining. Abstention votes on a motion will not be counted. **When a Councilmember recuses themselves to comply with the Political Reform Act and Fair Political Practices Commission regulations, and they leave a meeting, they will be counted as absent.**

When a Councilmember recuses themselves for other reasons where they are not legally required to do so, their recusal will be treated as an abstention. In which case, a stated reason as to the recusal should be provided. Consistent with Rosenberg's Rules, the present and voting rules will be used for abstentions.

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.

Except for quasi-judicial matters, at the next regular meeting after a vote, a Councilmember may request that an item be agendized at a subsequent meeting for reconsideration.

- If a majority of the Council votes affirmatively to reconsider the item, it will be scheduled for a future meeting.
- Any Councilmember may change their vote as part of the reconsideration.

**Disqualification and recusal of a vote.** 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 with another date. Any such continuance suspends the running of any time in which action of the City Council is 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
6. Approval of a new member of council, either by appointment or the call of a special election to elect a new member. – 3 Affirmative Votes

**Request for Agenda Items, Ordinances, or Legal Opinions**

To ensure all Councilmembers' views are represented, council agendas contain sections titled "**Council Comments/ Requests**" and "**Items from Council – Committee Reports and Announcements**". This portion of the meeting allows any Councilmember to request an agenda item for a future meeting and allows 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 there is no dissenting or opposing articulated action from a majority of the Councilmembers when the support for the request at that time is made, then the item shall be placed on a future agenda. Upon support for the request, the Councilmember may suggest and provide direction to the City Manager and staff on information that is desired to be presented and 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 to 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 a particular issue shall not be provided with a copy of the opinion or ordinance.*

### **Public Participation**

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 the 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 at 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.

Members of the public are not required to identify themselves, but it helps ensure accurate record-keeping of public comments. The public should not ask direct questions to city staff, City Manager, City Attorney, or other non-elected or appointed members of the council, but should address their comments to the **City Council only**. Staff may be provided the opportunity to present a summary of each staff report, and will be available to answer questions from Council members, but not from members of the public or groups of persons.

Members of the public will be afforded the opportunity to speak on all items under the subject matter jurisdiction of the City Council. Under the Public Comment section of the agenda, members of the public may speak on any item **not listed** on the Agenda and on items listed under the **Consent Calendar**. Individuals may not share or offer time to another speaker. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. **In instances where there is a technical or audio issue, the clock will be reset to allow for total time without interruption.**

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 individual speaking time to limit the total amount of time for public comments (Gov. Code sec. 54954.3(b)(1).) In accordance with the Ralph M. Brown Act, including the public comment provisions of California Government Code § 54954.3(b)(1), the City Council may establish reasonable regulations governing public participation during Council meetings, including limits on the total amount of time allocated for public testimony and the time provided to individual speakers. To ensure fair and orderly proceedings, the mayor or presiding officer may adjust individual speaking time based on factors such as the number of speakers wishing to address the Council, the number and complexity of agenda items, and the overall time available during the meeting. The mayor, or presiding officer, retains discretion to implement these adjustments in order to provide an equitable opportunity for

public comment while maintaining the efficient conduct of Council business.—Speakers that are not in compliance with the City Council's rules of decorum will be muted. **Speakers may not assign unused time to other speakers.**

**Below is guidance of speaker time limits, subject to change by the Mayor or presiding officer:**

**Speaker Time Limits**

<b>Number of Speakers</b>	<b>Speaker Time</b>
<u>1 -10 Speakers</u>	<u>3 minutes per speaker</u>
<u>11 -20 speakers</u>	<u>2 minutes per speaker</u>
<u>21 + speakers</u>	<u>1 minute per speaker</u>

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During special or study session meetings, the public may address the City Council only on matters listed for discussion on the agenda. For meetings at which public comments may be provided via Zoom or another two-way teleconference platform, the City Clerk, or designee, will first call on the members of the public at the in-person meeting location. Following the conclusion of those comments, members of the public participating remotely who have expressed interest in providing public comment by raising a “**virtual hand**”, will be allowed to speak. Members of the public who provide comments virtually shall be given the same amount of time as members of the public who attend a meeting in person.

**Written communication:** Members of the public are encouraged to submit written comments via the eComment portal on the city’s website. Do not include any personal or private information in written communications to the City Council that you do not wish to make public, as written communications are considered public records and will be made publicly available on the city website.

