



## “The City with a Heart”

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

**GOVERNOR’S EXECUTIVE ORDER N-25-20\*\*\*\*  
CORONAVIRUS COVID-19  
AND SAN MATEO COUNTY HEALTH DIRECTIVE  
FROM MARCH 14, 2020**

*On March 17, 2020, the Governor of California issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Pursuant to the current Shelter-In-Place Order issued by the San Mateo County Health Officer which became effective on March 17, 2020, and which was updated and extended on March 31, 2020; the statewide Shelter-In-Place Order issued by the Governor in Executive Order N-33-20 on March 19, 2020; and the CDC’s social distancing guidelines which discourage large public gatherings, the San Bruno City Council Chambers at the Senior Center is no longer open to the public for meetings of the City Council.*

*If you would like to make a Public Comment on an item not on the agenda, or comment on a particular agenda item, you may address the Council orally during the meeting, or you may email us at [mthurman@sanbruno.ca.gov](mailto:mthurman@sanbruno.ca.gov). The length of all emailed comments should be commensurate with the three minutes customarily allowed per speaker, which is approximately 300 words total. Emails received before the special or regular meeting start time will be forwarded to the City Council, posted on the City’s website and will become part of the public record for that meeting. If emailed comments are received after the meeting start time, or after the meeting ends, they will be forwarded to the City Council and filed with the agenda packet becoming part of the public record for that meeting.*

*Individuals who require special assistance of a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, agenda packet or other writings that may be distributed at the meeting, should contact Melissa Thurman, City Clerk 48 hours prior to the meeting at (650) 619-7070 or by email at [mthurman@sanbruno.ca.gov](mailto:mthurman@sanbruno.ca.gov). Notification in advance of the meeting will enable the City of San Bruno to make reasonable arrangements to ensure accessibility to this meeting, the materials related to it, and your ability to comment.*

## AGENDA

### SAN BRUNO CITY COUNCIL SPECIAL MEETING

January 29, 2021

3:00 p.m.

#### Zoom Meeting Details:

<https://sanbruno-ca-gov.zoom.us/j/92740717431?pwd=Rk5rdWNIZ0dWa0FLTWJsbUQ4ak5zZz09>

**Webinar or Meeting ID:** 927 4071 7431 (audio only)

**Participant ID:** #

**Webinar or Meeting Password:** 386843

**Zoom Phone Line:** 1-669-900-9128 (same webinar ID and password as above)

In compliance with the Americans with Disabilities Act, individuals requiring reasonable accommodations or appropriate alternative formats for notices, agendas and records for this meeting should notify us 48 hours prior to meeting. Please call the City Clerk’s Office (650) 616-7061, or email your request to Melissa Thurman, City Clerk at [mthurman@sanbruno.ca.gov](mailto:mthurman@sanbruno.ca.gov).

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**
4. **STUDY SESSION**
  - a. Discuss and Review Draft City Council Policies & Procedures.
5. **ADJOURNMENT:** The next Regular City Council Meeting will be held February 9, 2021 at 7:00 p.m.



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

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

For questions about this handbook, please contact the City Clerk by phone at (650) 616-7070, or by email at [cityclerk@sanbruno.ca.gov](mailto:cityclerk@sanbruno.ca.gov)

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## Section 1. General Rules

### 1. Preamble

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

### 2. Statutory Authority

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

### 3. Quorum

- A. A quorum shall be three or more Councilmembers. Policies, goals and priorities for the City of San Bruno shall be established by a majority vote of a quorum of ~~by~~ the Council unless otherwise required by State law.

- A.B. Per Government Code section 36936, ordinances and resolutions must be adopted by a majority vote of the total membership of the City Council.

