City of Santa Clara

Meeting Agenda

Governance and Ethics Committee

Special Meeting

Tuesday, July 2, 2024 **3:00 PM** **City Hall – Council Chambers**
1500 Warburton Avenue
Santa Clara, CA 95050

The City of Santa Clara is conducting Governance and Ethics Committee meetings in-person and continues to have methods for the public to participate remotely or in-person.

- **Via Zoom: https://santaclaraca.zoom.us/j/98559951444**
- **Webinar ID: 985 5995 1444**
- **By phone: +1 669 444 9171**

To submit written public comment before meeting:
Send email to mayorandcouncil@santaclaraca.gov by 10 a.m. the day of the meeting.
Those emails will be forwarded to Committee members and will be uploaded as supplemental meeting material.
Note: Emails received as public comment will not be read aloud during the meeting

CALL TO ORDER AND ROLL CALL

CONSENT CALENDAR

1A. 24-662 Approval of the June 3, 2024 Governance and Ethics Committee Meeting Minutes

Recommendation: Approve the minutes of the June 3, 2024 Governance and Ethics Committee Meeting

PUBLIC PRESENTATIONS

[This item is reserved for persons to address the body on any matter not on the agenda that is within the subject matter jurisdiction of the body. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting.]

GENERAL BUSINESS

2. **24-627** Review Policy and Procedure 049 ("Community Grant Policy") (DEFERRED FROM JUNE 3, 2024)

Recommendation: Approve amendments, if any, to Policy and Procedure 049 ("Community Grant Policy") and bring forth to City Council for consideration and approval.

3. **24-628** Review Meeting Management Protocol Options and Rosenberg's Rules of Order and Provide Direction to Staff (DEFERRED FROM JUNE 3, 2024)

Recommendation: Provide Direction on a Council Policy for Meeting Management Protocols Recommendations by the Governance and Ethics Committee and Forward for Consideration and Approval by the City Council

4. **24-650** Update on Review of SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials") (DEFERRED FROM JUNE 3, 2024)

5. **24-651** Review and Action on Updated 2024 Governance and Ethics Workplan (DEFERRED FROM JUNE 3, 2024)

Recommendation: Approve the 2024 Governance and Ethics Committee Workplan with any additional amendments

STAFF REPORT

COMMITTEE MEMBER REPORTS / FUTURE REFERRALS

ADJOURNMENT

The next Governance and Ethics Committee meeting will be held on September 16, 2024 at City Hall.

MEETING DISCLOSURES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.

24-662 **Agenda Date: 7/2/2024**

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT
Approval of the June 3, 2024 Governance and Ethics Committee Meeting Minutes

ENVIRONMENTAL REVIEW
The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT
There is no fiscal impact to the City other than administrative staff time.

PUBLIC CONTACT
Public contact was made by posting the Governance and Ethics Committee agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov < mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION
Approve the minutes of the June 3, 2024 Governance and Ethics Committee Meeting

Reviewed by: Maria Le, Assistant to the City Manager, City Manager's Office
Approved by: Jovan D. Grogan, City Manager

ATTACHMENTS
1. June 3, 2024 Governance and Ethics Committee Meeting Minutes

Draft

City of Santa Clara

Meeting Minutes

Governance and Ethics Committee

06/03/2024 **1:00 PM** **City Hall – Council Chambers**
1500 Warburton Avenue
Santa Clara, CA 95050

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Present 3 - Chair Raj Chahal, Member Suds Jain, and Member Kevin Park

CALL TO ORDER AND ROLL CALL

Chair Chahal called the meeting to order at 1:04 p.m.

Present 3 - Chair Raj Chahal, Member Suds Jain, and Member Kevin Park

CONSENT CALENDAR

1.A 24-582 Approval of the March 4, 2024 Governance and Ethics Committee Meeting Minutes

Recommendation: Approve the minutes of the March 4, 2024 Governance and Ethics Committee Meeting

A motion was made by Committee Member Jain, seconded by Committee Member Park to approve the staff recommendation to approve the meeting minutes.

Aye: 3 - Chair Chahal, Member Jain, and Member Park

PUBLIC PRESENTATIONS

Member of the public **Wanda Buck** stated she had some issues logging into Zoom, staff was able to provide support to get her into the Zoom link soon thereafter.

GENERAL BUSINESS

2. 24-439 Review and Action on Council Policy 020 ("Proclamations, Commendations and Certificates of Recognition") and Council Policy 009 ("City Representation at Meetings, Ceremonies, and Events")

Recommendation: Approve amendments, if any, to Council Policy 020 (“Proclamations, Commendations and Certificates of Recognition”) and Council Policy 009 (“City Representation at Meetings, Ceremonies & Special Events”) and bring forth to City Council for consideration and approval.

Staff presented on recommendations for Council Policy 020 and included the current process for Proclamations, Commendations and Certificates of Recognition. Staff presented options to the Committee for discussion. The Committee discussed the options and requested additional signatures on the Mayoral Certificates of Recognition to include City Councilmembers.

A motion was made by Committee Member Park and seconded by Committee Member Jain to approve the staff recommendation for Council Policy 020 ("Proclamations, Commendations and Certificates of Recognition") and bring to the City Council for review and consideration.

The recommendation includes the (1) addition of Council District Certificates of Recognition signed by the Mayor and the City Councilmember, (2) Proclamations and Commendations to Bear the Signatures of all members of the City Council, (3) staff to present to City Council an annual list of Proclamations and Commendations and notification of new requests, and (4) all recognition items (Proclamations, Commendations, and Certificates of Recognition) are approved by the Mayor and if they Mayor does not approve, the City Councilmember may petition for Council approval though the Council Policy 030 process.

The Committee directed staff to return to a future Governance and Ethics Committee meeting to discuss further the process for issuance of Mayoral Certificates of Recognition.

A motion was made by Committee Member Park and seconded by Committee Member Jain, to bring forth the Committee Recommendation to the full Council for Council Policy 009 ("City Representation at Meetings, Ceremonies, and Events") to allow all City Councilmembers the opportunity to speak at City hosted events based on program times allotted.

Aye: 3 - Chair Chahal, Member Jain, and Member Park

3. 24-1082 Review Policy and Procedure 049 (“Community Grant Policy”)

Recommendation: Approve amendments, if any, to Policy and Procedure 049 (“Community Grant Policy”) and bring forth to City Council for consideration and approval.

The Committee deferred this item to a future special Governance and Ethics Committee meeting due to time constraints.

4. 24-25 Review Meeting Management Protocol Options and Rosenberg’s Rules of Order and Provide Direction to Staff

Recommendation: Provide Direction on a Council Policy for Meeting Management Protocols Recommendations by the Governance and Ethics Committee and Forward for Consideration and Approval by the City Council

The Committee deferred this item to a future special Governance and Ethics Committee meeting due to time constraints.

5. 24-438 Update on Review of SCSC Chapter 2.155 (“Regulation of Lobbying Activities”) and SCSC Chapter 2.160 (“Calendars of Certain City Officials”)

The Committee deferred this item to a future special Governance and Ethics Committee meeting due to time constraints.

6. 24-444 Referral to Discuss Possible Revisions to the Placement of Public Presentations on the City Council Meeting Agenda

Committee Member Park updated Committee this item was brought forward as a Council Policy 030 regarding the placement of public presentations. The Committee members discussed options to consider such as moving public presentations on the agenda or limiting times of public presentations at the beginning and continuing public presentations at the end of agenda. **Member of the Public Wanda Buck** also stated by only allowing 30 minutes at the beginning, this creates disparity for those participating virtually by phone/Zoom.

Committee Member Jain motioned and seconded by Committee Member Park to include the public presentations placement topic as part of the meeting management protocols.

7. 24-583 Review and Action on Updated 2024 Governance and Ethics Workplan

Recommendation: Approve the 2024 Governance and Ethics Committee Workplan with any additional amendments

The Committee deferred this item to a future special Governance and Ethics Committee meeting due to time constraints.

STAFF REPORT

None.

COMMITTEE MEMBER REPORTS / FUTURE REFERRALS

None.

ADJOURNMENT

Committee Chair Chahal adjourned the meeting at 4:05 p.m.

MEETING DISCLOSURES

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24-627 **Agenda Date: 7/2/2024**

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Review Policy and Procedure 049 ("Community Grant Policy")
(DEFERRED FROM JUNE 3, 2024)

BACKGROUND

On September 18, 2018, the City Council approved Policy and Procedure 049 ("Community Grant Policy") to create a standardized process for the City of Santa Clara Community Grant Program, which awards grants to qualifying applicants up to $10,000 per applicant, per fiscal year for eligible community events, activities, and Santa Clara youth group participation upon advancement into state, national, or international championship games, competitions, or performances.

Since the Community Grant Program launched on October 1, 2018, the City of Santa Clara has awarded community grants for various community events such as fun runs, social impact summits, car shows, cultural events, pageants, youth events, fundraisers, and community discussions that provide a direct benefit to Santa Clara residents. In addition to community events and activities, the City has also awarded grants to Santa Clara youth groups to travel and compete in championship games and performances for football, baseball, softball, robotics, symphonic band, jazz band, and marching band.

The adopted FY 2021/22 and FY 2022/23 biennial budget consolidated the Community Grant Program and Championship Teams budgets. During the June 22, 2021 budget adoption, City Council approved the reallocation of $10,000 from the Community Grant Program to the Santa Clara Ballet, bringing the total Community Grant Program budget to $90,000 of available funds.

On May 24, 2022, the City Council approved modifications to the Community Grant Policy, which added additional provisions to include a definition of allowable expenses, additional requirements for applicants (including reoccurring applicants), grantees, and provided staff the ability to audit.

The current Community Grant Policy is attached to this report (Attachment 1).

DISCUSSION

The purpose of the Community Grant Policy is to establish a clear process and procedures for the Community Grant Program. The policy outlines eligibility requirements and instructions for applicants, which also includes an application that applicants must fill out and submit to the City Manager's Office for review and approval.

In an effort to enhance protections while promoting altruism, creativity, and inclusivity to the Community Grant Policy, staff recommends the following amendments for consideration by the Committee, which are included in the proposed amended policy (Attachment 2):

(a) Adds language to indicate applicants must have a financial need for grant funding. This provision empowers staff to request background information from the applicant to determine legitimacy, financial stability, business models, and the ability to provide impactful events to Santa Clara residents.

(b) Adds language to outline prohibited activity and ramifications for policy violations. The current policy does not include provisions protecting the City should violations occur. The proposed language restricts applicants from applying for future grants and/or requiring that grant funds be returned in part or in full for the following actions:

a. Misuse of grant funds;
b. Failure to provide documentation sufficiently verifying grant funds were spent in the manner for which they were approved;
c. Failure to follow the terms outlined in the policy and approved grant application; and
d. Significant changes to the event, activity, or championship competition/performance that occur without prior City approval including but not limited to:
    i. Postponement or significant change in the target date of the event;
    ii. Changes of location that negatively impact participation and/or benefits to Santa Clara residents;
    iii. Changes in activity;
    iv. Changes in expenses; or
    v. Changes that impact the terms, conditions, and eligibility set forth upon the approved application and the Community Grant Policy.

(c) Adds an additional requirement in the post-event audit. On May 24, 2022, the City Council approved modifications to the Community Grant Policy which empowered staff to conduct a post-event audit. This provision allowed staff to collect receipts and invoices from the grantee to verify that grant funds were spent in the manner they were approved. Staff also requests fundraising and attendance numbers, which can be used to determine the success of the event and could also be used to weigh future eligibility if the grantee applies for a grant in the future. The proposed policy maintains these provisions and adds an additional requirement for grantees to report on the impact to the community and provide more information on how Santa Clara residents were served.

The proposed policy also includes language to clarify that it is the responsibility of the applicant to maintain and submit the required documentation within designated timeframes. Late submission and incomplete submittals risk future eligibility to apply for future grant opportunities through the Community Grant Program.

(d) Enhances the eligibility requirements to clearly capture the spirit and intention of the Community Grant Program, which is to encourage and support eligible community events/activities in the City of Santa Clara, and support youth groups traveling to and participating in championship games/performances, in which both categories directly benefit the City of Santa Clara and its residents. The proposed language also eliminates the requirement that applications align to City Council Goals because such goals are adopted to prioritize and focus the efforts of the City's government, and may not align with all possible community-based events, activities, and competitions that request funding. Instead, the proposed policy asks that applicants demonstrate the event/activity/competition aligns with the

following grant focus areas:

a. Santa Clara Identity/Culture/Representation/Equity;
b. Santa Clara Youth; and
c. Community Service.

In addition, the eligibility criteria also states that grant funds will not be used for political or religious purposes. The proposed policy includes definitions of these activities consistent with federal and state laws regarding limitation on use of public funds.

(e) Expands the types of eligible events and activities to include workshops, programs, and community projects. By expanding the range of eligible community events and activities, qualifying applicants are encouraged to come up with creative ways to provide community benefits to Santa Clara residents, and ensures a fair and equitable application process.

(f) Adds language to expand eligible expenses and include ineligible expenses for grant funding. Additional expenses essential to the success of the event should be considered for approval such as marketing and promotion expenses, equipment rentals, and one-time incidental expenses related to the event or activity. To that end, the proposed policy includes ineligible expenses such as gifts, giveaway items, overhead costs, consultant services, and payment of applicant's staff time. This provision aims to provide assistance to the applicant when filling out the application.

The Governance and Ethics Committee shall review and discuss the current policy and procedure. If the additional amendments are approved, staff will bring forward the revised policy and a resolution to the full City Council for their consideration and approval.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact associated with the approval of the recommendation.

As mentioned above, City Council approved the reallocation of $10,000 from the Community Grant Program to the Santa Clara Ballet, bringing the total Community Grant Program budget to $90,000 of available funds.

Staff is reviewing the status of the Santa Clara Ballet. If the organization is no longer active in Santa Clara, staff may recommend a budget amendment to City Council, as appropriate, to reallocate those funds back to the Community Grant Program budget.

Additionally, on January 30, 2024, the Santa Clara Stadium Authority Board approved Amendment No. 1 to the Naming Rights Agreement with Levi Strauss & Co. which included a $4 million charitable commitment over 20 years from StadCo for community grants. The total annual amount of this contribution to the Community Grant Program budget will be proposed during the June 4, 2024

Council meeting.

COORDINATION

This report was coordinated by the City Manager's, City Attorney, and City Finance Offices.

PUBLIC CONTACT

Public contact was made by posting the Committee agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve amendments, if any, to Policy and Procedure 049 ("Community Grant Policy") and bring forth to City Council for consideration and approval.

Reviewed by: Michelle Templeton, Acting Assistant City Manager, City Manager's Office
Approved by: Jovan D. Grogan, City Manager

ATTACHMENTS

1. Policy and Procedure 049 Community Grant Policy (Current)
2. Policy and Procedure 049 Community Grant Policy (Proposed)

COMMUNITY GRANT POLICY

PURPOSE

To establish a standardized process to award grants to qualifying non-profit community organizations, youth athletic groups or organizations, educational groups or organizations, or individuals, for events, activities, and competitions that provide a public benefit for the City of Santa Clara and its residents.

POLICY

Annually, and subject to availability of funds, the City Council shall establish grant appropriation(s) as part of the approval of the budget. Community grants, subject to availability of funds, shall not exceed $10,000 per applicant, per fiscal year. To receive grant funds, grant applications must be submitted at least ninety (90) days and no more than six (6) months before the planned event/activity being funded, regardless of the form of the grant. Applications will be evaluated by the City Manager's Office on a case-by-case and "first come-first served" basis, throughout the fiscal year.

The City Manager's Office shall approve or deny an applicant's request based upon the eligibility criteria set forth below, and subject to funding availability as approved by the City Council through the adoption of the annual budget. Additionally, if the event or activity being requested for funding has been previously supported by the City, the City Manager's Office may evaluate the event or activity's past success, measured by the applicant's ability to meet attendance and/or fundraising projections and the individual/organization's ability to satisfy the requirements of this policy when considering approval or denial of a request. Grants for community events shall not be provided for waiver of or reimbursement for already discounted permit fees nor shall they be provided to organizations that receive separate annual funding from the City.

Allowable expenses shall be defined as: City permits, Fees and Services, Venue, Food and Beverage, Trash/Recycling, and Stage/Tent Rentals. Grant funds requested for Food and Beverage do not exceed 15% of the total grant amount or $1,500.Grantees shall be required to return any unspent grant funds to the City within 3 days after completion of the audit.

Grants for attendance at youth state, national, or international competitions or performances shall be limited to costs associated with registration, hotel, transportation and food for participants and coaches/chaperones only. Due to short notice of advancement to state, national, or international competitions, applicants shall submit an

application within one week of advancing to such competitions.

Submission of an application in no way obligates the City to award a grant and the City reserves the right to reject any or all applications, wholly or in part, at any time, without penalty. In all cases, the City reserves the right to reject any and all applications in the event the City Manager's Office identifies a potential conflict of interest or the appearance of a conflict of interest.

ELIGIBILITY CRITERIA

In addition to a timely and complete application, the applicant must demonstrate that the event or activity being funded (other than competition funding, described below) by the City's grant will satisfy all of the following criteria:

a) Provides a benefit to Santa Clara residents

b) Contributes positively to the recognition and image of the City of Santa Clara

c) If the grant is for an event, then the event will be open to the general public and does not discriminate on the basis of race, gender, religion, sexual orientation, or any other protected characteristic under state or federal law

d) Aligns with established Council goals

e) Grant funds will not be used for political or religious purposes

f) If the event or activity is a fundraising event, that the proceeds from the fundraising activity will support programs, services or events for residents of the City of Santa Clara

If the grant is for an event or activity, then the applicant must demonstrate that the event or activity being funded by the City's grant will be held within the City of Santa Clara.