Please note that members of the public may not place any documents on the Councilmember’s seats at the dais before the start of the meeting. If a member of the public wishes to distribute correspondence on the night of the meeting, they may do so. However, these documents should be directed to the City Clerk or designee, who will distribute them to the Council. Speakers **cannot** use the city’s or their personal computer or projection equipment for displaying presentation material during the meeting.

~~Due to the number of items on the agenda and the length of City Council meetings, and to ensure equal treatment of all speakers, the following time limits have been set:~~

The Mayor has the authority to modify the time limits set forth above based on the agenda size and the number of speakers.

<b>Agenda Section</b>	<b>Time Limits</b>
<b>Public Communication – Public Comments</b>	A maximum of 3 minutes for each person, whether an individual or group spokesperson. <b>Total time of 30 min.</b>

	Total time allocated at the beginning of the meeting – 30 minutes
	Additional time for public comment may be allocated at the end of the meeting, at the discretion of the Mayor
	Time may be modified by the Mayor in some circumstances
<b>Public Hearing – Order of Presentations</b>	<b>Time Limits</b>
Staff presentation	As needed
Appellants ( <i>when not applicants</i> )	15 minutes
Applicants	15 minutes
Organized presentations ( <i>group spokesperson</i> )	10 minutes
Individual speakers	3 minutes
Rebuttal by applicant	5 minutes
Rebuttal by appellant	5 minutes

A final warning by the Mayor will be issued when the decided public comment time limit has been reached. The public commenter will have 10 seconds to conclude their testimony. To be fair, public comments that go beyond the ten-second time limit will be muted. ~~cut off by the City Clerk or designee.~~ All members who are muted ~~cut off will be informed that they are able to~~ may submit the remainder of their public comment through email to the City Council via the City Clerk.

#### **Speaker Cards and Other Protocol**

If a member of the public wishes to address the City Council and are attending the meeting in person, they will be asked to complete a **digital speaker card** for the record, which includes the speaker's name, address, and other contact information, and the number of the agenda item. Submitting a public comment card is not required to address the City Council, but it will help the City Clerk maintain an accurate record. The digital speaker card will be made available via an electronic kiosk at the meeting location. Those attending the meeting virtually will not be required to fill out a speaker's card, but will ~~make every effort to~~ signal their interest in speaking or providing comment by raising their **“virtual hand”**.

To ensure accuracy of the record, members of the public addressing City Council should speak in an audible tone of voice into the microphone. ~~Members of the public addressing the council virtually should be aware that the clerk or their designee will unmute them when it is their turn to speak.~~

**One Speaker at a Time:** No person, other than the person having the floor, shall be permitted to enter into any discussion without the permission of the Mayor. 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 of a Councilmember or any city staff member or consultant.

#### **Addressing the Council during Council Deliberations**

Council deliberations are defined as the time when the City Council has heard staff or consultant presentation, has allowed time for public comment and has then proceeded to discuss and deliberate the item amongst themselves prior to a motion or vote. No person may address the City Council following the time for public ~~comment testimony~~, and during City Council deliberations, this includes during or after a presentation, unless a majority of the City Council agrees or in answer to a specific question directed to the individual by a member of the City Council.

#### **Failure to Speak**

Any failure of a member of the public to request to speak on an item, or any failure by the City Council to afford an opportunity to speak on an item, shall not affect the City Council's right to act on that item or the validity of any action subsequently taken by the City 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.

#### **Assembly Bill (AB) 1787 Public Comments (Translation)**

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.

#### **Meetings – Video Streamed and Broadcast**

All Regular City Council meetings held in the City Council Chamber or via virtual platforms are broadcast live and rebroadcast on the City's government access channel, web-streamed on the City's website, and digitally archived.

The recordings of the City Council meetings are not the official record of those meetings. The minutes are the only official record.

#### **Minutes**

~~The City Clerk shall ensure the preparation of "action minutes" of each City Council meeting, which include the motions made, actions taken, and a list of public comments made. These minutes will constitute the official record of the City Council's actions. Non televised meetings may contain additional information.~~

Minutes serve as an accurate record of decisions made during a meeting. It is not necessary for minutes to recount the discussion or public comments received. However, it is sometimes helpful to record the names of public speakers, but not necessarily a complete description of their comments. The City Clerk shall prepare action minutes that will include each speaker's name and

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the agenda item or topic addressed, with reference to the meeting audio recording on the City’s website for full context.