### 4. Training Requirements

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

## Section 2. Duties of the City Council

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

- A. Stewardship of the public interest must be the primary concern.
- B. Establish clear goals and priorities for addressing short and long-range needs of the community.
- C. Adopt policies that define a course of action that shape the City operations now and in the future.
- D. Demonstrate dignity, courtesy, honesty, integrity and respect during every public meeting.
- E. Assure the fair and equal treatment of all persons ~~and~~ coming before the City Council and Commissions.
- ~~G.~~  
F. Value all opinions, be tolerant of new and different ideas, and encourage different viewpoints while being mindful to not unnecessarily prolong discourse, or block consensus or majority action.~~not to prolong discourse or block consensus.~~
- ~~G.~~  
Strive to ~~K.~~ keep comments clear, concise, and on topic; ~~limit distractions and interruptions to value the time and engagement of the public.~~
- G.
- H. Work towards the common good, not personal interests.
- I. Start City Council meetings ~~Arrive~~ on time ~~to all City Council meetings.~~
- J. ~~Review all meeting material in preparation of City Council meetings, and to be familiar with issues on the agenda.~~
- K. ~~Maintain confidentiality of all confidential communications, closed session materials and discussions.~~

### Section 3. Duties of the Mayor and Vice Mayor

1. The duties of the Mayor:

- A. Conduct meetings of the City Council as its Presiding Officer. (SB MuniCode 2.04.120)
- B. Ensure that items on the agenda move along without delay or disruption.
- C. If necessary, to keep Councilmember questions, and questions from members of the public relevant and on topic.
- D. Maintain meeting order and limit meeting disruptions.
- ~~E. Respond on behalf of the City Council to communications received by members of the public, or to designate an appointee from the City Council to complete such responses.~~
- ~~F.E.~~ \_\_\_\_\_ Issue ceremonial proclamations on behalf of the City.
- ~~G.F.~~ \_\_\_\_\_ Represent City Government as its chief elected official at community functions, events, meetings, and business outreach and retention visits.
- ~~H.G.~~ \_\_\_\_\_ On behalf of the City Council, to officially welcome/thank dignitaries, outside officials and open formal city sponsored gatherings.
- ~~I.H.~~ \_\_\_\_\_ Appoint Councilmembers for liaison positions to various external government agencies on an annual basis or from time to time as necessary, subject to City Council approval.
- ~~I.~~ Convey the Mayor's support for potential fFederal, and Sstate and regional legislative actions on behalf of the Mayor (or the City, subject to Council approval).
- ~~City letterhead, logo, insignia and brand representing the "Office of the Mayor" may be used in written communications by the Mayor in furtherance of the Mayor's duties.~~
- J. Make all appointments to and removals from City boards, commissions, and committees, subject to approval by the City Council. (SB MuniCode 2.04.120)

K. To vote as the City’s “voting delegate” at the League of California Cities Annual Conference and other similar meetings. This responsibility may be delegated to another Councilmember, as desired by the Mayor.

L. City letterhead, logo, insignia and brand representing the “Office of the Mayor” may be used in written communications by the Mayor in furtherance of the Mayor’s duties.

2. The duties of the Vice Mayor:

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

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

## Section 4. City Council

The items listed below are a guideline for all members of the City Council (including the Mayor).

1. As independently elected members of the City Council, each Councilmember (including the Mayor) shall:

A. Treat each other, city employees, and members of the public with dignity, courtesy and respect.

B. Be attentive to others and not interrupt or distract during public meetings.

C. Keep comments during meetings clear-, concise, and on-topic; manage meeting time appropriately.

D. Respect -the role of the Presiding Officer in maintaining order and ~~equity~~ during public meetings.

- E. Arrive on time for Council meetings, having reviewed meeting materials in preparation for the meeting.
- F. In the absence of the mayor and the vice mayor, the city council shall select a temporary presiding officer. *(SB MuniCode 2.04.120)*
- G. Comply with all requirements of the Brown Act ~~Be mindful of all of the requirements of the Brown Act~~ when communicating with each other.
- H. Fulfill liaison assignments to external agencies and the City's Commissions, Boards and Committees. *(Specific CC Discussion & Direction Item: Should liaison assignments continue for City Boards and Commissions? TBD)*
- I. At the request of the Mayor, when available, represent the City at ceremonial functions, or at meetings of other agencies or bodies.
- J. Respect the roles of staff in ensuring open and effective government.