If the activity being funded is individual or group attendance at a youth competition or performance, then the applicant must demonstrate that the activity being funded by the City's grant will satisfy all of the following criteria:

a) Funding the activity provides a benefit to Santa Clara residents, students or schools

b) Contributes positively to the recognition and image of the City of Santa Clara

c) Aligns with established Council goals

d) Grant funds will not be used for political or religious purposes

e) The grant funds requested will only be used for a specific state, national, or international title or performance

f) The grant funds requested do not exceed 20% of the allowable expenses (registration, hotel, transportation, and food) and comport with the other requirements stated in the application

g) Individuals, teams or groups should either be from Santa Clara schools or have at least 50% of the students from the teams or groups be residents in the City of Santa Clara

h) The student-to-coach/chaperone ratio is six students to one coach/chaperone

PROCEDURE

1. City Council approves an annual budget item for City grants, to be administered by the City Manager's Office

2. Applicants submit timely and complete grant applications to the City Manager's Office for review

3. City Manager's Office reviews application for compliance with eligibility criteria and availability of funds. City Manager may seek additional information from applicant as necessary.

4. If an application is approved by the City Manager's Office, then the approved application marked accordingly shall be transmitted to the applicant with additional instructions, if any.

5. If an application is not approved by the City Manager's Office, the City Manager shall notify the applicant in writing.

6. If the applicant has received a grant for an event/activity other than performance or competition attendance, then applicant shall submit proof that the grant funds have been spent in the manner and for the purposes stated on the application within thirty (30) days after the event/activity.

7. If the applicant has received a grant for performance or competition attendance, then proof of all allowable expenses actually incurred, as well as allocation of grant funds, shall be submitted to the City Manager's Office by the applicant within thirty (30) days after the competition.

8. Applicants that have received a grant, regardless of type of activity, shall maintain sufficient books and records in accordance with generally accepted accounting principles. The City shall have the

right to audit the books and records of the applicant for up to four (4) years from the date of disbursement of grant funds for the purpose of verifying any and all reimbursement requests made by the applicant.

9. If an applicant makes a grant request directly to a member of the City Council, whether individually or as a group, the Council shall refer the applicant to the City Manager's Office for application and review in accordance with this policy.

10. Staff shall report any distributions in accordance with applicable tax law.

Attachment: City of Santa Clara Community Grant Application

COMMUNITY GRANT POLICY

PURPOSE

To establish a standardized process to award grants to:

- Qualifying 501(c)(3) non-profit community organizations;
- Youth athletic groups or organizations;
- Educational groups or organizations; and
- Individuals,

that have financial need for the use of supporting high impact events, activities, programs, community projects (collectively referred to in the Policy as Community *Events/Activities*), and youth competitions and performances in which the main purpose is to directly benefit the City of Santa Clara and its residents, students, and schools.

POLICY

Annually, and subject to availability of funds, the City Council shall establish grant appropriation(s) as part of the budget approval process. Community grants, subject to availability of funds, shall not exceed $10,000 per applicant, per fiscal year. All grant requests, including those made directly to a member of the City Council, shall be referred to the City Manager's Office for review. Applications will be evaluated by the City Manager's Office on a case-by-case and "first come-first served" basis, throughout the fiscal year.

The City Manager's Office shall approve or deny an applicant's request based upon the eligibility criteria, adherence to procedures set forth below, and subject to funding availability as approved by the City Council through the adoption of the annual budget. Additionally, if the event or activity being requested for funding has been previously supported by the City, the City Manager's Office may evaluate the event or activity's past success, measured by the applicant's ability to meet attendance and/or grant goals, fundraising projections and the applicant's ability to satisfy the requirements of this policy, when considering approval or denial of a request.

An applicant that receives grant funds may be required to return awarded grant funds, in part or in full, and considered ineligible to submit a new grant request after the conclusion of their event/activity/competition should any of the following occur:

- Misuse of grant funds;
- Failure to provide documentation demonstrating that grant funds were spent in the manner that they were approved by the City;
- Failure to follow the terms outlined under this Policy and in the approved grant application; and
- Major changes to the event, activity, or competition without prior City approval.

Submission of an application in no way obligates the City to award a grant and the City reserves the right to reject any or all applications, wholly or in part, at any time, without penalty. In all cases, the City reserves the right to reject any and all applications in the event the City Manager's Office identifies a potential conflict of interest or the appearance of a conflict of interest. Staff shall report any distributions in accordance with applicable tax law.

Applicants that have received a grant, regardless of type of activity, shall maintain sufficient books and records in accordance with generally accepted accounting principles. The City shall have the right to audit the books and records of the applicant for up to four (4) years from the date of disbursement of grant funds for the purpose of verifying any and all reimbursement requests made by the applicant.

ELIGIBILITY CRITERIA FOR COMMUNITY EVENT/ACTIVITY

In addition to a timely and complete application, the applicant must demonstrate that the Community Event/Activity being funded by the City's grant will satisfy all of the following criteria:

a) Must be held within the City of Santa Clara

b) Provides a community benefit to the residents of Santa Clara

c) Must be open to the general public, and does not discriminate on the basis of race, gender, religion, sexual orientation, or any other protected characteristic under state or federal law

d) Aligns with the following grant focus areas:

- Santa Clara Identity/Culture/Representation/Equity
- Santa Clara Youth
- Community Service

e) Consistent with applicable federal and state laws regarding limitation on use of public funds. Public funds shall not be used for the following:

- Religious Purposes. Grant funds shall not be used to conduct religious services or ceremonies. A grantee shall not spend any portion of the grant to inhibit or promote religion, nor to convey a religious message.

- Political Purposes. Grant funds shall not be used for political purposes, such as political advocacy efforts whether for or against a political candidate, ballot measure, or bill.

f) If the event or activity is a fundraising event, that the proceeds from the fundraising activity will support programs, services or events for residents of the City of Santa Clara

Grant funds may only be used for the following eligible expenses for the Community Event/Activity:

- City permits, fees and services
- Venue rental fees and related insurance
- Food and non-alcoholic beverage (Food and beverage costs should not exceed 15% of the total grant request amount)
- Trash and recycling
- Stage, tent, and equipment rentals
- Marketing, promotion, and advertising (excluding consultant services and marketing materials production)
- Incidental, one-time related expenses specifically for the Community Event/Activity

Grant funds shall not be used for costs related to the following:

- Gifts and giveaway items (e.g., gift cards, raffle baskets, and prizes)
- Programmatic expenses such as applicant's staff time, overhead costs, consultant services, and payment of hired staff

Additionally, grants for Community Events/Activities shall not be provided for waiver of or reimbursement for already discounted permit fees nor shall they be provided to organizations that receive separate annual funding from the City.

PROCEDURE FOR COMMUNITY EVENT/ACTIVITY

1. Applicant submits timely and complete grant application to the City Manager's Office for review at least ninety (90) days and no more than six (6) months before the planned Community Event/Activity. The application must include an itemized budget of eligible expenses that detail how the requested grant funds will be spent, if awarded.

2. City Manager's Office reviews application for compliance with eligibility criteria and availability of funds. City Manager's Office may seek additional information from the applicant as necessary.

3. If an application is approved, the approved application, marked accordingly, shall be transmitted to the applicant with additional instructions, if any.

4. If an application is not approved by the City Manager's Office, the applicant will be notified in writing.

5. If the applicant received grant funding, the applicant shall submit within in 30 days after the Community Event/Activity documentation of:

   - Proof of all allowable expenses incurred (e.g., receipts and invoices) and demonstrate that the grant funds have been spent in the manner and for the purposes stated on the approved application
   - Attendance numbers
   - Community impact
   - Fundraising actuals, if applicable

6. The applicant is responsible for identifying and returning any unspent grant funds to the City within two (2) weeks after the Community Event/Activity. It is the responsibility of the applicant to return any unspent grant funds within the required time frame. A grant recipient may be deemed ineligible to apply for future grant opportunities through the Community Grant Program for late return or failure to return the unspent grant funds.

7. City Manager's Office will review the submitted documentation outlined above for compliance and notify the applicant to confirm if any funds must be returned to the City. It is the responsibility of the applicant to submit the required documentation within the required timeframe. A grant recipient may be deemed ineligible to apply for future grant opportunities through the Community Grant Program for late submission of documentation, incomplete/insufficient documentation, or failure to submit documentation.

ELIGIBILITY CRITERIA FOR YOUTH COMPETITIONS/ PERFORMANCES

If the activity being funded is individual or group attendance at a youth competition or performance, then the applicant must demonstrate that the activity being funded by the City's grant will satisfy all of the following criteria:

a) Funding the activity provides a benefit to Santa Clara residents, students or schools

b) Contributes positively to the recognition and image of the City of Santa Clara

c) Aligns with the following grant focus areas:

- Santa Clara Identity/Culture/Representation/Equity
- Santa Clara Youth
- Community Service

d) Consistent with applicable federal and state laws regarding limitation on use of public funds. Public funds shall not be used for the following:

- Religious Purposes. Grant funds shall not be used to conduct religious services or ceremonies. A grantee shall not spend any portion of the grant to inhibit or promote religion, nor to convey a religious message.
- Political Purposes. Grant funds shall not be used for political purposes, such as political advocacy efforts whether for or against a political candidate, ballot measure, or bill.

e) Grant funds requested will only be used for specific state, national, or international titles, competitions, or performances

f) Grant funds requested do not exceed 20% of the allowable expenses (registration, hotel, transportation, and food for participants and coaches/chaperones only) and comport with the other requirements stated in the application

g) Individuals, teams, or groups should either be from Santa Clara schools or have at least 50% of the students from the teams or groups be residents in the City of Santa Clara

h) The student-to-coach/chaperone ratio is at minimum six students to one coach/chaperone

PROCEDURE FOR YOUTH COMPETITIONS/ PERFORMANCES

1. Applicant submits timely and complete grant application to the City Manager's Office for review. Due to short notice of advancement to state, national, or international competitions/performances, applicant shall submit an application within one week of advancement.

2. City Manager's Office reviews application for compliance with eligibility criteria and availability of funds. City Manager's Office may seek additional information from the applicant as necessary.

3. If an application is approved, the approved application marked accordingly shall be transmitted to the applicant with additional instructions, if any.

4. If an application is not approved, the applicant will be notified in writing.

8. If the applicant has received a grant for championship competition/performance attendance, the applicant shall submit documentation within in 30 days after the competition/performance documentation of all allowable expenses incurred (e.g., receipts and invoices) and demonstrate that the grant funds have been spent in the manner and for the purposes stated on the approved application.

9. The applicant is responsible for identifying and returning any unspent grant funds to the City within two (2) weeks after the Community Event/Activity. It is the responsibility of the applicant to return any unspent grant funds within the required time frame. A grant recipient may be deemed ineligible to apply for future grant opportunities through the Community Grant Program for late return or failure to return the unspent grant funds.

10. City Manager's Office will review the submitted documentation outlined above for compliance and notify the applicant to confirm if any funds must be returned to the City. It is the responsibility of the

applicant to submit the required documentation within the required timeframe. A grant recipient may be deemed ineligible to apply for future grant opportunities through the Community Grant Program for late submission of documentation, incomplete/insufficient documentation, or failure to submit documentation.

Attachment: City of Santa Clara Community Grant Application

Governance and Ethics Committee

Item #2 - Review of the Proposed Policy and Procedure 049

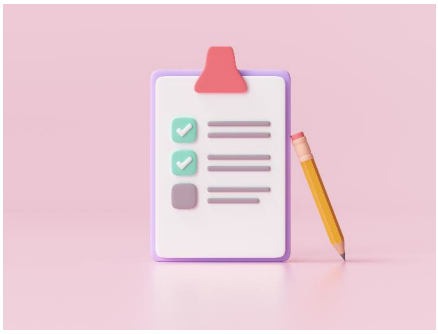
Community Grant Policy

July 2, 2024

1

Community Grant Policy (P&P 049)

- The City Council approved P&P 049 on September 18, 2018 and approved modifications to the policy on May 24, 2022.
- Established a standardized process and procedures for the Community Grant Program and outlines eligibility requirements and instructions for applicants.
- Includes an application that must be filled out and submitted to the City Manager's Office for review and approval.
- Applications are reviewed and approved by staff.



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What is the Community Grant Program?

- Launched on October 1, 2018.
- Awards grants up to $10,000 per applicant, per fiscal year for qualifying events and activities that provide a public benefit to Santa Clara residents.
- Awards up to $10,000 to Santa Clara youth sports teams and youth groups to travel and participate in state, national, or international championship games, competitions, and performances.
- Total annual budget is $90,000 of available funds.*

*During the June 22, 2021 budget adoption, City Council approved the reallocation of $10,000 from the Community Grant Program to the Santa Clara Ballet.

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Who Does the Community Grant Program Serve?

- Examples of awarded events: fun runs, social impact summits, car shows, cultural events, pageants, youth events, fundraisers, community discussions, and Santa Clara youth group travel/participation in championship games and performances for football, baseball, softball, robotics, symphonic band, jazz band, and marching band.

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Why P&P 049 Needs Additional Modifications

Areas in the policy need to be strengthened in order to:

- Promote altruism, creativity, and inclusivity
- Provide better customer service
- Protect the City from risk

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Proposed Policy Update #1- Financial Need

Requires applicants to demonstrate need for grant funding and provide supporting information to determine legitimacy, financial stability, business models, and the ability to provide impactful events to the Santa Clara community.

Current Language	Proposed Updated Language*
To establish a standardized process to award grants to qualifying non-profit community organizations, youth athletic groups or organizations, educational groups or organizations, or individuals…	*To establish a standardized process to award grants to qualifying 501(c)(3) non-profit community organizations, youth athletic groups or organizations, educational groups or organizations, or individuals that have a financial need…*

*If approved, the Community Grant Application will also be updated to include a field for the applicant to describe the organization or individual and why they are applying for grant funding. If needed, staff may request additional information from the applicant as allowable in P&P 049.

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Proposed Policy Update #2- Prohibited Activity

Provide clear language on prohibited activity and consequences for violations of the Community Grant Policy.

Current Language	Proposed Added Language
Not outlined.	*An applicant that receives grant funds may be required to return awarded grant funds, in part or in full, and considered ineligible to submit a new grant request after the conclusion of their event/activity/competitions should any of the following occur:* • *Misuse of grant funds,* • *Failure to provide documentation demonstrating that grant funds were spent in the manner they were approved by the City,* • *Failure to follow the terms outlined under this Policy and in the approved grant application,* • *Major changes to the event, activity, competition without prior City approval.* *It is the responsibility of the applicant to return any unspent grant funds within the required time frame. A grant recipient may be deemed ineligible to apply for future grant opportunities through the Community Grant Program for late return or failure to return the unspent grant funds.* *It is the responsibility of the applicant to submit the required documentation within the required timeframe. A grant recipient may be deemed ineligible to apply for future grant opportunities through the Community Grant Program for late submission of documentation, incomplete/insufficient documentation, or failure to submit documentation.*

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Proposed Policy Update #3- Community Impact

Collect community impact information in the post event audit for community events and activities to better assess success and how residents of Santa Clara were served.

Current Language	Proposed Updated Language
If the applicant has received a grant for an event/activity other than performance or competition attendance, then applicant shall submit proof that the grant funds have been spent in the manner and for the purposes stated on the application within thirty (30) days after the event/activity.	*If the applicant received grant funding, the applicant shall submit within 30 days after the Community Event/Activity documentation of:* • *Proof of all allowable expenses incurred (e.g., receipts and invoices) and demonstrate that the grant funds have been spent in the manner and for the purposes stated in the approved application* • *Attendance numbers* • *Community Impact* • *Fundraising actuals, if applicable*

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Proposed Policy Update #4- Eligibility Criteria

Clearly define the specific focus and scope of the Community Grant Program to encourage community events and activities that are uniquely important and beneficial to Santa Clara.

Current Language	Proposed Updated Language**
a) Provides a benefit to Santa Clara residents *b) Contributes positively to the recognition and image of the City of Santa Clara* *c) If the grant is for an event, then the event will be open to the general public and does not discriminate on the basis of race, gender, religion, sexual orientation, or any other protected characteristic under state or federal law* *d) Aligns with established Council Goals** *e) Grant Funds will not be used for political or religious purposes* *f) If the event or activity is a fundraising event, that the proceeds from the fundraising activity will support programs, services or events for residents of the City of Santa Clara* *Council Goals: Promote and Enhance Economic and Housing Development; Enhance Community Sports and Recreational Assets; Deliver and Enhance High Quality Efficient Services and Infrastructure; Maintain adequate Staffing Levels; Enhance Community Engagement and Transparency; Ensure Compliance with Measure J and Levi's Stadium **For Community Events/Activities. There are separate eligibility requirements for Youth Competitions/Performances which include the proposed changes in sections 'd' and 'e.'	*a) Must be held within the City of Santa Clara* *b) Provides a Community benefit to the residents of Santa Clara* *c) Must be open to the general public, and does not discriminate on the basis of race, gender, religion, sexual orientation, or any other protected characteristic under state or federal law* *d) Aligns with the following grant focus areas:* • *Santa Clara Identity/Culture/Representation/Equity* • *Santa Clara Youth* • *Community Service* *e) Consistent with applicable federal and state laws regarding limitation on use of public funds. Public funds shall not be used for the following:* • *Religious Purposes. Grant funds shall not be used to conduct religious services or ceremonies. A grantee shall not spend any portion of the grant to inhibit or promote religion, nor to convey a religious message.* • *Political Purposes. Grant funds shall not be used for political purposes, such as political advocacy efforts whether for or against a political candidate, ballot measure, or bill.* *f) If the event or activity is a fundraising event, that the proceeds from the fundraising activity will support programs, services or events for residents of the City of Santa Clara*

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Eligibility Criteria (contd.)