Meeting minutes are required to include the following information:

- Members present;
- Key issues discussed;
- Motions, resolutions, ordinances, and other items of business and their disposition; and
- Results of all votes and, in the case of a roll call vote, the vote of each member by name.

According to the minimum standards for a Brown Act meeting, it is essential to record the motion, the individual who made it, the person who seconded the motion, and the votes taken on any action items listed on the agenda. If any members are participating remotely, the minutes should record the specific legal basis for their participation.

Councilmembers may request revisions to the minutes, subject to a majority vote of the City Council. Councilmembers having only typographical corrections to minutes are encouraged to provide such corrections to the City Clerk directly and need not wait to submit such corrections at a meeting. To make amendments to the minutes of a City Council meeting, a Councilmember should notify the City Clerk in writing of the proposed changes in advance of the meeting. In doing so, this will allow the City Clerk to prepare an amended set of minutes for distribution either prior to or during the City Council meeting.

Once the minutes are approved by the City Council, the Mayor and City Clerk will sign the minutes verifying their accuracy. The City Clerk will maintain the minute archives.

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## **CHAPTER V – CITY COUNCIL MEETING DECORUM**

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### **Decorum**

The City of South San Francisco strongly denounces hate speech and does not tolerate disruptive behavior in meetings. The City of South San Francisco prides itself on the rich diversity of its residents. The City Council is committed to creating a culture of belonging where members of the community feel included, safe, and respected. Members of the public are asked to refrain from making disrespectful and hateful comments.

Councilmembers shall accord the utmost courtesy to each other, City employees, and the public appearing before the City Council, and shall refrain at all times from rude and derogatory remarks, public criticism of staff, remarks as to integrity, abusive comments, and statements as to motives and personalities. Employees of the City shall observe the same rules of order and decorum applicable to the City Council.

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. Unless that Councilmember is calling a point of order on the speaking councilmember.

To assist the City Council in working with a wide variety of backgrounds, personalities, opinions, values, and goals, additional protocols are outlined below:

1. Use Formal Titles. Councilmembers should refer to one another formally during public meetings as “Mayor,” “Vice Mayor,” or “Councilmember,” followed by the individual’s last name.
2. Technology. All Brown Act rules should be followed regarding technology devices. However, during hybrid meetings, Councilmembers may use their devices to assist them.
3. Practice civility, respect, and decorum in discussions and debates.
4. Honor the role of the Mayor in maintaining order.
5. Do not demean, embarrass, or speak down to city staff or senior management members.

The United States Constitution and **the** 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 or disrupt 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.~~

As defined in Government Code section 54957.95(b), “disruption” means engaging in behavior during a meeting of the City Council that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:

- A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law.
- Engaging in behavior that constitutes use of force or a true threat of force. “True threat of force” means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

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By way of example only, the City Council finds that the following are examples of prohibited disruptive behavior within the meaning of section 54957.95(b):

- shouting, making disruptive noises, such as boos or hisses
- creating or participating in a physical disturbance
- speaking out of turn or in violation of applicable rules
- preventing or attempting to prevent others who have the floor from speaking
- preventing others from observing the meeting
- approaching the City Council dais or speaker podium without consent
- refusing to obey the lawful and reason orders of the Mayor or Council.

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Speakers are to address their comments to the City Council from the lectern. Each person addressing the City Council shall do so in an orderly manner and shall not engage in conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the City Council meeting. Staff shall only respond to public comment or inquiry if requested to do so by the Mayor. Any person, who so disrupts the meeting shall, at the discretion of the Mayor or a majority of the City Council, be subject to removal from that meeting. Any speaker who violates the rules of order and decorum and who fails to heed a warning from the Mayor or law enforcement official will be escorted out of the City Council Chamber and may be placed under arrest.

The City Council finds that continued use of loud, threatening, profane, or abusive language or verbal conduct that denigrates an individual because of their race, color, gender, religion, sexual orientation, age, national origin, disability, or other protected category after a verbal warning from the presiding officer impedes the orderly conduct of the meeting and constitutes a disruption within the meaning of Government Code section 54957.95(b). It interferes with the Council’s ability to accomplish its functions in a reasonably efficient matter by causing a distraction from Council business, chilling other members of the public’s participation, interfering with the ability of those present to listen and understand the business and proceedings of the Council, and may constitute or contribute to employment or other types of discrimination.