2. Additionally, each Councilmember (including the Mayor) shall abide by the following policies:

J.

~~K.A.~~ No Councilmember who attends a Closed Session meeting may disclose or discuss any statements, items or documents which were presented in any Closed Session, except when specifically authorized by State law. Violation of this rule shall be considered a breach of confidentiality. *Violations of closed session confidentiality may include the city obtaining injunctive relief in court and/or referral of the councilmember to the grand jury. – Government Code Section 54963*

~~L.B.~~ Councilmembers may not utilize City letterhead, logo, insignia and brand. Such materials are intended for official communications of the City and their use is delegated to the City Manager and City Attorney, or their designees.

~~M. City letterhead, logo, insignia and brand representing the "Office of the Mayor" may be used in written communications by the Mayor in furtherance of the Mayor's duties as outlined in Section 3.1. ty to welcome/thank dignitaries and outside officials as well as convey the Mayor's support for potential Federal and State legislative actions. (Specific CC Discussion & Direction Item: Should the Mayor be able to convey his/her support for potential actions by regional boards/commissions?)~~



~~N.C.~~ Councilmembers shall not attempt to interfere, direct, inhibit, or become involved in administrative functions and operations of the City, unless granted specific permission by the City Manager. (*SB MuniCode 2.12.060*)

~~O.D.~~ Contact the City Manager for information requests and refrain from contacting staff directly, unless authorized by the City Manager. Requests that require more than 10 minutes of staff time to research and provide a response may require approval by the majority of City Council to ensure that staff resources are allocated in accordance with overall City priorities.

~~P.E.~~ As a courtesy and in an effort to be more efficient during the Council meetings, Councilmembers shall strive to send any questions regarding specific agenda items to the City Manager and City Attorney in advance of the meeting. Specific questions regarding the agenda or staff reports may be sent in advance to department heads with a copy to the City Manager to allow adequate time for staff to prepare a response for Council.

~~Q.F.~~ Clarifications or technical questions will be answered before the meeting whenever possible; questions and all staff-prepared responses will be forwarded to all councilmembers.

~~R.G.~~ Councilmembers should respect and adhere to the City's form of government which is a general-law City operating under a Council-Manager form of government, with the City Council acting as the legislative body of the City. Council is the visionary policy maker; the City Manager is responsible for implementation of the Council's vision through the administration of staff and resources.

~~S.A.~~ ~~To be consistent with the requirements of the California Fair Political Practices Commission (FPPC), individual~~ Councilmembers must not influence or attempt to influence a decision on a matter or project on which they have a conflict of interest. Individual Councilmembers must not discuss or meet with the City Manager, staff or any Commissioners, Board Members or Committee Members about projects or issues on which the Councilmember has a conflict of interest.

~~T.B.~~ When using City reporting tools, such as SB Responds, email, or telephonic messages, Councilmembers shall identify themselves not speak on behalf of another resident, and shall identify themselves when commenting on open/archived reports. Councilmembers shall not attempt to influence staff responses to citizen comments.

~~U.~~ Councilmembers shall ~~organize or attempt to encourage a group of constituents or stakeholders to lobby the City Council or staff to influence a policy or operational matter.~~

~~V.C.~~ Councilmembers shall not attempt to or serve as a liaison to resolve constituent matters and shall instead refer non-policy constituent matters to the responsible City department/division or refer the matter to the City Manager. At all times, Councilmembers shall refrain from providing constituents with responses that interpret City policies, official decisions and/or actions on specific matters relate to City programs and services.

~~W.D.~~ Councilmembers may forward constituent policy matters to one or more members of the City Council. Upon receipt of such communications, the receiving Councilmember shall refrain from replying to other Councilmembers as to avoid potential Brown Act violations.