The proposed changes to the Policy's eligibility criteria include:

- Clarifying language that states Community Events/Activities must be held within the City of Santa Clara
- Replacement of *Council Goals* with *Grant Focus Areas*
- Definitions of political and religious purposes consistent with federal and state law

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Proposed Policy Update #5- Eligible Events

Expand the Community Grant Program to include workshops, programs, and projects as eligible Community Events/Activities

Current Language	Proposed Updated Language
To establish a standardized process to award grants to qualifying non-profit community organizations, youth athletic groups or organizations, educational groups or organizations, or individuals, for events, activities, and competitions that provide a public benefit for the City of Santa Clara and its residents.	*To establish a standardized process to award grants to qualifying 501 (c)(3) non-profit community organizations, youth athletic groups or organizations, educational groups or organizations, or individuals that have a financial need for the use of supporting high impact events, activities, programs, community projects (collectively referred to in the Policy as Community Events/Activities), and youth competitions and performances in which the main purpose is to directly benefit the City of Santa Clara and its residents, students, and schools.*

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Proposed Policy Update #6- Eligible/Ineligible Expenses

Expand eligible essential event expenses and clearly define ineligible expenses.

Current Language	Proposed Updated Language
Allowable expenses shall be defined as: City permits, Fees and Services, Venue, Food and Beverage, Trash/Recycling, and Stage/Tent Rentals. Grant funds requested for Food and Beverage do not exceed 15% of the total grant amount or $1,500.	*Grant funds may only be used for the following eligible expenses for the Community Event/Activity:* • *City permits, fees and services,* • *Venue rental fees and related insurance;* • *Food and non-alcoholic beverage (Food and beverage costs should not exceed 15% of the total grant request amount)* • *Trash and recycling* • *Stage, tent, and equipment rentals* • *Marketing, promotion, and advertising (excluding consultant services and marketing materials production)* • *Incidental, one-time related expenses specifically for the Community Event/Activity* *Grant funds shall not be used for costs related to the following:* • *Gifts and giveaway items (e.g., gift cards, raffle baskets, and prizes)* • *Programmatic expenses such as applicant's staff time, overhead costs, consultant services, and payment of hired staff*

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Recommendation

Approve amendments, if any, to Policy and Procedure 049 (“Community Grant Policy”) and bring forth to City Council for consideration and approval.

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Questions and Answers

14

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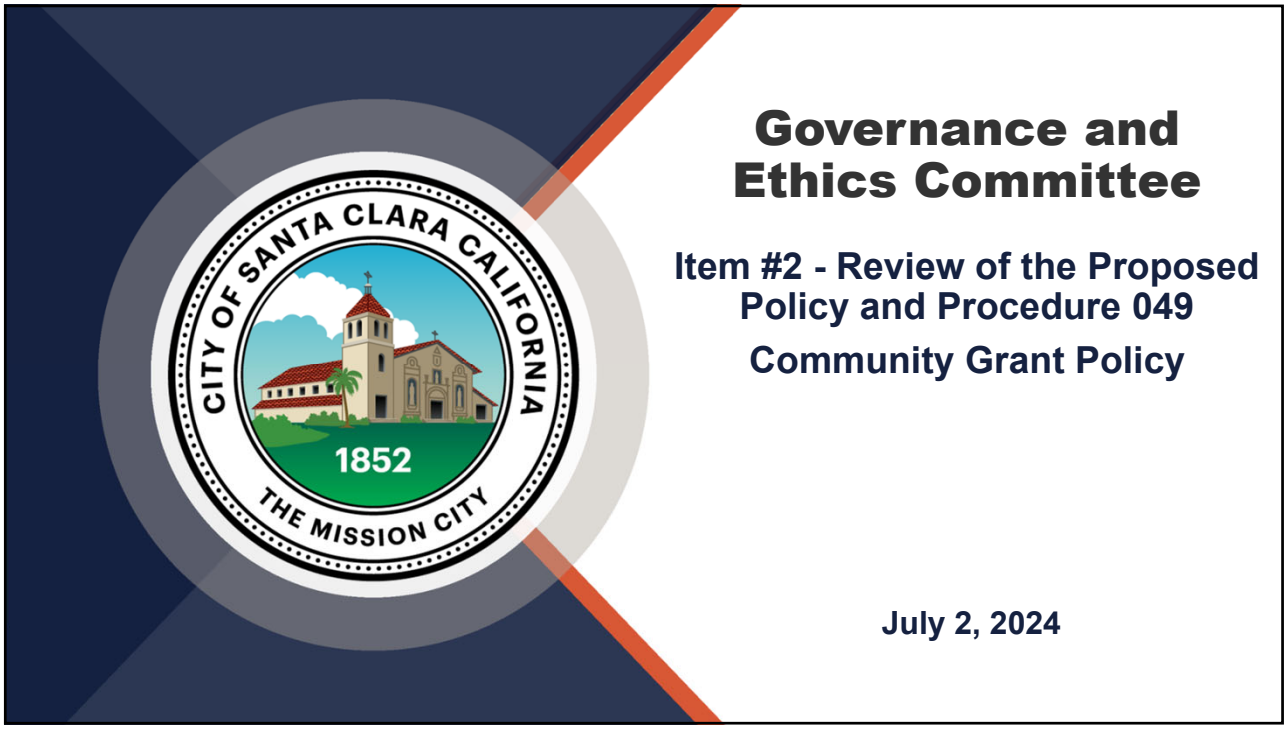
CITY OF SANTA CLARA CALIFORNIA
1852
THE MISSION CITY
Governance and Ethics Committee
Item #2 - Review of the Proposed Policy and Procedure 049
Community Grant Policy
July 2, 2024

15

24-628 **Agenda Date: 7/2/2024**

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Review Meeting Management Protocol Options and Rosenberg's Rules of Order and Provide Direction to Staff
(DEFERRED FROM JUNE 3, 2024)

BACKGROUND

The City Council has been using, informally, meeting management procedures set during its 2021 Priority Setting Session. During the March 13, 2023 Governance and Ethics Committee meeting, the Committee approved, as part of the workplan, to bring forth the meeting management protocols for review and discussion.

At the December 4, 2023 Governance and Ethics Committee Meeting, the Committee reviewed existing meeting management procedures used in practice. (Attachment 1) The Committee discussed factors such as time limits for the City Council to speak on an item and an additional secondary round of questions for the City Council, following the initial questions answered. During this discussion, the City's practice of using Robert's Rules of Order (Attachment 2) for parliamentary procedures was discussed. Because Robert's Rules can be overly formalistic and complex, it was suggested that Rosenberg's Rules of Order might be more useful as they are similar to Robert's Rules, but less complex and more oriented towards smaller legislative bodies, like City Councils and Committees. The Committee did not take any actions during the discussion and requested additional information about Rosenberg's Rules of Order (Attachment 3) to further analyze the options.

At the June 3, 2024 Governance and Ethics Committee meeting, during the agenda item for "Referral to Discuss Possible Revisions to the Placement of Public Presentations on the City Council Meeting agenda", the Committee discussed options and referred the item to be a part of the Meeting Management Protocols discussion.

This item was on the agenda for the June 3, 2024 Governance and Ethics Committee meeting. The Committee was unable to complete the agenda due to timing and deferred the item for future discussion.

DISCUSSION

At this Special Governance and Ethics Committee meeting, staff will present options for consideration with the use of Rosenberg's Rules of Order. The Governance and Ethics Committee may consider options to continue Robert's Rules of Order or discuss options for Rosenberg's Rules of Order for meeting management procedures for public meetings.

Rosenberg's Rules of Order is a simplified set of parliamentary rules used in several cities throughout California, including the cities of Belmont, Cupertino, Fremont, Los Altos, San Mateo, Santa Rosa. Many institutions 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 while retaining the basic tenets of order.

The application of Rosenberg's Rules will provide a clear and concise parliamentarian process for the members of the body to operate under that can result in the holding of more efficient meetings. Similar to Robert's Rules, and consistent with the City's Charter, Rosenberg's maintains the concept of the Mayor/Chair as presiding officer having primary responsibility for managing the meeting in accordance with applicable rules. If a question arises, the Mayor/Chair, or a member of the legislative body can request clarification of the rules from the City Attorney. Through a process of appeal on points of order, a majority of the body reserves the right to overrule the Mayor/Chair.

As shown below, Table 1 illustrates some actions for Rosenberg's Rules of Order and how to state the action. The table includes a list of motions and points which are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

Table 1 - Rosenberg's Motions and Points of Order in Established Order of Precedence

Action	State	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until…"	No	Yes	No	Yes	Majority
Complain about noise, unable to hear speaker, uncomfortable surroundings, etc.	"Point of Privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration or defer discussion to future date.	"I move that we table it"	No	Yes	No	No	Majority
End Debate	"I move the previous question" or "Call the question"	No	Yes	No	No	2/3
A motion to limit debate could include a time limit.	"I move we limit debate on this agenda item to 15 minutes."	No	Yes	No	No	2/3

Postpone consideration of	"I move we postpone this matter until…"	No	Yes	Yes	Yes	Majority
Introduce a basic motion	"I move that we…."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by…" (You can also ask for a friendly amendment, which is less formal; if mover and second concur, no vote needed)	No	Yes	Yes	Yes	Majority
Refer to a Committee/Staff	"I move that the question be referred to staff for more study"	No	Yes	Yes	Yes	Majority

As shown below in Table 2, the motions, points and proposals listed below have no established order of preference; any of these items may be introduced at any time except when meeting is considering one of the top three matters listed from Table 1 (Motion to Adjourn, Recess or Point of Privilege).

Table 2 - Rosenberg's Motions, Points and Proposals at Any Time

Action	**State**	**Interrupt Speaker**	**Second Needed**	**Debatable**	**Amendable**	**Vote Needed**
Object to procedure or personal affront	"Point of Order"	Yes	No	No	No	Chair decides
Request information	"Point of Information"	Yes	No	No	No	None
Object to considering some undiplomatic or improper matter	"I object to consideration of this question" (This is generally used for matter not on agenda)	Yes	No	No	No	2/3
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to…" (Only a member of the prevailing side can make a motion to reconsider)	Yes	Yes	Only if original motion	No	Majority
Appeal / Vote on Ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

Staff will present any material differences between Robert's Rules and Rosenberg's in its presentation on this item. Existing "local" rules for procedures that the City has adopted will also be presented.

Council Policy on Meeting Management Protocols

In addition to considering converting from Robert's Rules of Order to Rosenberg's, consistent with past City Council direction, staff also supports consideration of formalizing additional meeting management protocols into a formal Council Policy and Procedure. At the December meeting, the Committee considered revising the current meeting procedure in a variety of ways. Below are some areas for possible further consideration by the Committee. Some of these rules are consistent with current Council practices but have not been formalized.

1. **Establishing Time Limits and/or Limits on the Number of Times each Councilmember speaks on Items:** This could help focus remarks and ensure all have an equal opportunity to speak.
    - On the other hand, specific time limits and/or limits on the number of times a member is allowed to speak may negatively impact Council deliberations and information/idea sharing on important policy matters. Continuing to rely on the powers of the meeting's Chair to guide the City Council's discussions in a timely manner is an effective strategy that is used in many (if not all) jurisdictions.

2. **Consent for Extended Comments:** Councilmembers seeking to make extended comments may request consent from the Chair or the Council to allow extended speaking time. This can be utilized if the City Council elects to set time limits as a matter of general policy (as outlined in Option 1) or if the Chair/Board adopts a limit to discussion/questions on a particular agendized item.

3. **Add a Provision for Discussions Prior to the Making of a Motion:** Council could consider the formal addition of a Council "discussions" step prior to the making of a motion. This is generally consistent with existing practices and can, particularly for more significant matters, facilitate the making of constructive motions that take into account the collective thoughts of the Council. As per standards, the Presiding Officer would manage this process with all Councilmembers given an opportunity to speak. Note: A related provision could also be considered to formalize the "best practice" that no motion would be made until after public input was received.

4. **Addressing the Chair:** Councilmembers should address comments to the Chair (as the Presiding Officer), not directly to other members to assist with maintaining order and civility.

5. **Minimize Repeating Points:** Councilmembers should avoid extended restatements of points already made by others to keep discussions efficient. The Chair will preside over these matters and may minimize repeated remarks.

6. **Respectful Language:** Maintain a professional and respectful tone during discussions and avoid personal attacks or disrespectful language based on the City Code of Ethics and Values Behavioral Standards for Councilmembers (Attachment 4).

7. **Focus on Agenda Items:** Comments should relate directly to the agenda items being discussed and off-topic discussions may be redirected by the Chair.

8. **No Interruptions:** Allow each member to speak without interruption.

9. **Enforcement:** As the Chair of the meeting, the Presiding Officer may raise points of order to address violations of meeting rules, with a right for an appeal from the majority of the Council. Questions regarding applicable rules or questions of interpretation may be presented to the City Attorney for input or advice.

The Governance and Ethics Committee shall discuss and make any recommendations to City Staff on a potential new Council Policy and Procedure for meeting management protocols that will be brought back to the Committee for review and approval before bringing forth to the full City Council for its consideration.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact to the City other than staff time.

COORDINATION

This report was coordinated with the City Manager’s Office and the City Attorney’s Office.

PUBLIC CONTACT

Public contact was made by posting the Governance and Ethics Committee agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov < mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Provide Direction on a Council Policy for Meeting Management Protocols Recommendations by the Governance and Ethics Committee and Forward for Consideration and Approval by the City Council

Reviewed by: Elizabeth Klotz, Assistant City Manager, City Attorney’s Office
Approved by: Jōvan D. Grogan, City Manager and Glen Googins, City Attorney

ATTACHMENTS

1. RTC 23-1264
2. Robert's Rules of Order Cheat Sheet
3. Rosenberg's Rules of Order
4. City Code of Ethics and Values Behavioral Standards for Councilmembers

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

..Title
Review Meeting Management Procedures

..Report

BACKGROUND

At the August 17, 2021 mid-year check-in on City Council Priorities session, the City Council developed procedures for meeting management. The session facilitator introduced a segment on meeting management procedures and norms, including a review of Robert's Rules of Order. The Council determined that it was in the best interest of the City to promote Council meeting efficiency by adopting a set of meeting procedures governing the process by which Council would conduct its discussion of agenda items.

At this session, the City Attorney's Office was to return to Council with a resolution on the meeting management procedure. The City Council also agreed to use this process for a period of approximately six months, and to revisit the topic at the 2022 Council Priority Setting session. Due to staff departures and transitions, the draft resolution (Attachment 1) did not return to a Council meeting and the item was not heard at the 2022 Council Priority Setting session held on February 8, 2022.

As a result, the City Council has been using these procedures in practice since the 2021 Priority Setting Session. During the March 13, 2023 Governance and Ethics Committee meeting, the Committee approved, as part of the workplan, to bring forth the current meeting management protocols for review and discussion.

At this December 4, 2023 meeting, the Governance and Ethics Committee shall review and discuss the current meeting management procedures, subject to any further amendments it may agree to, and recommend to the full Council for consideration and approval of a resolution formalizing the procedure.

DISCUSSION

As noted above, since the establishment of the meeting management procedures, the City has continued to use the established procedures as set forth below when discussing agenda items. At the August 17, 2021, City Council Priority Session check-in session, a motion was passed by the City Council to utilize the following procedure for a period of approximately six months, which has extended to the present day.

Current Procedure

Each item on a Council and/or Authorities agenda shall be heard and discussed in accordance with the following procedure:

1. City staff provides a report on the item, if warranted;

2. Each Councilmember shall have the opportunity to ask their questions;
3. City staff shall, to the extent possible, provide a response to all Councilmember questions;
4. The public shall have the opportunity to provide public comment on the item;
5. At the Mayor's request, City staff shall, to the extent possible, provide responses to the comments or questions from the public;
6. A Councilmember shall then make a motion and the motion should be seconded by another Councilmember;
7. Each Councilmember who wishes to speak to the motion (during the deliberation portion of the meeting) shall then have the opportunity to make statements regarding the motion; and
8. A vote shall then be taken.

Options to Consider

Option 1:

The Committee may consider continuing the use of the current procedure in place and direct staff to formalize the procedures with a formal Resolution for Meeting Management and bring forth to the City Council for approval.

Option 2:

The Committee may consider revising the current procedure in one or more ways. Below are some areas for possible further consideration by the Committee. Some of these rules are consistent with current Council practices, but have not been formalized.

1. **Establishing Time Limits and/or Limits on the Number of Times each Councilmember speaks on Items:** This could help focus remarks and ensure all have an equal opportunity to speak.
    - On the other hand, specific time limits and/or limits on the number of times a member is allowed to speak may negatively impact Council deliberations and information/idea sharing on important policy matters. Continuing to rely on the powers of the meeting's Chair to guide the City Council's discussions in a timely manner is an effective strategy that is used in many (if not most) jurisdictions.