Prior to ordering the removal of the individual for disruptive conduct, the presiding officer shall issue a warning the individual that their behavior is disrupting the meeting and shall follow the procedures below if applicable.

**Warnings.** The Mayor shall ask that any person violating the rules of decorum be orderly and silent. The warning shall be in substantially the form described below. If, after receiving a clear verbal warning from the Mayor, the person persists in ~~disturbing~~ disrupting the meeting, the Mayor

may order a brief recess of the City Council to regain order. If the person persists in disturbing disrupting the meeting, despite having been previously warned, the Mayor may order them to leave the City Council meeting. If the person does not depart the City Council Chamber on their own volition, the Mayor may order any law enforcement officer who is on duty at the meeting as Sergeant-at-Arms of the City Council to escort that person from the City Council Chamber.

If a member of the public causing a disturbance disruption is attending virtually, the City Clerk or designee will remove the individual from the virtual meeting and/or mute them.

The Mayor shall deliver the requisite warning in substantially the following form. If the member is attending virtually remotely, the written version will also be provided in a virtual format for the individual to read clearly. It will state as follows:

*“You are hereby advised that your conduct is in violation of the Rules of Order and Decorum of the City Council and California Penal Code Section 403, and you are directed to be orderly and silent. Penal Code Section 403 states that any person who, without authority of law, willfully disturbs or breaks up a lawfully convened meeting of the City Council is guilty of a misdemeanor. Continued disruption of this City Council meeting will result in your removal from the meeting by the Sergeant-at-Arms, and you will not be permitted to return to the City Council Chamber for the duration of the meeting. In addition, any continued disruption of this meeting is grounds for your arrest and being charged with a misdemeanor. Do you understand this admonition?”*

**Verbal Conduct Denigrating Individuals Based on a Protected Category**

When a person disrupts a meeting (within the meaning of Government Code section 54957.95(b)) by engaging in verbal conduct that denigrates an individual because of their race, color, gender, religion, sexual orientation, age, national origin, disability, or other protected category, the presiding officer shall take the following actions:

- 1) The Mayor or designee shall stop the speaker to issue a warning by reading the relevant portions of the City’s Respect in the Workplace Policy. The Mayor or designee may ask the City Clerk or other staff to mute the speaker on the teleconferencing platform provided by the City. The Mayor or designee shall state that the City does not condone comments in violation of the City’s Policy and that the speaker’s harassment is unwanted and unwelcome and disrupts the meeting by interfering with the Council’s ability to accomplish its functions in a reasonably efficient matter by causing a distraction from City business, chilling participation from other members of the public, interfering with the ability of those present to listen and understand the business and proceedings of the City, and may constitute or contribute to other forms of discrimination.
- 2) The Mayor or designee shall hold the speaker’s time and the speaker may resume speaking after the presiding officer’s warning statement, unless the speaker’s comments continue to disrupt, disturb, or impede the orderly conduct of the meeting. If the speaker continues to disrupt, disturb, or impede the orderly conduct of the meeting, the Mayor

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or designee may prohibit the speaker from further commenting or may order the speaker to be removed from the meeting.

3) After the end of the speaker's comments, any Councilmember may make a brief response to such comments, if desired.

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**Misdemeanor.** Any person who willfully disturbs or breaks up a City Council meeting may be arrested and charged with a misdemeanor, pursuant to California Penal Code Section 403.

### **Enforcement of Decorum**

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 from an in-person meeting. The Chief of Police or a representative of the Chief of Police has the additional authority to place the person under arrest, or both, in accordance with State law.

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 in-person and virtually and continue in session.

*Appendix K: Chapter 10.76 – Rules of Conduct for City Property*

~~For members of the public, city staff or others attending a meeting in person: Cellular telephones or any other telecommunications or two-way communication device should be in silent mode or turned off during the entirety of the City Council meeting.~~

### **Use of Cellular Telephones and Electronic Devices**

To ensure the orderly and efficient conduct of City Council meetings while preserving public access, transparency, and participation, the following policy shall apply to in-person, hybrid, and remote meetings:

All members of the public, City staff, and other individuals attending City Council meetings in person shall place cellular telephones and other electronic or telecommunications devices in silent mode prior to the start of the meeting. Use of devices for accessing meeting materials, note-taking, or recording is permitted so long as it does not disrupt proceedings. Members of the public may audio- or video-record meetings in accordance with the Brown Act, provided the recording does not cause persistent disruption.