~~X.E.~~ When communicating with the City Manager in electronic or written form, Councilmembers shall refrain from copying other members of the City Council unless the communication is regarding the Councilmembers' joint participation on a Council subcommittee or similar body.

~~Y.F.~~ If a Councilmember is unable to attend a specific regional agency meeting that they are the liaison for, they should notify their alternate as soon as possible, and alert the regional agency staff representative of their absence, and provide information as to where to send any packet materials.

## Section 5. Strategic Initiatives and Goal Setting

1. The City Council and individual Councilmembers are often tasked with balancing myriad ~~variety of~~ community needs, concerns, and potential policy directives, and as such the Council agrees to undertake an annual Strategic Initiatives & Goal Setting Process which ~~has the advantages of~~ is designed to:
  - A. ~~Set ting~~ a basic framework for action within a specific timeframe; supporting council in allocating time to accomplish the most important tasks and focus on the most critical issues, with less distraction.
  - B. ~~Provid eing~~ the Council and staff important budgetary guidelines and clear direction. Clearly defined goals offer the City Manager and staff a

roadmap to meet the expectations of eCouncil and avoid any conflicting priorities that do not meet the collective vision of the Council as a whole.

- C. Providing the Council with an evaluation tool to assess progress on City Council goals and priorities. ~~When goals and priorities are set, the council has valuable data to determine how the city is achieving agreed upon goals and priorities.~~
2. Strategic planning is one of the tools that enable a council to define their vision and determine methods for accomplishing short-term and long-term goals. Strategic planning and goal setting will be identified during study sessions.
  3. Each year before the budget sessions, the Council ~~meets with the City Manager and the various department heads,~~ holds a Study Session to review progress on goals previously set and define new goals and objectives for the city departments.
  4. Council priorities will be reviewed on a biannual basis and may be reprioritized by vote of the Council annually.
  5. Goal setting can be accomplished as part of the annual budgetary process and reviewed on a biannual basis to reprioritize as needed to keep the budget and staff priorities on track with the Council's vision.

## Section 6. City Council Conduct with Commissions, Boards and Committees

1. The City has established several Commissions, Boards and Committees as a means of gathering community input. Citizens who serve on Commissions, Boards and Committees are volunteers who have taken their positions in an effort to become more involved with local government and to serve on advisory bodies to the City Council. Councilmembers will also serve as liaisons to Commissions, Boards and Committees, according to appointments made annually by the Mayor, and in this role are expected to represent the full City Council in providing guidance on Council priorities or actions. Below are general guidelines for Council conduct with Commissions, Boards and Committees:
  - 1.2. Appointed City Council liaisons are encouraged to *not* regularly attend advisory body meetings in order to avoid interference in the operation of the advisory body or an appearance of specific City Council direction as to matters under consideration by the advisory body. *(Specific CC Discussion & Direction Item: Should liaison assignments continue for City Boards and Commissions?)*
  - 2.3. City Councilmembers who plan to attend Commissions, Boards or Committee meetings shall adhere to the following protocols:

- A. ~~Identify any comments made as personal views or opinions.~~—When a Councilmember attends a particular Commission, Board or Committee, they may address the body before them, but may do so only when stating that the comments they are about to make do not necessarily reflect the views of the entire City Council, unless they are explicitly referencing an action that was taken by the City Council at a public meeting.
- B. Refrain from lobbying any Commission, Board or Committee Members on behalf of any particular project, in an effort to sway their decision to match that of the Councilmember.
- C. Keep political discussions away from the Commission, Board or Committee meetings. For example, if a Commission, Board or Committee Member is running for a particular elected office, a Council Member may not voice their support of the candidate during any public meeting.