2. **Consent for Extended Comments:** Councilmembers seeking to make extended comments may request consent from the Chair or the Council to allow extended speaking time. This can be utilized if the City Council elects to set time limits (as outlined in Option 1) or without time limits and requested if the Chair seeks to limit discussion/questions.

3. **Add a Provision for Discussions Prior to the Making of a Motion:** Council could consider the formal addition of a Council "discussions" step prior to the making of a motion. This is generally consistent with existing practices and can, particularly for more significant matters, facilitate the making of constructive motions that take into account the collective thoughts of the Council. As per

standards, the Presiding Officer would manage this process with all Councilmembers given an opportunity to speak.

4. **Addressing the Chair:** Councilmembers should address comments to the Chair (as the Presiding Officer), not directly to other members to assist with maintaining order and civility.

5. **Minimize Repeating Points:** Councilmembers should avoid extended restatements of points already made by others to keep discussions efficient. The Chair will preside over these matters and may minimize repeated remarks.

6. **Respectful Language:** Maintain a professional and respectful tone during discussions and avoid personal attacks or disrespectful language based on the City Code of Ethics and Values Behavioral Standards for Councilmembers (Attachment 2).

7. **Focus on Agenda Items:** Comments should relate directly to the agenda items being discussed and off-topic discussions may be redirected by the Chair.

8. **No Interruptions:** Allow each member to speak without interruption.

9. **Enforcement:** As the Chair of the meeting, the Presiding Officer may raise points of order to address violations of meeting rules, with a right for an appeal from the majority of the Council. Questions regarding applicable rules or questions of interpretation may be presented to the City Attorney for advice.

Option 3:

In addition, the Committee may consider directing staff to consider the options to replace the current Robert's Rules of Order with Rosenberg's Rules of Order. Rosenberg's Rules of Order is a simplified set of parliamentary rules used in several cities throughout California. Many institutions have adopted Rosenberg's Rules in lieu of Robert's Rules, by finding them practical, logical, simple, easy to learn and user-friendly, while retaining the basic tenets of order.

If the Committee is interested in this option, the staff will prepare to present a comparison of Robert's Rules of Order vs. Rosenberg's Rules of Order at a future Governance and Ethics Committee meeting.

Benchmarking:

As background, below are excerpts from procedures being utilized by neighboring cities in relation to meeting management.

City	Procedure
Cupertino	City Council meetings are governed by Rosenberg' s Rules of Order. Council Questions and Deliberations: Councilmembers may obtain the floor by seeking recognition from the Mayor. Following

	presentations on an agenda item, Councilmembers are given five minutes to ask questions of any presenter. The Mayor may allow additional time for questions where appropriate. Following public comment, the Mayor may request that a motion be made and seconded. After the motion has been stated to the Council and seconded, any member of the Council has a right to discuss the motion after obtaining the floor. A member who has been recognized shall limit their time to five minutes. The Mayor may allow additional time for deliberations where appropriate. This rule shall displace any conflicting rule in the City' s adopted rules of procedure. Opportunity for Equal Participation: The policy encourages the full, fair participation of all members of the Council in discussions and deliberations. The Mayor may impose reasonable limits on the time any Councilmember is permitted to speak to advance this policy. In addition, all Councilmembers wishing to be recognized should be given an opportunity to speak before any member is allowed to speak a second time.
Milpitas	City Council meetings are governed by Robert's Rules of Order. The presiding officer conducts the meetings of the City Council to: … d. In presiding over matters where the public has provided testimony and/or raised questions, the presiding officer should: (i) Restate every question coming before the Council. (ii) Direct questions or comments requiring a response to staff for a response. (iii) Ensure that staff and members and the public direct their comments to the presiding officer. (iv) If necessary, help keep Councilmember questions relevant to the matter being considered by the Council. (v) If necessary, consider calling for a brief recess if orderly conduct of the meeting is being disrupted. (vi) Announce the decision of the Council on all subjects. Ensure that each member of the Council is provided an opportunity to completely express their views on items of business, the Mayor should: See that Councilmembers ask to be recognized by the Mayor before speaking and ensure that each Councilmember is given the opportunity to fully express their views
Palo Alto	City Council meetings are governed by Robert's Rules of Order. Council Member Speaking Time Limits: The presiding officer shall give each Councilmember up to five (5) minutes to speak in each round of discussion during discussions on Council items where discussion takes place. The Council shall be guided by the speaking times set by the presiding officer and shall conclude comments at the direction of the

	presiding officer. The presiding officer shall endeavor to treat all members equitably. Discussion on motions: The maker shall be the first Councilmember recognized to speak on the motion if it receives a second. The seconder shall be the second Councilmember to speak on the motion. Generally, Councilmembers will speak only once with respect to a motion. If the presiding officer or Council permits any Councilmember to speak more than once on a motion, all Councilmembers shall receive the same privilege.
San Bruno	City Council meetings are governed by Robert's Rules of Order. To encourage full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question or agenda item. If a councilmember has already spoken and other members wish to speak, the latter members should be recognized in preference to the member who has already spoken. However, if no other members seek recognition, the Mayor may recognize the member who has already spoken or make a motion on the item. The Mayor has the responsibility of controlling and expediting any debate or item. It is the duty of the Mayor to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.
San Jose	City Council meetings are governed by Robert's Rules of Order. Members of the Council who wish to ask questions of the speakers or of each other, or who wish to discuss the agenda item during the course of the discussion on the agenda item, may do so, but only after being recognized by the Chair. The Chair may set time limits as he/she finds reasonable under the circumstances. When a motion is made and seconded, it may be debated by the Council. Members of the Council may speak in debate of a motion only when addressing the Chair and being recognized by the Chair. Whenever the subject of the motion has been discussed and considered, no further discussion or debate may take place except that members of the Council may explain their vote or propose supplemental motions.
Santa Rosa	City Council meetings are governed by Rosenberg's Rules of Order. Councilmembers wishing to speak during Council meetings shall raise their hand and gain recognition by the Presiding Officer. Councilmembers shall confine himself/herself to the question under debate. Every Councilmember desiring to question the City staff shall, after recognition by the Presiding Officer, address his/her questions to the presenter of an agenda item, the City Manager or to the City Attorney. The City Manager or City Attorney shall be entitled either to answer the inquiry himself/herself, or to designate a member of his/her staff for that purpose.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT
There is no fiscal impact to the City other than staff time.

COORDINATION
This report was coordinated with the City Attorney and City Manager’s Offices.

PUBLIC CONTACT
Public contact was made by posting the Committee agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION
..Recommendation
Review Meeting Management Procedures and Information Provided in Report and Provide Feedback for any further Amendments

..Staff
Reviewed by: Maria Le, Assistant to City Manager
Approved by: Glen Googins, City Attorney and Jōvan D. Grogan, City Manager

ATTACHMENTS
1. Draft Proposed Resolution from August 17, 2021 Priority Setting Check-in Session
2. City Code of Ethics and Values Behavioral Standards for Councilmembers

Robert's Rules Cheat Sheet

To:	Say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Decided by:
Adjourn	"I move to adjourn."	No	Yes	No	No	Majority vote
Recess	"I move to recess for/until…"	No	Yes	No	Yes	Majority vote
Complain about hearing, comfort, etc.	"Point of privilege…"	Yes	No	No	No	Chair
End debate and vote on question	"I move the previous question."	No	Yes	No	No	Majority vote
Suspend further consideration of something	"I move to table this matter."	No	Yes	No	No	2/3 vote
Postpone deciding the question	"I move to postpone this matter until…	No	Yes	Yes	Yes	Majority vote
Amend a motion	"I move to amend this motion by…"	No	Yes	Yes	Yes	Majority vote
Introduce business (a main motion)	"I move that…"	No	Yes	Yes	Yes	Majority vote

The motions and points listed above are in order of preference. When a motion or point of inquiry is pending, only those listed *above* the pending point may be raised.

To:	Say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Decided by:
Redress any violation of the body's Rules	"Point of order…"	Yes	No	No	No	Chair
Request information	"Point of inquiry…"	Yes	No	No	No	N/A
Verify a recent voice vote by actual count (before next motion only)	"I call for division."	Yes	No	No	No	Majority vote
Prevent body from considering a matter	"I object to considering this question."	Yes	No	No	No	2/3
Consider a suspended matter	"I move to take from the table…"	Yes	Yes	No	No	Majority
Reconsider a previous motion	"I move to reconsider…"	Yes	Yes	No	No	2/3
Consider something out of schedule	"I move to suspend the rules to consider…"	No	Yes	No	No	2/3
Vote on the Chair's decision	"I appeal the Chair's decision."	Yes	Yes	Yes	No	Majority

The motions and points above have no precedence. Any of them may be raised in response to any motion or question, with the exception of the three items in gray (motion to adjourn, motion to recess, and point of privilege

Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg

LEAGUE® OF CALIFORNIA CITIES

MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and automony of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

About the Author

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

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Introduction

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. 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.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body."

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words "I move … "

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion,** for example, "A motion at this time would be in order."
2. **Suggesting a motion to the members of the body,** "A motion would be in order that we give a 10-day notice in the future for all our meetings."
3. **Making the motion.** As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed,* the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion can contain a specific time in which the item can come back to the body. "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, "I move the previous question" or "I move the question" or "I call the question" or sometimes someone simply shouts out "question." As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a "request" rather than as a formal motion. The chair can simply inquire of the body, "any further discussion?" If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the "question" as a formal motion, and proceed to it.

When a member of the body makes such a motion ("I move the previous question"), the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item.* This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," or "I move the question," or "I call the question," or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it's pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the "no" votes and double that count to determine how many "yes" votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote "no" then the "yes" vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote "abstain" or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of "those present" then you treat abstentions one way. However, if the rules of the body say that you count the votes of those "present and voting," then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are "present and voting."

Accordingly, under the "present and voting" system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are "present"), but you treat the abstention votes on the motion as if they did not exist (they are not "voting"). On the other hand, if the rules of the body specifically say that you count votes of those "present" then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like "no" votes.

How does this work in practice?
Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are "present and voting." If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three "yes," one "no" and one "abstain" also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members "present." Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a "no" vote. Accordingly, if the votes were three "yes," one "no" and one "abstain," then the motion fails. The abstention in this case is treated like a "no" vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an "abstention" vote? Any time a member votes "abstain" or says, "I abstain," that is an abstention. However, if a member votes "present" that is also treated as an abstention (the member is essentially saying, "Count me for purposes of a quorum, but my vote on the issue is abstain.") In fact, any manifestation of intention not to vote either "yes" or "no" on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote "absent" or "count me as absent?" Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually "absent." That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, "point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be, "point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

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City of Santa Clara
PROGRAM IN ETHICS & VALUES

BEHAVIORAL STANDARDS FOR CITY COUNCIL MEMBERS[1]

INTRODUCTION

Ten years ago, the City of Santa Clara began its ethics and values program to foster public trust by promoting and maintaining the highest standards of personal and professional conduct. Since the adoption of the Code of Ethics & Values in 2000, the City Council has promised the people of Santa Clara that Council Members, all elected and appointed officials, candidates for public office, and City Staff will meet the most demanding ethical standards and demonstrate the highest levels of achievement in practicing eight core values identified in the Code.

Those values, which are fundamental to public trust, were adopted to guide the decisions and actions of individual Council Members and the Council as a whole. City Council and City Staff have worked hard to integrate these values into the everyday operating culture of City Hall. The City has conducted extensive outreach to residents encouraging them to hold public officials accountable at the ballot box for being credible role models for these values, in word and in deed, in public or in private.

To help the Council make these values real in their regular work with the City, the Code describes for each value a basic set of character traits and actions residents can expect to see Council Members meet and exceed.

This document translates these traits and actions into concrete behavioral standards for the City Council. These standards describe what impeccable leadership ethics looks like in the everyday work of the Council. They reflect commonly accepted "best practices," rather than specific issues or problems the Council has faced. The list seeks to include enough positive behaviors to practice (and negative behaviors to avoid) that a reasonable person can assess how credible he or she is as a role model and ethical leader.

This information is presented in four columns. Columns 1 and 2 reproduce the approved Code of Ethics. Columns 3 and 4 list the behavioral standards.

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[1] This document is based on the *Behavioral Standards for Commissioners, Boards, and Other Appointed Officials*, developed during 2000-2002, and approved by the City Council in February 2003. A representative committee of Board Members and Commissioners, working with the City's initial Ethics Ordinance Committee, drafted that document. It was then revised based on extensive feedback from all Board Members, Commissioners, and Staff Liaisons. In a working session in April, 2008, the Council used that document to develop the first draft of its own standards. The City's Ethics Consultant, Dr. Tom Shanks, and City Staff drafted the final version for City Council review on May 6. 2008.
Approved by City Council on May 20, 2008.

City of Santa Clara
PROGRAM IN ETHICS & VALUES

BEHAVIORAL STANDARDS FOR CITY COUNCIL MEMBERS

The Code of Ethics & Values		***Behavioral Standards***	
1 **City** **Core Value**	**2** **Basic Actions and Character Traits**	**3** **Council Members Engage in Positive Behaviors Like**	**4** **Council Members Avoid Negative Behaviors Like**
As a Santa Clara representative, I will be:			
Ethical	*I am trustworthy, acting with the utmost integrity and moral courage*	• Making careful decisions, advancing the best long-term interests of the City, after considering all available facts, City Staff recommendations, and public comment	• Making hasty, ill-informed decisions based on politics, bias, faulty assumptions, prejudice, self-interest, gossip, and half-truths
		• Voting my honest conviction, explaining my ethical reasoning, respecting the minority, and upholding the majority as the decision of the Council	• Promising my vote before facts are known in order to gain favor with a crony, endorser, lobbyist, or special interest
		• Vigorously debating an issue, listening carefully to all sides, making my best judgment call, even if it's not popular, and taking responsibility for my actions	• Saying whatever the vocal public wants to hear, dodging criticism of an unpopular vote, shifting the blame to the majority, other members, or City Staff
		• Preparing to vote by assessing how various options advance or harm the best interests of the City as well as the City's Mission and Core Values, working to minimize any harm	• Always taking the short-term view, representing few stakeholders, believing ethics and City values have no bearing on decisions
		• Finding an imaginative solution that is in the best interests of the City, is fair, respects individual rights and the Council's duties, and advances City values	• Saying and doing whatever it takes, no holds barred, to advance one's personal position, power, influence or political career

The Code of Ethics & Values		*Behavioral Standards*	
1 **City** **Core Value**	**2** **Basic Actions and Character Traits**	**3** **Council Members Engage in Positive Behaviors Like**	**4** **Council Members Avoid Negative Behaviors Like**
Ethical (continued)	*I am truthful, do what I say I will do, and am dependable*	• Giving complete, factual, unbiased information to colleagues, public, and the press	• Concealing, fabricating, overstating, under-stating, or denying the truth; spinning the truth; leaving out context
		• Making promises to the public, City Staff, and Council members which can be kept and do not exceed the authority of any individual Council Member	• Promising more than can be delivered, over-extending oneself, or taking sole credit for the work of the Council and others
	I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action	• Seeking advice from the City Attorney and City Manager when confronting a real or potential conflict of interest, and making a full public disclosure when the Council considers the agenda item	• Helping a friend get a project through the Council in return for a donation to a campaign fund, school or charity, or the gift of tickets or another perk
		• Having declared a conflict, leaving the dais and Council Chambers, so other Council members are free of any undue influence	• Talking to fellow Council Members prior to declaring a conflict, and asking them to take care of the item in a way that advances personal interests
	I am fair, distributing benefits and burdens according to consistent and equitable criteria	• Listening attentively to all sides, keeping an open mind and avoiding even the appearance of bias, following precedents consistently, treating equals equally	• Paying more attention to friends' and supporters' projects • Making "back room" deals and decisions • Giving preferential treatment to special interests, consultants, and former Council Members

The Code of Ethics & Values		*Behavioral Standards*	
1 **City** **Core Value**	**2** **Basic Actions and Character Traits**	**3** **Council Members Engage in Positive Behaviors Like**	**4** **Council Members Avoid Negative Behaviors Like**
Ethical (continued)	*I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions*	• Being available to anyone who wants to discuss an issue, keeping an open mind and not committing to vote for or against an item until after hearing the full public discussion	• Promoting the interests of the business community without first considering the interests of all stakeholders • Giving special treatment to the companies that pay the most in taxes and to my largest campaign donors
	I show respect for persons, confidences, and information designated as "confidential"	• Referring media questions on Closed Session or other confidential matters to the City Manager's Office, rather than saying "No Comment"	• Telling others about Closed Session proceedings, especially when it is an important issue and I want input on how to decide • Confirming a rumor, remaining silent, communicating non-verbally, or in other ways providing information that is confidential or that the Council Member has promised not to reveal
		• Treating the public and City Staff, at all times, the way I treat highly regarded colleagues in businesses or professions	• Acting based on stereotypes, rumors, "ancient history," and prior negative experiences with an individual or groups
		• Bringing to the attention of the City Manager any concern about the actions or work of City Staff, or any complaint from the public	• Criticizing or embarrassing the City Manager or other City Staff in public • Failing to publicly recognize extraordinary City Staff work