Participants attending remotely shall conduct themselves in a manner that does not disrupt the meeting, including muting microphones when not speaking and refraining from disruptive use of audio, video, chat, or other platform features.

The Mayor or designee is authorized to take reasonable and necessary actions to maintain order, including muting or removing remote participants, directing individuals to cease disruptive conduct, or requiring individuals to leave the Council Chambers if disruptions persist.

**Noise in the Lobby and Public Area**

~~Noise emanating from the lobby outside the City Council chambers, which disrupts City Council meetings, shall not be permitted.~~ To maintain a professional and orderly environment, excessive noise in lobbies, hallways, or other public areas that disrupts Council meetings or public participation is prohibited. Individuals creating disruptions may be asked to reduce noise, stop disruptive activity, or leave the premises if necessary.

**Crowd Control in the Council Chambers**

If the City Manager, or the City Manager’s designee, anticipates in advance a crowd larger than the maximum number of attendees allowed in the City Council Chambers, there shall be appropriate crowd control measures and overflow placement of attendees.

**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. This includes areas where there will be closed sessions or utilized during council meeting recess.~~

In accordance with South San Francisco Municipal Code Chapter 8.50 and applicable state law, smoking is prohibited in all enclosed areas of City buildings and facilities, including Council Chambers, meeting rooms, offices, hallways, enclosed parking structures, and City vehicles. This prohibition applies to all forms of smoking, including cigarettes, cigars, pipes, and electronic smoking devices such as e-cigarettes and vaporizers. Individuals found in violation may be asked to cease smoking or leave the premises.

**Distribution of Literature and Other Materials in City Council Chambers**

Literature distribution or petition circulation is not permitted in the Council Chambers when the Council is in session or during Ceouncil meeting recess. When such activity is conducted in a place where it is legally allowed, it may not be done in a manner that blocks Councilmembers, the public or city staff or city employees from accessing a Council meeting.

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## CHAPTER VI BOARDS, COMMISSIONS AND COMMITTEES

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### **BOARDS, COMMITTEES AND COMMISSIONS**

Boards, Committees and Commissions (except the Housing Authority, Design Review Board, Measure W Citizens' Oversight Committee, and the San Mateo County Mosquito & Vector Control District) are established by ordinance and set forth in the Municipal Code. The purpose of Boards, Committees 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, Committees and Commissions should submit their recommendations to the Council in writing. Once the Council has reached a decision after due consideration of a matter, it is inappropriate for a Board, Committee or Commission or its members to criticize verbally or written or via social media the council or attempt to change a decision made by Council.

No member of any Board, Committee, or Commission may be a member of any other advisory body or hold any paid position with the City or be an elected or appointed official of another governing body in public service, except members of the Youth Commission serving temporary intern and part-time positions. The members of each advisory body (except the Design Review Board) are appointed by the Council in accordance with governing law. Except for the Conference Center Authority, the Bicycle and Pedestrian Advisory Committee, and the Youth Commission, the Council will consider any advisory body applicant who is a resident in the City of South San Francisco and, if applicable, a resident of a specific district.

The Board, Committee, and Commissions are authorized to appoint advisory committees to assist them in performing their duties. A member of the Board, Committee, 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 advisory bodies and shall report to at the times and in the manner which the appointing Board or Commission may require.

All appointees must comply with the appropriate provisions of law regarding disclosure of financial interests, if applicable. The City Council will not 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.

### **Stipend**

All Boards, Committees, and Commission members, except members of the ~~Housing Authority Tenant Commission~~, Measure W Citizens' Oversight Committee, Emeritus Members, Ex Officio Members, and Council representatives to the Conference Center Authority, are compensated at a rate of \$100.00 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.

### **Reappointment Process**

The City Clerk's Office will manage the reappointment process by notifying all eligible members at least 30 days prior to their term expiration, and those members eligible to continue serving shall express their interest in continuing serving to the City Clerk. Appointments are for a single term.

After consideration of the member's record (including attendance), an individual may be reappointed for a **new** term.

The City Clerk will share the results with the Council via Thursday memo, and the Mayor will provide direction on the reappointment process of members. The default is that currently serving advisory body members be interviewed for reappointment. However, if it is determined that an advisory body member's performance is outstanding, or that other factors necessitate keeping them in their role, then an automatic reappointment can occur with a majority vote or majority consensus of the City Council agenda item (Consent Calendar) at a regularly scheduled City Council meeting. If an advisory body member is not reappointed without interview, then the **vacancy** will be advertised, and **candidates will be** recruited for interviews.