## Section 7. Meetings

### 1. City Council Meeting Dates

- A. Regular meetings of the City Council shall be held on the second and fourth Tuesday, at 7:00 p.m. (SB MuniCode 2.04.020)
- B. The second regular meeting shall not be held in December. (SB MuniCode 2.04.020) *(Specific CC Discussion & Direction Item: Shall the second regular meeting in November be canceled? Will require municode change.)*

### 2. Types of Meetings

- A. Regular Meetings – Agendas ~~and distribution materials~~ for regular meetings shall be released to the public 72 hours in advance of the meeting, as required by the Brown Act and will include the meeting location and access information. Every effort will be made to release agendas and distribution materials prior to these documents before the 72 hours before the meeting legal requirement, when possible.
- B. Special Meetings – May be held on a non-regular meeting date and/or time. Special meetings are called with a minimum of 24 hours' notice, versus the required 72 hours' notice for regular meetings.
- C. Study Sessions – Are considered a Special Meeting in that they are held for the purpose of providing information to the City Council, typically on issues

that are more complex and time-consuming than matters scheduled during a regular meeting agenda. During study sessions, Councilmembers may state their individual responses, preferences and questions based on the information provided during the meeting, and the Council may collectively provide direction to staff regarding the discussed topic.

D. Closed Sessions – May be part of either a regular or special meeting. All closed sessions shall be noticed and conducted in accordance with the provisions of the Brown Act. Actions taken in closed session shall be publicly reported in open session when appropriate in accordance with section 54957.1 of the Brown Act. Closed sessions may be held to discuss certain matters specified by law, including:

- Personnel matters to consider the appointment, employment, performance, or dismissal of a public employee;
- Public safety threats~~Matters of national and public safety~~;
- Labor negotiations;
- License applications by persons with criminal records;
- Real estate negotiations;
- Pending and existing litigation

E. Closed sessions (excluding those related to employee performance evaluations) are attended by the City Council, City Manager, City Attorney, and if requested, appropriate management staff or special consultants. Closed sessions are not open to the public. The City Attorney shall record the votes taken on each closed session item where appropriate. No other notes or minutes of closed session discussions shall be recorded. The record of the votes taken shall constitute the exclusive record of the closed session, shall not be considered a public record, and shall be confidential pursuant to section 54957.2 of the Brown Act. Violations of the closed session confidentiality requirement ~~could be serious and may have impacts put the City in a perilous position~~ with respect to litigation exposure and represent a violation of the law for the person violating the confidentiality requirement.

E.F. Emergency Meetings – Are allowed per the Brown Act when an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of the public's well-being.

F.G. Accessibility of City Council Meeting – All meetings of the City Council shall be conducted in accordance with the Brown Act (as amended), which guarantees the public's right to attend and participate in meetings of local legislative bodies. Broadcasting of such meetings shall be conducted

as following, such to availability and applicable laws, unless directed by a majority of the Council:

- Regular Meetings: Open to the public for in-person attendance, recorded, televised, livestreamed online, and available to on-demand viewing online. Action minutes prepared and published.
- Special Meetings: Open to the public for in-person attendance, recorded, televised, livestreamed online, and available to on-demand viewing online. Action minutes prepared and published.
- Study Sessions: Open to the public for in-person attendance. Action minutes prepared and published.
- Closed Sessions: Closed to the public. Action minutes prepared and published, as per applicable laws.
- Emergency Meetings: As directed by the City Manager, as per applicable laws.

*(Specific CC Discussion & Direction Item: Shall we continue Zoom or allow other remote participation platforms post COVID-19? This does not have to be decided now.)*

### 3. Meeting Requirements

- A. Per Executive Order of the Governor of the State of California, certain provisions of the Brown Act may be suspended in order to allow for local legislative bodies to conduct meetings telephonically or by other electronic means to meet Shelter-In-Place orders or social distancing guidelines. In this event, councilmembers, staff and members of the public may attend the meeting by video or phone linked to the agenda or watch by livestream when the meeting is not available for in-person attendance [at a physical location](#).
- B. If the Councilmember is permitted to attend a meeting telephonically or digitally (~~per Executive Order~~), the Councilmember must ensure that:
  - 1) The City Clerk is provided the teleconference/digital address location, and the councilmember must ensure the agenda is posted at that location 72 hours prior to the meeting and is visible 24 hours per day until the meeting is adjourned.