The Code of Ethics & Values		*Behavioral Standards*	
1 **City** **Core Value**	**2** **Basic Actions and Character Traits**	**3** **Council Members Engage in Positive Behaviors Like**	**4** **Council Members Avoid Negative Behaviors Like**
Ethical (continued)		• Showing courtesy and interest in word and action to City Staff, public, and elected and appointed officials	• Complimenting the work of a single City Staff member when a staff team actually did the work
		• Speaking and acting out of the belief that City Staff and all members of the Council are on the same team and committed to doing their best to serve residents	• Engaging publicly or privately in personal verbal attacks against Council colleagues or City Staff; interrupting while they are speaking, rolling eyes, demeaning them, or in other ways treating them inappropriately
Professional	*I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority*	• Using City titles for identification at League meetings or when on other official City business, or when seeking information directly related to a Council matter from appropriate sources	• Using a City title when making dinner reservations or making purchases • Referring friends to City businesses and suggesting they mention the name of a Council Member to get the best prices
	I apply my know-ledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner	• Preparing by reading the agenda packet before meetings • Asking the City Manager informational questions ahead of time to assist in being prepared • Arriving on-time to meetings, paying attention and listening actively	• Rushing into meetings late and being obvious about opening the agenda packet for the first time or speed-reading the packet while City Staff or the public are presenting information

The Code of Ethics & Values		*Behavioral Standards*	
1 **City** **Core Value**	**2** **Basic Actions and Character Traits**	**3** **Council Members Engage in Positive Behaviors Like**	**4** **Council Members Avoid Negative Behaviors Like**
Professional (continued)		• Asking questions that will advance the discussion, contribute to decision-making, and have not been covered in the agenda packet	• Taking no notes, remembering little, if any, of the information in the agenda packet, asking to have information repeated constantly
		• Listening attentively to the public, City Staff, and other Council members who may speak at meetings	• Making little or no eye contact with any speaker during the meeting • Leaving during public comment and returning only after it is over • Making comments to someone else while the public is speaking
	I approach my job and work-related relationships with a positive attitude	• Approaching Council work informed of issues, enthusiastic, energized, interested, ready to participate, and focused	• Approaching Council work half-heartedly, coming to meetings eager to leave • Short-circuiting a discussion; being perceived as rude by other Council Members, City Staff, or the public
		• Making guests feel welcomed at meetings • Treating new Council Members as colleagues, encouraging them to express their opinions, and offering them positive feedback	• Acting in a superior manner with newly elected Council members • Never making time to be responsive to residents who want to discuss issues
	I keep professional knowledge and skills current and growing	• Making it a priority to attend League meetings, Electric Joint Powers Agency meetings, and committees	• Assuming there is nothing new to learn • Going to League meetings and conferences to be seen, but never attending any training

The Code of Ethics & Values		*Behavioral Standards*	
1 **City** **Core Value**	**2** **Basic Actions and Character Traits**	**3** **Council Members Engage in Positive Behaviors Like**	**4** **Council Members Avoid Negative Behaviors Like**
Professional (continued)		• Reading background materials for general preparation including professional journals, books, and articles	• Skipping meetings with the City Manager, assuming you know as much, if not more, than she does on this issue
Service-Oriented	*I provide friendly, receptive, courteous service to everyone*	• Not just answering questions, but sharing helpful knowledge of Council or government functions, even if the person asking isn't sure what they need to know	• Acting like it's a bother anytime a resident asks a question or when they make inquiries about Council/government business
		• Seeking the opinions of those who are hesitant or unwilling to come forward with their ideas, but trying not to force anyone to speak in a public forum if they are uncomfortable or unprepared	• Making guests or others feel stupid, intimidated, dismissed, manipulated, or demeaned by reading the newspaper, falling asleep, laughing at a private joke with another Council Member, or repeatedly leaving the room during discussions
	I am attuned to, and care about, the needs and issues of residents, public officials, and city workers	• Talking with residents and actively listening at City gatherings to be aware of what is going on in this community and other communities	• Being arrogant or uninterested when responding to residents outside of City Hall about their concerns and debating with them to prove them wrong or misinformed
		• Attending City events and interacting effectively with the public, aware that others expect Council Members to be role-models	• Showing up late to City events, leaving early, and spending most of the time talking only to one or two friends

The Code of Ethics & Values		*Behavioral Standards*	
1 **City** **Core Value**	**2** **Basic Actions and Character Traits**	**3** **Council Members Engage in Positive Behaviors Like**	**4** **Council Members Avoid Negative Behaviors Like**
Service-Oriented (continued)		• Relaying things heard or provided to the Council or the City Manager or other appropriate parties for follow-up	• Withholding important information to use it for narrow personal purposes at a later time
	In my interactions with constituents, I am interested, engaged, and responsive	• Acting in a pleasant and friendly manner and encouraging people to speak their mind; welcoming constructive criticism as well as compliments	• Through word and action, discouraging people from proposing what they believe are solutions or expressing their concerns
		• Focusing on the speaker and trying to see the world as they do in order to understand their needs	• While seeming to be engaged in one conversation, scanning the environment for someone more interesting or important to speak with; abruptly stopping the previous conversation to speak with the more important person
FiscallyResponsible	*I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability*	• Before deciding how to vote, reviewing cost/benefit analysis and all related studies, along with City Staff recommendations	• Allowing other Council members who have more expertise in budgeting to take the lead in budget discussions, trusting that they know better, and never improving personal expertise
		• Consider the City's short and long term financial condition prior to proposing new or expanded City projects	• Ignoring the constraints of the City budget when making decisions • Citing "budget constraints" as the reason for not supporting a motion, when the real reason is how it will look in the next election

The Code of Ethics & Values		*Behavioral Standards*	
1 **City** **Core Value**	**2** **Basic Actions and Character Traits**	**3** **Council Members Engage in Positive Behaviors Like**	**4** **Council Members Avoid Negative Behaviors Like**
Fiscally Responsible (continued)	*I demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, funds) and follow established procedures*	• Allocating resources according to the City's plan and in compliance with the law and the City's goals to provide residents with a better environment in which to live	• Taking advantage of any opportunity to get something "free" from the City • Seeking discounts from the City's vendors solely because of my position
		• Using City equipment only for Council work, not for personal use or for my business	• Coming to City Hall regularly and asking City Staff to make just a few copies for personal use
		• Respecting City Staff time and being especially careful to ask the City Manager to take on special research or other projects only if convinced that this work is critical and necessary for the Council to better serve the needs of residents	• Asking a lot of questions that focus on non substantive details, being unable to separate what's important from what's not
		• Representing the public's interests to the best of my ability • Balancing long-term impacts and short-term goals	• Acting as if I "own" the City or my seat on the Council
	I make good financial decisions that seek to preserve programs and services for City residents	• Being fully aware of and understanding the approved City budget, having solicited explanations from the City Manager, if necessary	• Taking as many trips as possible at the City's expense because of a personal feeling that the compensation is not sufficient and some reward for City work is deserved

The Code of Ethics & Values		*Behavioral Standards*	
1 **City** **Core Value**	**2** **Basic Actions and Character Traits**	**3** **Council Members Engage in Positive Behaviors Like**	**4** **Council Members Avoid Negative Behaviors Like**
Organized	*I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long-term goals*	• Being cognizant of the importance of scarce meeting time and preparing accordingly, with the result that the Council spends time on the important issues and deals efficiently with other issues	• Relying solely on prior knowledge and spending a great deal of the Council's time proving to everyone how much I know on all issues, large and small
	I follow through in a responsible way, keeping others informed, and responding in a timely fashion	• Sharing my research and experience with others on the Council, making worthwhile contributions and welcoming alternative viewpoints	• Using hear-say from a third party as the sole basis for making a decision
		• Returning phone calls and email promptly, if at all possible; if unable, letting the person know when to expect a response	• Failing to acknowledge receipt of requests for information • Responding only to people who can help with personal political goals • Eventually getting around to sending information, but never in a timely manner
	I am respectful of established City processes and guidelines	• Participating fully in orientation sessions and other sessions in order to understand how the City's policies and procedures impact the effectiveness of the Council	• Criticizing City policies in public without first expressing concerns to City Staff or gaining knowledge necessary in order to offer constructive criticism
		• Helping to establish reasonable timetables and then following them • Being flexible in setting meeting dates and times	• Ignoring deadlines, not keeping people informed, and making excuses which damage public trust

The Code of Ethics & Values		*Behavioral Standards*	
1 **City** **Core Value**	**2** **Basic Actions and Character Traits**	**3** **Council Members Engage in Positive Behaviors Like**	**4** **Council Members Avoid Negative Behaviors Like**
Organized (continued)		• Being able to explain to residents, businesses, and visitors how the City's policies and procedures are examples of the City's Core Values in practice	• Being cynical about policies and cavalier about following procedures because of a failure to see how these are related to fairness and the common good
Communicative	*I convey the City's care for and commitment to its residents*	• Being able to explain the City's goals to anyone and describe personal commitment to them • Supporting superb, affordable City services and conveying that commitment effectively to residents	• Plotting and scheming to accomplish personal agendas • Deciding how you will vote and writing out those reasons prior to any public comment • Becoming angry at a resident who is critical of the Council
	I communicate in various ways that I am approachable, open-minded and willing to participate in dialog	• Being available to the public in person, at events, and through telephone and written correspondence to provide both answers to questions and dissemination of important information	• Confusing residents, spreading rumors and gossip, or slandering elected or appointed officials, City Staff, or anyone • Interrupting someone who has the floor
		• Listening attentively, being open to multiple perspectives, and allowing the possibility of changing opinions and points of view	• Listening solely to find flaws, to spot differences, and to counter arguments • Going out of my way during meetings to show why I am always right and others are not
		• Making it a practice to communicate equally well to all stakeholders, regardless of their influence, power, or campaign donations	• Dominating meetings and asking many more questions than time allows, effectively excluding the input of others

The Code of Ethics & Values		*Behavioral Standards*	
1 **City** **Core Value**	**2** **Basic Actions and Character Traits**	**3** **Council Members Engage in Positive Behaviors Like**	**4** **Council Members Avoid Negative Behaviors Like**
Communicative (continued)	*I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations*	• During meetings, giving residents and others the benefit of the doubt and listening to identify needs and interests • Asking questions to clarify, to understand, and to augment, in order to hear the truth as the resident sees it • Making the best decision to advance the community's values and goals	• Considering people on the other side of issues as enemies, rather than as colleagues or fellow residents • Weakening public debate by belittling or mocking someone's viewpoint • Demonizing anyone who disagrees with a personal conviction or viewpoint
Collaborative	*I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding*	• Submitting one's best thinking, respecting all other participants and inviting their thoughts in order to develop better solutions • Seeing value in working with other agencies to develop consistent policies, where appropriate	• Describing people who hold different viewpoints as "them" • Failing to recognize personal biases, prejudices, stereotypes, and their influence on language and attitudes toward residents and others
	I work towards consensus building and gain value from diverse opinions	• Approaching meetings and discussions assuming that many people have pieces of answers and that cooperation will lead to workable solutions for the most difficult problems	• Approaching discussions as if there's already a single right answer that needs to be defended against opposing viewpoints
	I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team	• Understanding that what I do speaks more loudly than what I say • Showing respect for Council Members, Staff, and residents by giving priority to my City commitment, doing my homework	• Focusing first on satisfying a personal or hidden agenda • Actively weakening the team that the Council and City Staff have devoted efforts to build

The Code of Ethics & Values		*Behavioral Standards*	
1 **City** **Core Value**	**2** **Basic Actions and Character Traits**	**3** **Council Members Engage in Positive Behaviors Like**	**4** **Council Members Avoid Negative Behaviors Like**
Collaborative (continued)		• Understanding that each Council decision either builds public trust or detracts from it	• Dismissing any idea proposed by a Council colleague who supported someone else in the last election
		• Working hard to develop among Council Members, other officials, City Staff, and the public a kindred spirit of cooperation when working toward implementing City values	• Reaching conclusions based on satisfying personal or special interests and refusing to change one's position despite good reasons to reconsider • Holding grudges and considering some people as permanent enemies
	I consider the broader regional and State-wide implications of the City's decisions and issues	• While serving on County-wide committees, acting in a professional manner and approaching the tasks responsibly	• Making derogatory remarks about other cities, feeling that Santa Clara is superior
		• Serving on County or State-wide panels, freely sharing information and resources so everyone may benefit from the City's experience	• Having tunnel vision and ignoring anything beyond the City, depriving the City of the benefit of a broader, regional perspective

The Code of Ethics & Values		*Behavioral Standards*	
1 **City** **Core Value**	**2** **Basic Actions and Character Traits**	**3** **Council Members Engage in Positive Behaviors Like**	**4** **Council Members Avoid Negative Behaviors Like**
Progressive	*I exhibit a proactive, innovative approach to setting goals and conducting the City's business*	• Contributing personal experiences and expertise to advance the goals of the Council and the City as a whole • Anticipating future problems or opportunities, raising the issues at the appropriate time for City Staff to investigate and for Council to consider	• Being dogmatic in approaching decision-making and only doing things the way they've always been done • Never taking a forward looking, principled or values-centered stand, but preferring to solve issues in an ad hoc manner • Focusing on the short term, being concerned only about meeting minimum requirements of law, politics, or efficiency
	I display a style that maintains consistent standards, but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary	• Being able to explain how a decision is consistent with ethical standards and the City's Core Values • Committing to ongoing improvement, progressive government, and moral imagination in solving problems	• Lying about personal mistakes and downplaying their importance • Manipulating discussions and decisions to advance personal, political aspirations • Speaking and listening only to one's friends on the Council
		• Taking responsibility for actions, making appropriate apologies or restitution when a mistake is made, and implementing a plan to develop practical skills to avoid such mistakes in the future • Actively listening, asking clarifying questions, and giving careful consideration to all	• Holding on to opinions and viewpoints so stubbornly that mistakes are made, impacting public trust • Letting personal limitations impede progress or the work of the Council • Playing the role of pessimist whenever a new idea is presented, trying to bulldoze personal ideas

The Code of Ethics & Values		*Behavioral Standards*	
1 **City Core Value**	**2** **Basic Actions and Character Traits**	**3** **Council Members Engage in Positive Behaviors Like**	**4** **Council Members Avoid Negative Behaviors Like**
Progressive (continued)		comments and viewpoints, even if they are expressed by people who think differently, have different beliefs, and have different groups of supporters	despite budget limitations, prior agreement, or consensus, and undermining new ideas by gossiping with others before the idea has a chance to be explored
	I promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services	• Encouraging talented and diverse individuals to become involved in City service, as well as recognizing and celebrating talent and new ideas that help the City reach its goals, improve City services, and implement City Core Values in best practice	• Pushing change in the City without ample thought, and causing change only for the sake of change, or only to fulfill a campaign promise

Public Comment Benchmarking

Dated: 7/2/2024

City	Place on Agenda	Time Limits
Milpitas	Beginning of agenda, after ceremonial items and before consent and general business	None Listed
Mountain View	Middle of agenda, after consent and before general business	None Listed
Palo Alto	Beginning of agenda, after closed session and before consent and general business	30 minutes and remaining comments heard at the end of the agenda
San Jose	Last item on agenda, before adjournment	None Listed
Sunnyvale	Beginning of agenda, after ceremonial items and before general business	15 minutes (may be extended or continued by the Mayor)
Chula Vista	Middle of agenda, after consent and before general business	21 minutes(based on 7 speakers at 3 min. each), with the discretion of the Mayor to extend, remaining comments heard at the end of the agenda
San Bruno	Beginning of agenda, after pledge and before ceremonial, consent and general business	None Listed

Governance & Ethics Committee

Item #3 Review Meeting Management Protocol Options and Rosenberg's Rules of Order

July 2, 2024

1

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Background

- **August 17, 2021 – Council Priority Setting**: Council approves a 6-month pilot program for basic meeting management protocols, to be revisited at the 2022 Council Priority Session. 2022 Priority Sessions never held; formal resolution prepared but never adopted; protocols mostly followed since.
- **December 4, 2023 - Governance and Ethics Meeting**: Committee provided input on the current procedures, and considered possible modifications, including possibility of switching from Robert's Rules of Order to Rosenberg's; additional info requested

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Today's Objective

- **Present additional information on Rosenberg's**
- **Receive Committee Input on Robert's vs. Rosenberg's**
- **Present and Receive Committee input on other Key Elements of Meeting Management Protocols**
- **Gather enough input for staff to develop a new policy for meeting management protocols for Committee consideration at your September meeting**

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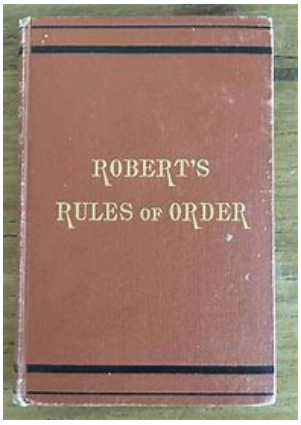
What's Wrong with Robert's Rules?

- Parliamentary rules first published in 1876 by U.S. army officer Henry Martin Robert; based on the rules and practices of U.S. Congress
- The Rules are voluminous and complicated, with many technical provisions not applicable to smaller legislative bodies
- This makes them unwieldy, and sometimes confusing, with potential "traps" for the unwary.