After reappointments are complete, the City Clerk will recruit for open seats through multiple channels, including advertising, the city newsletter, the Mayor's weekly email, the website, social media, and networking lists, to present qualified candidates to the Council for consideration.

An advisory body member may continue to serve past their expiration term until reappointed or the recruitment process is completed. Any person desiring to be considered for an appointment to any of the city's advisory bodies should submit an online application.

#### **Resignations**

In the event that a current advisory body member resigns, an official letter of resignation stating the date of final service **must** be submitted to the City Clerk's office and shared with the City Council. 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 are best served by regular participation of advisory body members.

Government Code Section 54974 provides that whenever an unscheduled vacancy occurs, a special vacancy notice shall be posted within twenty (20) days 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.

#### **Removal of Members**

The appointment or removal of any board or commission ("advisory body") member who is required by ordinance to be appointed by the City Council shall require the affirmative vote of a majority of the Council.

Advisory body members may be removed following **three excused or two unexcused absences during a twelve-month period**. An absence is considered excused when an advisory body 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.

The preceding procedures shall not apply to non-voting Emeritus Members of appointed Boards and Commissions or to city liaison committees with other governing bodies.

### **Term of Office**

Board, Committee, and Commission members are appointed to serve for one term at a time. Terms continue until a successor is appointed and qualified. The number of members, length of terms, time of appointment, and method of appointment differ. Except when appointed as a Commissioner Emeritus by the Council, no Board, Committee or Commission member may serve more than the authorized number of terms on any one Board, Committee or Commission as set forth in the Municipal Code.

Appointments to a specific Commission, Board, or Committee are limited to a maximum of three consecutive terms, except for members of the Housing Authority, Library Board, Parking Place Commission, Traffic Safety Commission, and Youth Commission (age limit specified). 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. Advisory body members serve staggered terms.

### **Orientation**

Each new Commissioner, Board Member, or Committee Member will have an oath administered by the City Clerk or designee before attending the first meeting, and 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.

[The City Council strongly encourages and supports newly appointed Planning Commissioners to attend the Planning Commissioners' Academy to enhance their understanding of land use law, ethical responsibilities, and best practices in planning and decision-making.](#)

### **Application Process**

The City Clerk's Office will manage the recruitment and application process. If there is no vacancy, or the applicant is not selected, the City Clerk will hold the application on file for one (1) year from receipt. It is the applicant's responsibility to note the date of submission and track the expiration of the application. If there is a vacancy, the City Clerk will notify the applicant, and the applicant will be invited to participate. **All applications must be typed, handwritten applications will not be accepted.**

Interviews will be held at a special meeting of the city council. ~~All interviews will be held in person, unless an emergency declaration is issued. No hybrid interviews will be considered unless under special circumstances.~~ Any applicant who fails to attend their interview will be disqualified and their application will be removed from consideration from the date of the interview and for a year. ~~There will be no excused absences for interviews or rescheduled interviews for applicants who failed to attend their interview.~~

### **Late Applications**

Applications submitted after the established deadline shall be acknowledged that the application was received past the filing deadline but will not be considered.

### **Eligibility Review**

All applications received by the filing date and time will be processed and reviewed by the City Clerk's Office for conflicts of interest, qualifications, and residency verification.

City employees are generally considered to have a conflict of interest; however, eligible retired or former employees may be considered for appointment.

### **Candidate Interviews**

The Council will receive all qualified candidate application materials for review prior to interviews. A yearly mayor appointed council ad-hoc committee will develop questions for a structured interview process for each of the boards and commissions for that year, if needed.

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. Councilmembers will rotate questions created by the council ad-hoc committee and a reasonable amount of time will be given so that each councilmember has the opportunity to ask the candidate questions.

The interview and selection of candidates is an open process. The City Council reviews the applications and votes to select the most qualified applicants to interview. Following the interviews, the City Council ballots and appoints the applicant(s) receiving the highest number of votes.