- 2) The teleconference location is open and fully accessible to the public, as well as fully accessible under the Americans with Disabilities Act, throughout the entire meeting.
- 3) These requirements apply to private residences, hotel rooms, conference rooms, and similar facilities as well as digital platforms all of which must remain accessible throughout the duration of the meeting, without requiring identification or registration on the part of the public to attend. These rules also apply to the same type of locations outside of the United States.

C. Items Considered After 10:00 p.m. – The City Council and members of staff will make every effort to end its meetings before 10:00 p.m. At 9:30 p.m. during a regular or special meeting, the City Council will decide by majority vote and announce whether it will begin consideration of any agenda items after 10:00 p.m. and, if so, which specific items will be discussed. (Specific CC Discussion & Direction Item: Does the Council desire to have a section similar to this?)

C.

- D. A City Councilmember may request Council Requests to Remove Agenda Item(s) – to remove an item from the Consent Calendar; however, the City Manager's Office must be advised, in writing, of the request of removal no later than noon the day of the City Council meeting. A City Councilmember may also request to pull an item from the agenda for clarifying questions, or they may have written the City Manager earlier with questions regarding a specific agenda item. The City Manager may report answers for any agenda item questions when the item is being discussed during the meeting.
- E. Council Comments on Agenda Items – No discussion or debate shall be permitted upon items on the Consent Calendar; however, any Councilmember may request that their vote on a particular Consent Calendar item be noted as "Abstain" or "Recuse" due to a potential conflict of interest. In such case, a vote must be taken on the item the Councilmember is abstained from, and a separate vote must be taken for the remaining Consent Calendar items. If a Councilmember would like to pull any items from the Consent Calendar for further discussion, they may do so before voting on the Consent Calendar begins, and the request must be granted by the City Council.
- F. Comments from Councilmembers – The purpose of this agenda item is to allow the City Council an opportunity to make important city announcements, such as City-sponsored, or City-related public events and pertinent

- information. Major policy issues will not be agendized, discussed or considered during this agenda item and each .Each Councilmember is responsible for ensuring their comments are respectful and beneficial to the community. Councilmembers shall refrain from making any campaign announcements or solicit votes for an election-related matter during this agenda item. Each Councilmember will be provided 3 minutes to speak during this agenda item. Councilmembers shall notify the City Clerk (with a copy to the City Manager and City Attorney) of the subject of their comments one week prior to the meeting, so they the topic may be placed on the agenda in accordance with State law.
- G. Voting – A motion, second, and a majority vote of the City Council shall be required for any formal action detailed on the agenda. If a motion is stated and there is no second verbally stated, the Mayor must ask the City Council for a second to the motion made. If no second is presented, the motion fails for lack of a second matter will not be considered. Any vote of abstention must clearly indicate for the record the basis for the abstention, ~~including any potential conflict(s) of interest~~.
- H. Reconsideration – Once an item has been voted on, it will not be permitted for further discussion, unless a motion for reconsideration is made by a Councilmember who voted in the majority on that item at the same meeting (as per Robert’s Rules of Order).
- ~~I. ———— Agenda Item Submission/Requests from the Public — Members of the public may request an item on the agenda by contacting the City Manager by submitting a written letter with an explanation of their request. Upon review of the request, the City Manager will make a determination to approve or deny the request for an agenda item by a member of the public.~~
- ~~J. ———— City Council Agenda Item Submission Requests — Requests by Councilmembers to add items to an agenda should be submitted to the City Manager in writing, and the City Manager will determine if the item will be placed on a future agenda. The City Councilmember making the agenda item request should perform any relevant research for the report, to provide staff necessary information, and to limit impact on staff time to prepare the item for placement on the agenda.~~
- K.I. Full Participation - To encourage full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question or agenda item. If a councilmember has already spoken and other members wish to speak, the latter members should be recognized in preference to the member who has already spoken. However, if



no other members seek recognition, the Mayor may recognize the member who has already spoken or move-make a motion on the item. The Mayor has the responsibility of controlling and expediting any debate or item. It is the duty of the Mayor to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