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Rosenberg's Rules of Order

- Rosenberg's Rules of Order is a simplified set of parliamentary rules used by a growing number of cities throughout California.
- Generally, more aligned with Brown Act requirements
- Retaining the basic tenets of order, but in a more practical, user-friendly manner

Rosenberg's Rules of Order
REVISED 2011
Simple Rules of Parliamentary Procedure for the 21st Century

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Differences between Robert's and Rosenberg's

- **Quorum Rules**: Same
- **Process for Agenda Item Consideration**: Rosenberg provides a good description about how agenda items should be processed for public bodies.
- **Time:** Under Rosenberg, the chair has more direct authority to limit time of public and member speakers, subject to overrule by majority
- **Actions to Approve**: motion, second, vote process substantially the same

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Differences (cont'd)

- **Multiple Motions:** max of 3 motions to be on the floor at the same time, while Roberts allow up to 13 .
- **Substitute Motions:** Under Robert's Rules, "to substitute" is a type of amendment. There are rules governing how substitutions are handled and they are somewhat complex. Rosenberg allows members to propose a completely different motion as a "substitute motion." Rosenberg gives the chair discretion to rule on whether a motion is a "motion to amend" or a "substitute motion."

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Differences (cont'd)

- **Motion to Reconsider**: Similar treatment. Rosenberg says that if the motion to reconsider passes, "a new original motion is in order." This is different from Robert's, which says that if the motion to reconsider passes, debate is resumed at the point it had reached just before the vote was taken.
- **Courtesy and Decorum**: Similar treatment.
- **Interruptions – Withdraw a Motion**: Rosenberg allows a member to interrupt debate and withdraw a motion at any time. Under Robert, once a motion has been made, seconded and stated by the chair, it belongs to the body itself, not to the original maker. If a member wishes to withdraw the motion, the member asks permission of the body. Robert does not allow interruption for this purpose and does not allow a member to withdraw a motion unilaterally.

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Current Meeting Management "Practice"

1. City staff provides a report on the item, if warranted;
2. Each Councilmember shall have the opportunity to ask their questions;
3. City staff shall, to the extent possible, provide a response to all Councilmember questions;
4. The public shall have the opportunity to provide public comment on the item;
5. At the Mayor's request, City staff shall, to the extent possible, provide responses to the comments or questions from the public;
6. A Councilmember shall then make a motion and the motion should be seconded by another Councilmember;
7. Each Councilmember who wishes to speak to the motion (during the deliberation portion of the meeting) shall then have the opportunity to make statements regarding the motion; and;
8. A vote shall then be taken.

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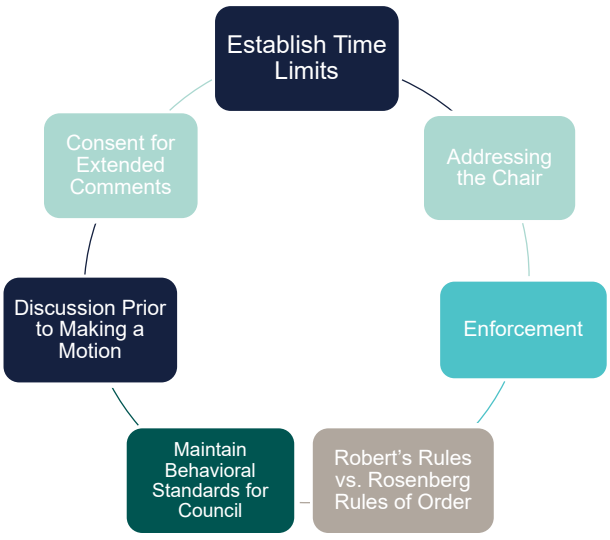
Options to Consider



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Establish Time Limits

- Could help focus remarks and ensure all have an equal opportunity to speak.
- On the other hand, specific time limits and/or limits on the number of times a member is allowed to speak may negatively impact Council deliberations and information/idea sharing on important policy matters.
- Could also be challenging to track.
- Continuing to rely on the Presiding Officer to guide the City Council's discussions in a timely manner is generally preferred and used in many (if not most) jurisdictions.

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If time limits imposed, could add process for extending the limits

- Councilmembers seeking to make extended comments may request consent from the Chair or the Council to allow extended speaking time.
- This can be utilized if the City Council elects to set time limits as a matter of general policy or if the Chair/Board adopts a limit to discussion/questions on a particular agendized item.

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Formal Provision for Discussions Prior to Making a Motion

- Council could consider the formal addition of a Council "discussions" step prior to the making of a motion.
- This is generally consistent with existing practices and can, particularly for more significant matters, facilitate the making of constructive motions that take into account the collective thoughts of the Council.
- As per standards, the Presiding Officer would manage this process with all Councilmembers given an opportunity to speak.

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Other Options to Consider

- **Addressing the Chair:** Councilmembers should address comments to the Chair (as the Presiding Officer), not directly to other members to assist with maintaining order and civility.
- **Minimize Repeating Points:** Councilmembers should avoid extended restatements of points already made by others to keep discussions efficient. The Chair will preside over these matters and may minimize repeated remarks.
- **Focus on Agenda Items:** Comments should relate directly to the agenda items being discussed and off-topic discussions may be redirected by the Chair.

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Other Options to Consider (cont'd)

- **Require Respectful Language:** Formalize a rule that requires member comments to respectful and policy oriented, with no personal attacks, questioning of motives, or other forms of disrespectful comments, consistent with the City of Santa Clara Code of Ethics and Values Behavioral Standards for Councilmembers.
- **No Interruptions:** Allow each member to speak without interruption.
- **Enforcement:** As the Chair of the meeting, the Presiding Officer may raise points of order to address violations of meeting rules; individual members may as well, with a right to appeal determinations by the Chair to the full body. Questions regarding applicable rules or questions of interpretation may be presented to the City Attorney for advice.

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Next Steps

- Upon direction from the Committee, City staff will bring a draft policy, and any amendments to existing policies or City Code sections as may be required for the Committee's consideration.
- Staff will include a review of other Council Policies that should/could be cross referenced (e.g., 029 – Time limits for Speakers at Council; 030 - Adding an Item on the Agenda Meetings; and 042 – Reconsideration of Council Action)

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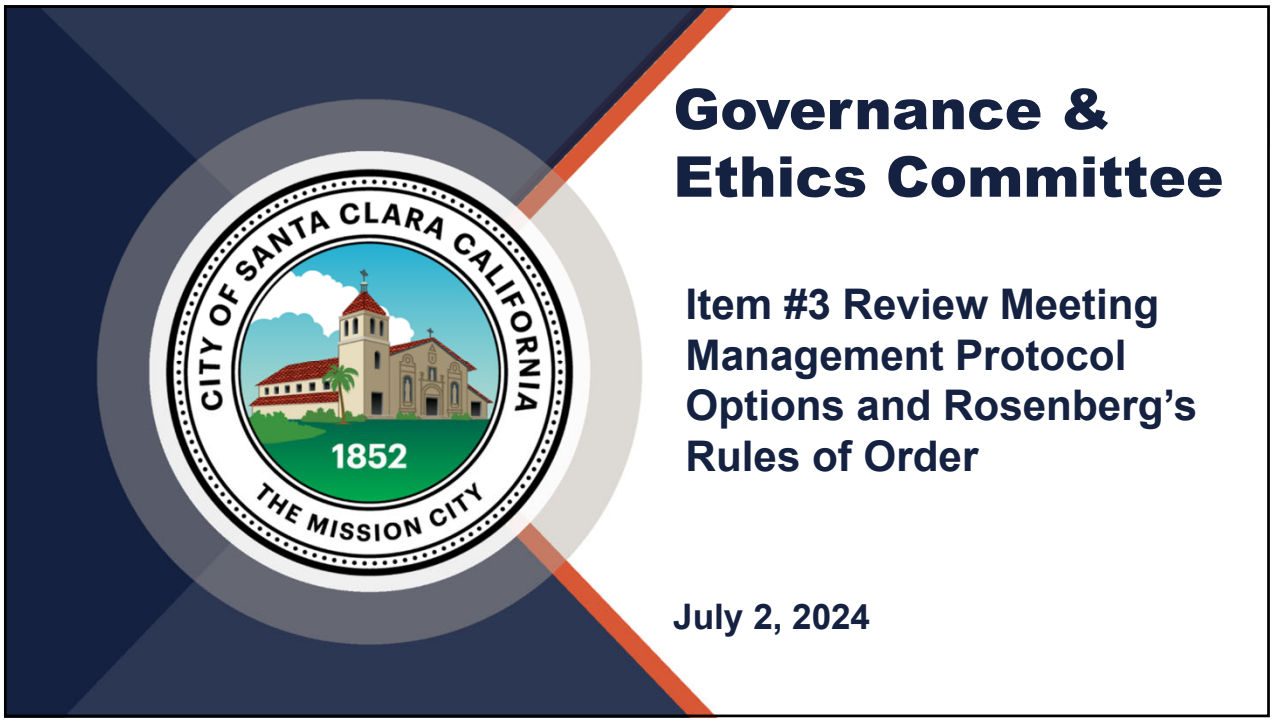
Governance &
Ethics Committee
Item #3 Review Meeting Management Protocol Options and Rosenberg's Rules of Order
July 2, 2024
CITY OF SANTA CLARA CALIFORNIA
1852
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24-650 **Agenda Date: 7/2/2024**

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Update on Review of SCSC Chapter 2.155 (“Regulation of Lobbying Activities”) and SCSC Chapter 2.160 (“Calendars of Certain City Officials”)
(DEFERRED FROM JUNE 3, 2024)

BACKGROUND

At the March 4, 2024 Governance and Ethics Committee meeting, staff provided information on an item carried over from the June 7, 2021 Governance and Ethics Committee meeting when the former City Attorney presented on the Lobbyist Ordinance and Calendaring Ordinance which included recommendations as outlined in the report to the Committee (Attachment 1). Due to the transition of staff, this item was never placed on a City Council agenda. As a significant amount of time has passed, and the membership of the Committee has changed since June 2021, staff requested confirmation or alternative direction regarding the proposed amendments to SCSC Chapter 2.155 (“Regulation of Lobbying Activities”) and SCSC Chapter 2.160 (“Calendars of Certain City Officials”). This item was on the agenda for the June 3, 2024 Governance and Ethics Committee meeting. The Committee was unable to complete the agenda due to timing and deferred the item for future discussion.

DISCUSSION

At the March 4, 2024 Governance and Ethics Committee meeting, the Committee discussed the past proposed amendments. Committee members also had questions regarding the enforcement of the lobbyist ordinance and the staffing requirements necessary to manage potential changes to public calendars or lobbying ordinances, which would also require reconciling lobbyist reporting with public calendars.

Based on the feedback from the Committee, staff will return to a future Governance and Ethics Committee meeting with additional information on the following:

- Staff to conduct a staffing analysis to determine the staffing needs for the enforcement of the lobbying ordinance.
- Staff conducts benchmarking to review other jurisdiction’s ordinances to understand how comparable jurisdictions regulate in this area and to identify other best practices for enforceability.
- Staff to provide information and background on the determination of the lobbyist fee amount. At this time, through the Municipal Fee schedule process, during an annual review, the department recommends appropriate adjustments after considering the total costs to the City for each service provided. Costs include (1) personnel time (providing the service and

collecting data), (2) equipment used, (3) material, service and supply costs, (4) department and City-wide overhead, and (5) any other costs that may be incurred that are directly related to the specific fees, rates or charges. Periodically, the City will contract with an outside consultant to perform a comprehensive review/study of fees.

This item will return to the Governance and Ethics Committee at a future date when staff has completed and analyzed the referrals from the Committee.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

COORDINATION

This report was coordinated between the City Manager’s Office and the City Attorney’s Office.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time for basic processing and archiving of submitted lobbyist reports.

PUBLIC CONTACT

Public contact was made by posting the Governance and Ethics Committee agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

Reviewed by: Elizabeth Klotz, Assistant City Attorney
Approved by: Jōvan D. Grogan, City Manager and Glen Googins, City Attorney

ATTACHMENTS

1. March 4, 2024 Report to Governance and Ethics Committee

24-1267 **Agenda Date: 3/4/2024**

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Report and Request for Direction on Proposed Amendments to SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials") to Better Align the Requirements

BACKGROUND

At the March 29, 2021 Governance and Ethics Committee (Committee) meeting, the Committee voted to review the Santa Clara City Code Chapter 2.155 enacted by Ordinance No. 1949 entitled "Regulation of Lobbying Activities" (Lobbyist Ordinance) (Attachment 1) and Chapter 2.160 enacted by Ordinance No. 1950 entitled "Calendars of Certain City Officials" (Calendaring Ordinance) (Attachment 2), to the June 7, 2021 meeting.

At the June 7, 2021 Governance and Ethics Committee meeting, the former City Attorney presented on the Lobbyist Ordinance and Calendaring Ordinance with a verbal report from City Clerk Hosam Haggag. The Committee approved recommendations, included in the next section, to bring forth to the full City Council for consideration.

Due to staff transitions, this item was postponed for further action and discussion. The item was referred to return to the Governance and Ethics Committee Workplan for 2023. The item was deferred to return to Governance and Ethics Committee in early 2024.

DISCUSSION

In December 2015, the City adopted the following:

- Chapter 2.155, entitled "Regulations of Lobbyist Activities", to ensure that there are adequate and effective disclosure of information about efforts to lobby City Government. Lobbyists are required to register with the City and provide semi-annual reports on the lobbying activities that take place. These semi-annual reports require general description of the legislative or administrative action(s) that the lobbyist was retained to influence, and the outcome sought.
- Chapter 2.160, entitled "Calendars of Certain City Officials", to make the calendars of certain City officials open to the public to provide greater transparency for meetings conducted by elected officials and executive management of the City. Each month these public officials are required to publish their calendars to the City's website. The calendars require certain general information to be disclosed for all non-internal City related appointments.

At the June 7, 2021 Committee Meeting, the Governance and Ethics Committee approved a recommendation to be forwarded to the City Council for its consideration which included the following

actions:

1. Amend the Public Calendar Ordinance to create different reporting standards for meetings with Lobbyists and Non-Lobbyists,
2. Amend the Public Calendar Ordinance that requires Councilmembers and staff who are required to comply with the Ordinance to report on the topics discussed and what was being requested,
3. Amend the Lobbyist Ordinance to require each lobbyist to report on the topics discussed and what was being requested,
4. Change the frequency of the Lobbyist Ordinance reporting requirements to align with the Public Calendar Ordinance to require reporting to be on a monthly cadence, and
5. City Clerk (elected) to return with a standard reporting template and
6. City Manager to return on staffing resources

The Committee motioned to bring forth the above amendments to the full Council for consideration as included in the June 7, 2021 minutes (Attachment 3). As stated above, due to the transition of staff, this item was never placed on an agenda for a City Council meeting.

Based on the Committee action from the June 7, 2021, the amendments for the regulations of Lobbyist Activities and the Public Calendar Ordinance are included in this report (Attachment 4) and the City Clerk would create a standard reporting template that may be utilized if the ordinance is adopted.

Staff recognizes that a significant amount of time has passed, and the membership of the Committee has changed since June 2021. As such, staff is seeking confirmation or alternative direction regarding the proposed amendments to SCSC Chapter 2.155 (“Regulation of Lobbying Activities”) and SCSC Chapter 2.160 (“Calendars of Certain City Officials”).

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

COORDINATION

This report was coordinated between the City Manager’s Office and the City Attorney’s Office.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time for basic processing and archiving of submitted lobbyist reports.

PUBLIC CONTACT

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requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Provide direction on the proposed amendments to SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials").

Reviewed by: Elizabeth Klotz, Assistant City Attorney
Approved by: Jōvan D. Grogan, City Manager and Glen Googins, City Attorney

ATTACHMENTS

1. Ordinance No. 1949
2. Ordinance No. 1950
3. Minutes - Governance and Ethics Committee June 7, 2021
4. Proposed Ordinance Amendments

ORDINANCE NO. 1949

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, ADDING CHAPTER 2.155 ("REGULATION OF LOBBYING ACTIVITIES") TO TITLE 2 ("ADMINISTRATION AND PERSONNEL") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA"

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the citizens of Santa Clara have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests;

WHEREAS, complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of City government;

WHEREAS, it is in the public interest to ensure that lobbyists do not misrepresent facts, their positions or attempt to deceive a City official through false communications; do not place a City official under personal obligation to themselves or their clients; and do not represent that they can control the actions of any City official; and,

WHEREAS, it is in the public interest to adopt this chapter to ensure adequate and effective disclosure of information about efforts to lobby City government.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That Chapter 2.155("Regulation of Lobbying Activities") of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California" ("SCCC") is added to read as follows:

"CHAPTER 2.155

REGULATION OF LOBBYING ACTIVITIES

Sections:

2.155.010 Interpretation.

Unless the term is specifically defined in this chapter or the contrary is stated or clearly appears from the context, the definitions set forth in Government Code Sections 81000 et seq., shall govern the interpretation of this Chapter.

2.155.020 Definitions.

For the purposes of this Chapter, the following definitions shall be applicable:

(a) "Activity expense" means any payment made by a lobbyist to or directly benefiting any City official, City official-elect or member of his or her immediate family. Activity expenses include gifts, honoraria, consulting fees, salaries and any other form of compensation, but do not include campaign contributions.

(b) "Administrative action" means the proposal, drafting, development, consideration, advocacy or recommendation of any rule, regulation, agreement or contract, permit, license or hiring action.

(c) "City official" means any public official, legislative staff member or City employee who participates in the consideration of any legislative or administrative action other than in a purely clerical, secretarial or ministerial capacity. It shall also include any City board or commission member, or City representative to any joint powers authority to which the City is a party, and any consultant to the City.

(d) "Client" means a person who is represented by a lobbyist.