### **Absentee Policy**

Advisory body members may be removed by a majority vote of the City Council following **three excused or two unexcused absences** during a twelve-month period. An absence is considered excused when an advisory body member notifies the staff liaison 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 members by email and via email regarding the absentee policy. The staff liaison should remind the Board or Commission members that with one more absence, the City Council will be informed of the members' 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 staff liaison shall inform the City Manager's Office. The **City Manager's office** shall draft a letter from the Mayor to the Board or Commission members regarding the absentee policy and request an explanation before the Mayor brings the matter to the Council. The Mayor shall provide a report to the council on a quarterly basis via a report created by the City Clerk's office of any current appointments that require action or attention due to unexcused absences.

Members are also encouraged to give advance notice of their absence from a meeting to the staff liaison as well as to 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.

**Maddy Act**

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 designated the public library with the largest service population within the City to receive a copy of the list.

**Administrative Support**

Administrative support will be provided to the board, commission, and committees by a city staff member.

<b>Board, Commission, and Committee</b>	<b>Administrative Liaisons</b>
Bicycle and Pedestrian Advisory Committee (BPAC)	Economic and Community Development Department/Planning Division
Conference Center Authority	SSF Conference Center Executive Director
Cultural Arts Commission	Parks and Recreation Department
Design Review Board	Economic and Community Development Department/Planning Division
Equity and Public Safety Commission	City Manager’s Office/Equity Officer
Housing Authority	Housing Authority Executive Director/Economic and Community Development Department
Housing Authority Tenant Commission	Housing Authority Executive Director/Economic and Community Development Department
Library Board	Library Department
Measure W Citizens’ Oversight Committee	Finance Department
Parking Place Commission	Public Works Department
Parks & Recreation Commission	Parks and Recreation Department
Personnel Board – <i>Inactive body</i>	Human Resources Department
Planning Commission	Economic and Community Development Department/Planning Division
San Mateo County Mosquito & Vector Control District – SSF representative	SMC Mosquito & Vector Control District

Traffic Safety Commission	Public Works Department
Youth Commission	Library Department

**South San Francisco Boards, Commissions, and Committees**

Advisory Body	Number of Members	Term Length	Term Limit	Method of Appointment	Stipend
<b>Bicycle and Pedestrian Advisory Committee (BPAC)</b>	7	4-year term	12-years <i>(3 consecutive terms)</i>	City Council	Yes
<b>Conference Center Authority</b>	10 <i>(ex officio as non-voting member)</i>	4-year term	12-years <i>(3 consecutive terms)</i>	City Council	Yes
<b>Cultural Arts Commission</b>	11	4-year term	12-years <i>(3 consecutive terms)</i>	City Council	Yes
<b>Design Review Board</b>	5	4-year term	None	Planning Commission	Yes
<b>Equity and Public Safety Commission</b>	7 and 1 alternate	4-year term	12-years <i>(3 consecutive terms)</i>	City Council appoints three (3) members at-large and five (5) members appointed by District	Yes
<b>Housing Authority</b>	5	4-year term	16-years <i>(4 consecutive terms)</i>	City Council	Yes
<b>Housing Authority Tenant Commission</b>	2	2-year term	None	City Council	No
<b>Library Board</b>	5	3-year term	12-years <i>(4 consecutive terms)</i>	City Council	Yes
<b>Measure W Citizens' Oversight Committee</b>	5	4-year term	Limited Appointment	City Council	Yes
<b>Parking Place Commission</b>	3	3-year term	12-years <i>(4 consecutive terms)</i>	City Council	Yes
<b>Parks &amp; Recreation Commission</b>	7	4-year term	12-years <i>(3 consecutive terms)</i>	City Council	Yes

<b>Personnel Board</b> <i>Inactive body</i>	5	4-year term	12-years <i>(3 consecutive terms)</i>	City Council	Yes
<b>Planning Commission</b>	7	4-year term	12-years <i>(3 consecutive terms)</i>	City Council	Yes
<b>Advisory Body</b>	<b>Number of Members</b>	<b>Term Length</b>	<b>Term Limit</b>	<b>Method of Appointment</b>	<b>Stipend</b>
<b>San Mateo County Mosquito &amp; Vector Control District SSF representative</b>	1	2 or 4-year term	12-years <i>(3 consecutive terms)</i>	City Council	Paid by SMC Mosquito & Vector Control District
<b>Traffic Safety Commission</b>	5	3-year term	12-years <i>(3 consecutive terms)</i>	City Council	Yes
<b>Youth Commission</b>	15	2-year term	Age Limit	City Council	Yes

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