(e) "Compensation" includes, but is not limited to, money of any denomination or origin; goods or services or anything of value, delivered or rendered; or promises to perform or provide services or contractual arrangements or awards.

(f) "Gift" means gift as defined in the California Political Reform Act, Government Code Section 81000 et seq., as amended from time to time.

(g) "Influencing" means the purposeful communication, either directly or through agents, promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the behavior of a City official or official-elect, by any means, including, but not limited to, providing or using persuasion, information, incentives, statistics, studies or analyses; excepted from this definition is communication made as a part of a noticed governmental public meeting.

(h) "Legislative action" means the drafting, introduction, consideration, modification, enactment or defeat of any resolution, ordinance, amendment thereto, report, nomination or other action of the Mayor, City Council, Santa Clara Stadium Authority, City of Santa Clara Housing

Authority, any other joint powers authority of which the City is a party, or City board or commission, acting in its official capacity.

(i) "Lobbying" is the influencing or attempting to influence a legislative or administrative action of the City.

(j) "Lobbyist," unless exempt under Subsection 4 hereunder, means:

(1) Contract lobbyist. A person who engages in lobbying on behalf of one (1) or more clients (acting individually or through agents, associates, employees or contractors) and who has received or has entered into an agreement for compensation of one thousand dollars ($1,000.00) or more, or equivalent non-monetary compensation ("threshold compensation") for engaging in lobbying during any consecutive three (3) month period;

(2) Business or organization lobbyist. Any business or organization, whose owner(s), officer(s) or employee(s) carry out lobbying on its behalf, in an aggregate amount of ten (10) hours or more within any consecutive twelve (12) month period , whether or not such officers or employees are specifically compensated to engage in lobbying; provided that the activities of officers shall be considered lobbying only if those officers receive compensation by the business or organization beyond reimbursement for their reasonable travel, meals or incidental expenses; or,

(3) Expenditure lobbyist. A person who makes payments or incurs expenditures of five thousand dollars ($5,000.00) or more during any calendar year in connection with carrying out public relations, advertising or similar activities with the intent of soliciting or urging, directly or indirectly, other persons to communicate directly with any City official in order to attempt to influence legislative or administrative action. The five thousand dollars ($5,000.00) threshold shall not include: (A) Compensation paid to contract lobbyists or employees for lobbying; or (B) Dues

payments, donations, or other economic consideration paid to an organization, regardless of whether the dues payments, donations or other economic consideration are used in whole or in part to lobby.

(k) Exemptions to "lobbyist" include:

(1) Any public official acting in his or her official capacity or acting within the scope of his or her employment or appointment;

(2) The media, when limiting its action to the ordinary course of news gathering or editorial activity, as carried out by members of the press. "Media" shall mean newspapers or any other regularly published periodical, radio or television station or network or information published on the internet;

(3) Persons reimbursed for only their reasonable travel, meals or incidental expenses, including but not limited to, uncompensated members or directors of nonprofit organizations, such as chambers of commerce;

(4) Persons whose communications regarding any legislative or administrative action are limited to appearing or submitting testimony at any public meeting held by the City or any of its agencies, offices, or departments, as long as the communications thereto are public records available for public review. Notwithstanding the foregoing, persons who otherwise qualify as lobbyists must register and disclose their lobbying activities directed toward City officials, in the same manner and to the same extent such registration and disclosure is required of all other lobbyists;

(5) Persons submitting bids or responding to requests for proposals, provided the provision of such information is limited to direct conversation or correspondence with the official or department specifically designated to receive such information;

(6) Persons providing oral or written information pursuant to a subpoena or otherwise compelled by law or regulation, or in response to an official request provided that the request and response thereto are public records available for public review;

(7) Designated representatives of a recognized employee organization whose activities are limited to communicating with city officials or their representatives regarding (i) wages, hours and other terms or conditions of employment, or (ii) the administration, implementation or interpretation of an existing employment agreement;

(8) Persons who are professionally licensed by a state licensing organization pursuant to the California Business & Professions Code, including, but not limited to, attorneys, architects and engineers; provided however, the exemption for attorneys shall only be applicable if the attorney is engaged in the practice of law with respect to the subject of the employment;

(9) Board members or employees of nonprofit 501(c)(3) corporations, unless the non-profit organization is lobbying for a specific project, issue or person for which the organization has received compensation or a contribution to lobby for or against a specific project, issue or person; or,

(10) Members of neighborhood associations.

(l) "Organization" means any person that is not an individual.

(m) "Person" means any individual, domestic or foreign corporation, for-profit or nonprofit entity, firm, association, syndicate, union, chamber of commerce, joint-stock company, partnership of any kind, limited liability company, common-law trust, society, or any other group of persons acting in concert.

2.155.030 Registration.

Lobbyists shall register with the City Clerk within fifteen (15) days after qualifying as a lobbyist under Section 2.155.020. Should a lobbyist have a change to its registration information, including, but not limited to, the legislative or administrative action for the City as to which the lobbyist has been engaged, after the annual registration period, such lobbyist shall file an amended registration with the City Clerk within fifteen (15) days of such change with the changed information.

2.155.040 Annual registration renewal.

A lobbyist shall renew his or her registration by January 15 of each year unless he or she has terminated their status as a lobbyist pursuant to Section 2.155.050, by such date.

2.155.050 Termination of lobbyist status.

After initial registration, annual registration renewal will not be required if a declaration attesting to the termination of lobbying services within the City has been filed with the City Clerk no later than January 15.

2.155.060 Active status.

All registrations, renewals and terminations will be deemed filed on the date received by the City Clerk. A lobbyist shall be deemed active for the duration of the year of registration ending December 31, unless a declaration attesting to termination of lobbying services within the City is filed.

2.155.070 Registration fees.

Persons subject to the registration requirements of this ordinance shall pay an annual fee set by resolution of the City Council. Persons registering for the first time after June 30 of a given year shall pay a reduced registration fee set by resolution of the City Council.

(a) The applicable registration fee is due at the time of registration or registration renewal. Payment will be deemed delinquent thereafter. Delinquency fees may be assessed as specified in subsection (c) below, if payment occurs after the due date.

(b) In addition to the annual fee, each registrant shall pay a fee set by resolution of the City Council per client for whom lobbying is undertaken for compensation in excess of five hundred dollars ($500.00). The fees for clients as of the date of initial registration shall be submitted with the registration. The fees for subsequent clients shall be due and submitted within fifteen (15) days of such change with the changed information pursuant to Section 2.155.030.

(c) A fine of twenty-five dollars ($25.00) per day for delinquent fees, up to a maximum of five hundred dollars ($500.00), will be assessed until in compliance with the registration provisions herein.

2.155.080 Required registration information.

The initial registration shall contain the name, business address, telephone, email addresses and, if applicable, business license of all persons required to register pursuant to this Chapter, including the names of all owners of sole proprietorships and partnerships of fewer than ten (10) persons. If the registrant is a corporation, it shall also include the names of the president, secretary, chief financial officer, and agent for service of process, if any. Any business or organization registering under this act shall also briefly describe the nature of its business or organization and contact individual. In addition to this information, the report shall contain the following:

(a) Contract lobbyists. The name, business address, telephone number of each client, the nature of each client's business and the item(s) of legislative or administrative action the lobbyist is seeking to influence on behalf of the client; and the name of each person employed or retained by the lobbyist to lobby on behalf of each client.

(b) Business or organization lobbyists. The names of owners, officers or employees conducting lobbying activities and the item(s) of legislative or administrative action the lobbyist is seeking to influence.

(c) Expenditure lobbyists. The item(s) of municipal legislative or administrative action the lobbyist is seeking to influence.

(d) Payment received by the reporting lobbyist for services as a consultant or in any other capacity for services rendered to a City agency, any City official or any City official-elect or their controlled committees, any officeholder committee, or ballot measure committee. The dates of payment and name of each payer shall be included.

(e) The name, address, title and telephone number of the person responsible for preparing the report, together with that individual's signature attesting to the authority of the signatory and the accuracy and truthfulness of the information submitted.

2.155.090 Semi-annual reports.

Semi-annual reports for the prior six (6) month period are to be filed with the City Clerk on or before July 15 and January 15 of each year, whether or not any lobbying activities have occurred during such period. Electronic reporting may also be permitted by the City Clerk. Each semi-annual report shall contain the same information as required to be disclosed in the initial registration, for those activities occurring in that period. If a lobbyist has terminated all lobbying activities during such period, the lobbyist may file a declaration of termination with the semi-annual report. The final semi-annual report shall include disclosure of any lobbying activities during the period of termination.

2.155.100 Records retention.

All information, reports and statements required to be filed under the provisions of this chapter shall be compiled and preserved by the City pursuant to the City's records retention schedule and shall be open to public inspection. Copies of the records pertaining to the above-required reports shall be preserved by the lobbyist for inspection and audit for a period of four (4) years from date of production.

2.155.110 Lobbyist identification.

When appearing in a lobbying capacity at any meeting with a city official or at a public meeting of the City Council or any other city board, commission or hearing, a contract lobbyist shall identify himself/herself and the client(s) on whose behalf he/she is appearing, and a business or organization lobbyist shall identify himself/herself and the business or organization he/she represents.

2.155.120 Prohibitions.

It shall be unlawful for any lobbyist to commit any of the following acts:

(a) Unregistered Lobbying. Acting as a lobbyist in the City without having registered in compliance with this chapter, or knowingly to employ a person or entity to serve as a lobbyist when such person is not registered pursuant to this chapter.

(b) Unauthorized Communications. Sending or causing any communication to be sent to any City official in the name of any nonexistent person or in the name of an existing person without the express or implied consent of such person.

(c) Indirect Violations. Attempting to evade the requirements of this chapter through indirect efforts or through the use of agents, associates, intermediaries or employees.

(d) Creation of Obligations. Performing or sponsoring any act with the purpose and intent of placing any City official under personal obligation to the lobbyist.

(e) Contingent Compensation. Compensation for lobbying activity when the compensation is directly dependent on the result of legislative or administrative action(s) that are the subject of the lobbying activity.

2.155.130 Gifts.

It shall be unlawful for any lobbyist to deliver or cause to be delivered any gift to any City official, and for any City official to accept any gift from a lobbyist.

2.155.140 Enforcement.

Persons or entities that knowingly violate this chapter may be subject to penalties as set forth in SCCC 1.05.070.

2.155.150 Injunction.

The City Attorney may seek injunctive relief in the courts to enjoin violations of or to compel compliance with the provisions of this chapter.

2.155.160 Practice restrictions.

No person convicted of a violation of this chapter may act as a lobbyist or otherwise attempt to influence municipal legislation for compensation for one (1) year after such conviction.

2.155.170 Exemptions.

Any person who in good faith and on reasonable grounds believes that he or she is not required to comply with the provisions of SCCC 2.155.030 by reason of his or her being exempt under SCCC 2.155.020(k) shall not be deemed to have violated the provisions of SCCC 2.155.030 if, within fifteen (15) days after notice from the City, he or she either complies or furnishes satisfactory evidence to the City that he or she is exempt from registration."

SECTION 2: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 3: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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SECTION 4: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this 15th day of December 2015, by the following vote:

AYES:	COUNCILORS:	Caserta, Davis, Gillmor, Kolstad, Marsalli and O'Neill and Mayor Matthews
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 12th day of January 2016, by the following vote:

AYES:	COUNCILORS:	Caserta, Davis, Gillmor, Kolstad, Marsalli and O'Neill and Mayor Matthews
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

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ORDINANCE NO. 1950

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, ADDING CHAPTER 2.160 ("CALENDARS OF CERTAIN CITY OFFICIALS") TO TITLE 2 ("ADMINISTRATION AND PERSONNEL") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA"

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Government's duty is to serve the public, reaching its decisions in full view of the public;

WHEREAS, the public benefits from being informed about meetings conducted by elected officials and executive management of the City; and,

WHEREAS, making the calendars of those City officials open to the public fosters greater transparency.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That Chapter 2.160 ("Calendars of Certain City Officials") of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California" ("SCCC") is added to read as follows:

"Chapter 2.160

CALENDARS OF CERTAIN CITY OFFICIALS

(a) The Mayor, Members of the City Council, Chief of Police, City Clerk, City Manager, City Attorney, Assistant City Manager(s), Deputy City Manager(s), City Department Heads and any additional persons in management positions that are considered part of the city's executive management team shall maintain a monthly city calendar.

(b) The calendar shall include all scheduled non-internal city-related appointments, meetings, including regular and special City Council meetings, public events or speaking arrangements, meetings with citizens, developers, union representatives, consultants, lobbyists, regional meetings and meetings of subcommittees or task forces (collectively, "constituents"). The Mayor and Members of the City Council shall also include all non-scheduled city-related meetings or discussions with constituents.

(c) Each non-internal city-related appointment must include the following information: name(s), title(s), and affiliated organization(s) and a general statement of the issues discussed. The following information shall be exempted:

(1) Personal appointments, including personal business appointments;

(2) Information protected by the attorney-client privilege;

(3) Information about attorney work product;

(4) Information about city staff recruitment;

(5) Information about a personnel issue;

(6) Site specific information regarding corporate recruiting and retention;

(7) Information about criminal investigations and security;

(8) Information about whistle blowers;

(9) Information about those who may fear retaliation;

(10) Information about those seeking guidance regarding the City's campaign and election processes; and,

(11) Information that is otherwise prohibited from disclosure.

(d) The calendars of the officials in subsection (a) shall be a public record subject to inspection during normal business hours. The Mayor, City Council Members, City Manager, City

Clerk, Chief of Police and City Attorney shall publish their calendars to the City's website on the tenth business day of each month and shall reflect the schedules of the previous month.

(e) A record of compliance with this Chapter by the City officials included in Section 2.160(a) shall be maintained, provided that violations of this Chapter shall not be a basis for any criminal prosecution or disciplinary action."

SECTION 2: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 3: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 4: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this 15th day of December 2015, by the following vote:

AYES:	COUNCILORS:	Caserta, Davis, Gillmor, Kolstad, Marsalli and O'Neill and Mayor Matthews
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 12th day of January 2016, by the following vote:

AYES:	COUNCILORS:	Caserta, Davis, Gillmor, Kolstad, Marsalli and O'Neill and Mayor Matthews
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None
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City of Santa Clara

Meeting Minutes

Governance and Ethics Committee

06/07/2021 | **3:00 PM** | **Virtual Meeting**

CALL TO ORDER AND ROLL CALL

Chair Gillmor called the meeting to order at 3:02 PM.

Present 3 - Lisa M. Gillmor, Raj Chahal, and Sudhanshu Jain

CONSENT CALENDAR

1. 21-470 Approval of the March 29, 2021 Governance and Ethics Committee Special Meeting Minutes

Recommendation: Approve the minutes of the March 29, 2021 Governance and Ethics Committee Special Meeting.

A motion was made by Member Jain, seconded by Member Chahal, to approve the March 29, 2021 special meeting minutes.

Aye: 3 - Gillmor, Chahal, and Jain

PUBLIC PRESENTATIONS

Councilmember Park requested to address the Committee under Public Presentations.

City Attorney Doyle recommended deferring discussion to Council and Authorities Concurrent Meeting to avoid potential violation of the Brown Act.

GENERAL BUSINESS

2. 21-468 Discussion on Formalization of Citizen's Advisory Committee

Recommendation: Defer discussion on formalization of Citizen's Advisory Committee to the 3rd quarter Governance and Ethics Committee meeting on September 20, 2021, due to lack of staff capacity to address this referral during budget development and COVID-19 reopening efforts.

City Manager Santana requested deferring this item September 20, 2021.

Public Speaker(s): Rob Jerdonek

A motion was made by Member Jain, seconded by Member Chahal, to defer this item to the September 20, 2021 Governance and Ethics Committee meeting.

Aye: 3 - Gillmor, Chahal, and Jain

3. 21-469 Review of SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials")

Recommendation: Provide direction on possible amendments to SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials").

City Attorney Doyle provided a Powerpoint presentation on the Lobbyist Ordinance and Calendering Ordinance.

City Clerk Haggag provided a verbal report.

Member questions and comments followed.

City Attorney Doyle, **City Clerk Haggag** and **City Manager Santana** addressed **Member** questions.

A motion was made by Member Jain, seconded by Member Chahal, to recommend to Council to (1) amend the Public Calender Ordinance to create different reporting standards between meetings with Lobbyists and Non-Lobbyists, (2) requiring Councilmembers and staff who required to comply with the Public Calendar Ordinance and registered Lobbyists to report on the topics discussed and what they were seeking, (3) City Manager to return on staffing resources, (4) change the frequency of the Lobbyist Ordinance reporting requirements to align with the Public Calendar Ordinance to require reporting to be on a monthly cadence, and (5) City Clerk to return with a standard reporting template.

Aye: 3 - Gillmor, Chahal, and Jain

4. 21-487 Review, and Provide Direction to Staff, Regarding Proposed Purchasing Code Reforms For Possible Recommendation to City Council

Recommendation: Accept the Code reforms summarized in this document and provide direction to staff to move forward with a revised Purchasing Code for consideration and approval by the City Council and Stadium Authority by the fourth quarter of calendar year 2021.

Director of Finance Lee, **Purchasing Manager Giovannetti**, **City Attorney Doyle**, and **City Manager Santana** gave a Powerpoint presentation.

Member questions and comments.

City Manager Santana addressed **Member** questions.

A motion was made by Member Jain, seconded by Member Chahal, to bring this item to August 17, 2021 Council Priority Setting Session.

Aye: 3 - Gillmor, Chahal, and Jain

5. 21-455 Discussion and Direction Regarding Adjusting the Start Time for Council, Stadium Authority and Closed Session Meetings

Recommendation: Staff recommends:

(1) Beginning Public City Council meetings at 6:00 p.m.
(2) Setting a stop time of Public City Council meetings at 11:00 p.m.
(3) Working on City Council meeting protocols for improved management and protocols to ensure that the City's business is prioritized and addressed in a timely manner
(4) Presenting streamlining opportunities to reduce cost of routine City business and ensure a higher level of efficiency with how routine or ministerial items are handled
(5) Holding Closed Session meetings on off Council meeting days, when needed

City Manager Santana gave a Powerpoint presentation.

Member questions and comments followed.

City Manager Santana, **Assistant City Clerk Pimentel**, and **City Attorney Doyle** addressed **Member** questions.

This item was referred to Council Priority Setting Session August 17, 2021.

6. 21-622 Review the Task Force on Diversity, Equity, and Inclusion's Recommended Amendments to Council Policy 035 - Naming of Facilities

Recommendation: Provide input on the Task Force on Diversity, Equity, and Inclusion's recommended amendments to Council Policy 035.

Chair Gillmor requested to defer this item to the next Governance and Ethics Committee meeting.

A motion was made by Member Chahal, seconded by Member Jain, to continue this item to the next Governance and Ethics Committee Meeting.

Aye: 3 - Gillmor, Chahal, and Jain

STAFF REPORT

None.

COMMITTEE MEMBERS REPORT

Member Jain inquired regarding adding the following items to the Governance and Ethics Committee Meeting:
- Email Retention Times
- Eligibility List for Board/Commissions appointments
- Charter Review to consider changing from an elected to appointed Chief of Police and City Clerk

Member comments followed.

City Manager Santana and **City Attorney Doyle** addressed **Member** questions.

ADJOURNMENT

The meeting was adjourned at 6:16 PM.

A motion was made by Member Chahal, seconded by Member Jain, to adjourn the meeting.

Aye: 3 - Gillmor, Chahal, and Jain

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING SECTION 2.155.090 (SEMI-ANNUAL REPORTS) AND CHAPTER 2.160 ("CALENDARS OF CERTAIN CITY OFFICIALS") TO TITLE 2 ("ADMINISTRATION AND PERSONNEL") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA"

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the citizens of Santa Clara have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests;

WHEREAS, complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of City government;

WHEREAS, it is in the public interest to ensure that lobbyists do not misrepresent facts, their positions or attempt to deceive a City official through false communications; do not place a City official under personal obligation to themselves or their clients; and do not represent that they can control the actions of any City official; and,

WHEREAS, it is in the public interest to adopt these amendments to ensure adequate and effective disclosure of information about efforts to lobby City government.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That Section 2.155.090 ("Semi-annual Reports") of Chapter 2.155 ("Regulation of Lobbyist Activities") of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

2.155.090 Monthly reports.

Monthly reports for the preceding month are to be filed with the City Clerk on or before 15th of each month, whether or not any lobbying activities have occurred during such period. Electronic reporting may also be permitted by the City Clerk. Each monthly report shall contain the same information as required to be disclosed in the initial registration, and specify the topics discussed and the requests made by the lobbyist, for those activities occurring in that period. If a lobbyist has terminated all lobbying activities during such period, the lobbyist may file a declaration of termination with the monthly report. The final monthly report shall include disclosure of any lobbying activities during the period of termination.

SECTION 2: That Chapter 2.160 ("Calendars of Certain City Officials") of Title 2 ("Administration and Personnel") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

"Chapter 2.160

CALENDARS OF CERTAIN CITY OFFICIALS

(a) The Mayor, Members of the City Council, Chief of Police, City Clerk, City Manager, City Attorney, Assistant City Manager(s), Deputy City Manager(s), City Department Heads and any additional persons in management positions that are considered part of the city's executive management team shall maintain a monthly city calendar.

(b) The calendar shall include all scheduled non-internal city-related appointments, meetings, including regular and special City Council meetings, public events or speaking arrangements, meetings with citizens, developers, union representatives, consultants, lobbyists, regional meetings and meetings of subcommittees or task forces (collectively, "constituents"). The Mayor and Members of the City Council shall also include all non-scheduled city-related meetings or discussions with constituents.

(c) Each non-internal city-related appointment must include the following information: name(s), title(s), and affiliated organization(s) and a general statement of the issues discussed. For each non-internal city-related appointment that includes a lobbyist, as defined in Chapter 2.155, the calendar must specify the topics discussed and the requests made by the lobbyist. The following information shall be exempted:

(1) Personal appointments, including personal business appointments;

(2) Information protected by the attorney-client privilege;

(3) Information about attorney work product;

(4) Information about city staff recruitment;

(5) Information about a personnel issue;

(6) Site specific information regarding corporate recruiting and retention;

(7) Information about criminal investigations and security;

(8) Information about whistle blowers;

(9) Information about those who may fear retaliation;

(10) Information about those seeking guidance regarding the City's campaign and election processes; and,

(11) Information that is otherwise prohibited from disclosure.

(d) The calendars of the officials in subsection (a) shall be a public record subject to inspection during normal business hours. The Mayor, City Council Members, City Manager, City Clerk, Chief of Police and City Attorney shall publish their calendars to the City's website on the tenth business day of each month and shall reflect the schedules of the previous month.

(e) A record of compliance with this Chapter by the City officials included in Section 2.160(a) shall be maintained, provided that violations of this Chapter shall not be a basis for any criminal prosecution or disciplinary action."

SECTION 3: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 4: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 5: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this _____ day of _____, 2024, by the following vote:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

Attachments incorporated by reference: None
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24-651 **Agenda Date: 7/2/2024**

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Review and Action on Updated 2024 Governance and Ethics Workplan
(DEFERRED FROM JUNE 3, 2024)

BACKGROUND

At the March 4, 2024 Governance and Ethics Committee meeting, the Committee reviewed the proposed annual workplan to prioritize for the calendar year. During this meeting, the Committee brought forth additional items for consideration for the workplan. Staff has provided an updated workplan with additional items for consideration.

This item was on the agenda for the June 3, 2024 Governance and Ethics Committee meeting. The Committee was unable to complete the agenda due to timing and deferred the item for future discussion.

DISCUSSION

The following list includes workplan items for the remainder of the calendar year for the 2024 Governance and Ethics Committee workplan. Additional workplan items were brought forth by Committee members for consideration at the March 4, 2024 meeting. Staff requests Committee approval and input on the revised workplan (Attachment 1) and consideration of the additional workplan items. It is important to note, routine items for the Committee's review such as Council policy updates and the review of the naming of City facilities may be added to an agenda as necessary.

June 3, 2024:

1. Review Council Policy 020 ("Proclamations, Commendations and Certificates of Recognition") and Council Policy 009 ("City Representation at Meetings, Ceremonies, and Special Events") (The Committee recommendations for Council Policy 020 and Council Policy 009 will be brought forth to City Council on August 27, 2024 for review and consideration)

July 2, 2024 Special Meeting (Items Deferred from June 3, 2024)

1. Review Council Policy 049 ("Community Grant Policy")
2. Update on Review of SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials") (This item will return at future Committee meeting with a staff report)
3. Review Meeting Management Protocols and Rosenberg Rules of Orders and Provide Direction to Staff
4. Referral to Discuss Possible Revisions to the Placement of Public Presentations on the City Council Meeting Agenda

5. Review and Action on Updated 2024 Governance and Ethics Committee Workplan

September 16, 2024:

1. Informational Report on Ethics Documents Review
2. Informational Report on Options for Text Message Retention *(Referred from 3/4/24 Committee meeting)*
3. Informational Report on Commissions, Boards, Committees Recruitment Selection Process
4. Update on Council Policy 020 ("Proclamations, Commendations and Certificates of Recognition") specifically on Mayoral Certificates of Recognition criteria *(Referred from 6/3/24 Committee meeting)*

December 2, 2024:

1. Review Council Policy 043 ("Official Travel for Elected Officials") & Council Policy 006 ("Commissioner Travel")

Additional Workplan Items for Consideration:

Committee members brought forth the following items for consideration for the workplan. The suggested tentative meeting dates were included if approved by the Committee.

1. Review and Discuss City Council District Communications Options (9/16/24)
2. Review and Discussion on Policy Limiting Resolutions on Matters Outside of City Council Jurisdiction (12/2/24)
3. Discuss Potential Ordinance on Prohibiting Campaign Contributions from Foreign Influenced Business Entities (12/2/24)
4. Consideration of Provision for Healthcare for City Councilmembers after Leaving Office (12/2/24)
5. Tracking of District-Level Services and Spending Per District (12/2/24)
6. Review of Council Policy 050 ("Gifts to Elected and Appointed Officials") (12/2/24)

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is no fiscal impact to the City other than staff time.

COORDINATION

This report was coordinated by the City Manager's Office.

PUBLIC CONTACT

Public contact was made by posting the Committee agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov < mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve the 2024 Governance and Ethics Committee Workplan with any additional amendments

Reviewed by: Maria Le, Assistant to the City Manager, City Manager's Office
Approved by: Jovan Grogan, City Manager

ATTACHMENTS

1. 2024 Governance and Ethics Workplan

City of Santa Clara
The Center of What's Possible

2024 GOVERNANCE AND ETHICS COMMITTEE WORKPLAN

Note: Dates below are targeted and may change.

	Origin	Item Description	Department Assigned	Governance and Ethics Committee	City Council Meeting
1.	12/5/22	Email Retention Policy for City Councilmembers from 90 days to 2 years	CMO / ITD	12/4/23, 3/4/24	5/28/24 (approved)
2.	2023 Workplan	Review and Action on Council Policy 020 ("Proclamations, Commendations and Certificates of Recognition") and Council Policy 009 ("City Representation at Meetings, Ceremonies, and Special Events")	CMO	6/3/24	8/27/24
3.	2024 Workplan	Review Council Policy 049 ("Community Grant Policy")	CMO	7/2/24 (Deferred from 6/3/24)	TBD
4.	Referred from June 7, 2021 meeting	Update on Review of SCSC Chapter 2.155 ("Regulation of Lobbying Activities") and SCSC Chapter 2.160 ("Calendars of Certain City Officials")	CAO / CCO	3/4/24, 7/2/24 (Deferred from 6/3/24)	TBD
5.	12/4/23	Review Meeting Management Protocols and Rosenberg Rules of Order and Provide Direction to Staff	CAO	12/4/23, 7/2/24 (Deferred from 6/3/24)	TBD
6.	Referred from 2/6/24 City Council meeting	Referral to Discuss Possible Revisions to the Placement of Public Presentations on the City Council Meeting Agenda	CMO	6/3/24	Closed
7.	Referred from 7/11/23 City Council meeting	Informational Report on Ethics Documents Review	CMO	9/16/24	TBD
8.	3/4/24	Informational Report on Options for Text Message Retention (Referral from 3/4/24 Email Retention Policy discussion)	CMO / ITD	3/4/24, 9/16/24	TBD
9.	12/5/22	Informational Report on Commissions, Boards, Committees Recruitment Selection Process	CCO	9/16/24	TBD

City of Santa Clara
The Center of What's Possible

2024 GOVERNANCE AND ETHICS COMMITTEE WORKPLAN

Note: Dates below are targeted and may change.

	Origin	Item Description	Department Assigned	Governance and Ethics Committee	City Council Meeting
10.	6/3/24	Update on Council Policy 020 ("Proclamations, Commendations and Certificates of Recognition") specifically on Mayoral Certificates of Recognition criteria	CMO	9/16/24 (Referred from 6/3/24)	TBD
11.	2024 Workplan	Review Council Policy 043 ("Official Travel for Elected Officials") & Council Policy 006 ("Commissioner Travel")	CMO	12/2/24	12/17/24

ADDITIONAL ITEMS FOR CONSIDERATION FOR THE WORKPLAN

Referred from March 4, 2024 Committee meeting (Dates Tentative)

	Origin	Item Description	Department Assigned	Governance and Ethics Committee	City Council Meeting
1.	9/16/24	Review and Discuss City Council District Communications Options	CMO	9/16/24	TBD
2.	3/4/24	Review and Discussion on Policy Limiting Resolutions on Matters Outside of City Council Jurisdiction	CMO / CAO	12/2/24	TBD
3.	3/4/24	Discuss potential ordinance Prohibiting Campaign Contributions from Foreign Influenced Business Entities	CMO / CAO	12/2/24	TBD
4.	3/4/24	Consideration of the Provision for Healthcare for City Councilmembers	CMO / HR	12/2/24	TBD
5.	3/4/24	Tracking of District-Level Services and Spending Per District	CMO / Finance	12/2/24	TBD
6.	CAO	Review of Council Policy 050 ("Gifts to Elected and Appointed Officials")	CMO / CAO	12/2/24	TBD

Governance & Ethics Committee

Item #5 Review and Action on Updated 2024 Governance and Ethics Workplan

July 2, 2024

1

Current Workplan

	September 16, 2024	December 2, 2024
Workplan Item	Informational Report on Ethics Documents Review	Review Council Policy 043 ("Official Travel for Elected Officials") & Council Policy 006 ("Commissioner Travel")
	Informational Report on Options for Text Message Retention *(Referred from 3/4/24 Committee meeting)*	
	Informational Report on Commissions, Boards, Committees Recruitment Selection Process	
	Update on Council Policy 020 ("Proclamations, Commendations and Certificates of Recognition") specifically on Mayoral Certificates of Recognition criteria *(Referred from 6/3/24 Committee meeting)*	

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Additional Workplan Items for Consideration:

Dates tentative and subject to Committee approval

1. Review and Discuss City Council District Communications Options (9/16/24)
2. Review and Discussion on Policy Limiting Resolutions on Matters Outside of City Council Jurisdiction (12/2/24)
3. Discuss Potential Ordinance on Prohibiting Campaign Contributions from Foreign Influenced Business Entities (12/2/24)
4. Consideration of Provision for Healthcare for City Councilmembers after Leaving Office (12/2/24)
5. Tracking of District-Level Services and Spending Per District (12/2/24)
6. Review of Council Policy 050 ("Gifts to Elected and Appointed Officials") (12/2/24) *(Requested by City Attorney's Office)*

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Recommendation

- Approve the 2024 Governance and Ethics Committee Workplan with any additional amendments

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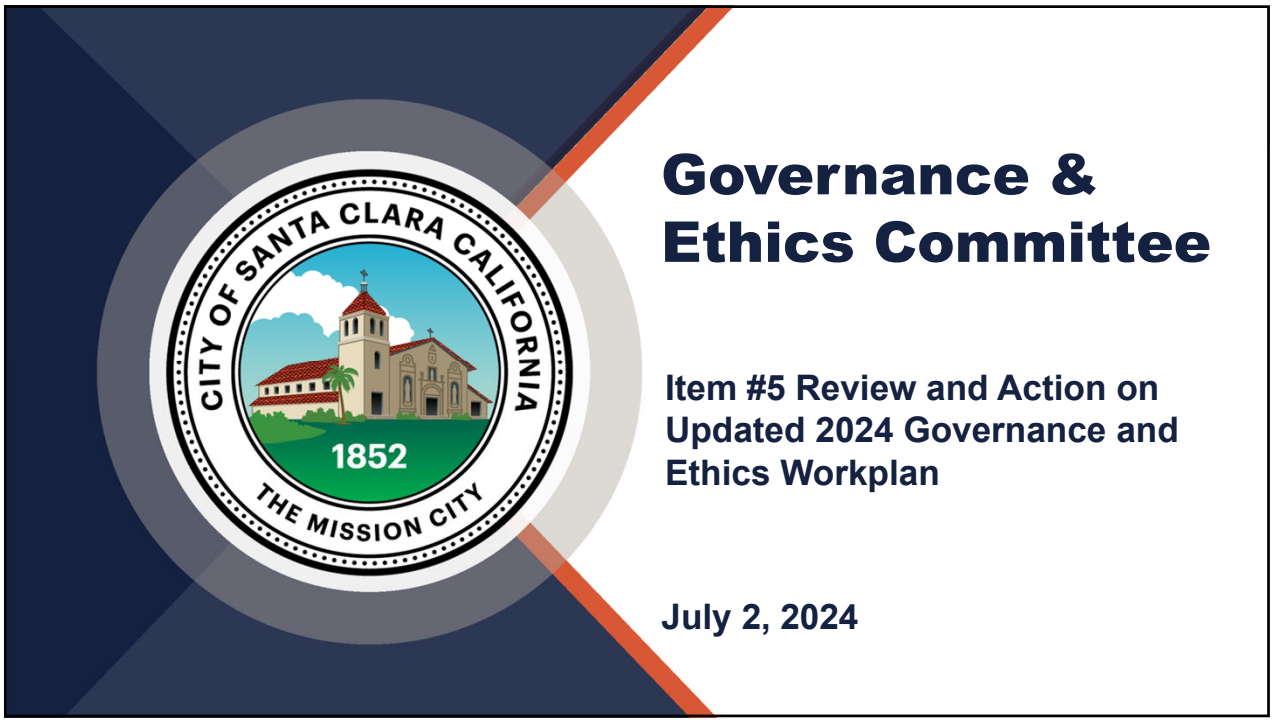
Governance &
Ethics Committee
Item #5 Review and Action on Updated 2024 Governance and Ethics Workplan
July 2, 2024
CITY OF SANTA CLARA CALIFORNIA
1852
THE MISSION CITY

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