## Section 8. Action Minutes

1. ~~The City Council shall use Action Minutes (action minutes record the action taken by the City Council and contain very little, if any, narrative content), or a light summary, at the discretion of the City Clerk,~~ to record their proceedings.
- ~~1.2.~~ Action minutes shall be defined as decision-only minutes that exclude any discussion that went into making the decision and capture only the conclusion and/or action to be taken.
- ~~2.3.~~ Motions and votes are outlined in the action minutes.
- ~~3.4.~~ Media (video) recordings may be used in order to provide a verbatim record of meetings, however, it is noted that video recordings shall not replace the official record of the meeting (official minutes), as prepared by the City Clerk.
- ~~4.5.~~ Members of the public/media are authorized to bring personal recording devices to the public meeting, as long as the equipment used does not cause a disturbance, or disruption, or spacing issues for the San Bruno CableCityNet team, who use their own recording devices during the meeting, to the official business of the City Council or the official recording and documentation of the meeting by the City or its agents.

## Section 9. Public Participation

1. Public Participation - Members of the public are encouraged to participate in the legislative process by either submitting written comments before the meeting, or speaking in person during a meeting. The following is a list of rules designed to explain how ~~best~~ members of the public may address the governing board:
  - A. In the interest of facilitating the Council's conduct of City business, speakers are provided 3 minutes to speak. Members of the public may not defer their time to another member of the public, allotting the speaker more time to speak. If a speaker decides not to address the

Council after submitting a speaker card, they may decline their time when their name is called by the Mayor.

- B. Those seated in the audience may not jeer, boo, or applaud if these activities cause any disruption during the meeting, including times when other members of the public are speaking at the podium. If a disruption occurs, the Mayor may recess the meeting ~~in an effort to diffuse the situation~~. The Mayor also has the right to request removal of any member of the audience causing a disruption.
- C. No member of the audience, or person(s) speaking at the podium may approach the dais at any time before, during, or after the meeting. Any documents being presented to the City Council, or any Committee, Board, or Commission must be provided to the City Clerk, or staff liaison before public comment.
- D. The public is welcome to address the City Council on items on the Consent Calendar, or items that are not listed on the agenda during the Public Comment section of the agenda, which occurs directly before the Consent Calendar is approved.
- E. ~~If a member of the public addresses the City Council during Public Comment, the City Council may not respond or publicly address the statements made during Public Comment. Staff may be directed to follow up with a public speaker regarding statements made at the podium, but the City Council is not allowed to engage in conversation that is not listed on the agenda. The City Council's policy is to discourage commentary from councilmembers about statements made in the public comment section of the agenda. The Brown Act prohibits councilmembers from discussing or acting upon any matter not agendized pursuant to State Law. Councilmembers and staff may respond briefly to comments by members of the public or ask questions for clarification. The City Council may refer the matter back to staff for a future reply, or may direct staff to place the matter on a future agenda~~
- F. All statements made to the City Council must be made at the appropriate time of the meeting and may not be shouted from the audience. Any person wishing to address the City Council will be called to the podium at the appropriate time by the Mayor and their comments will be timed.

## Section 10. Appeals

1. Appeals are public hearings and will follow the time allocations for addressing the City Council detailed below, unless otherwise required, or provided by law:
  - A. Applicant – 10 minutes
  - B. Appellant – 10 minutes
  - C. Individual Speakers (public comments) – 3 minutes
2. Appeals from decisions of the City’s Committees, Boards and Commissions shall appear on the City Council agenda for discussion. The City Council has the option to affirm the action of the commission, [modify](#)ing the action of the commission, [referring](#) the matter back to the commission, or [reversing](#) the decision, unless otherwise provided by law.
3. Any person that addressed the City Council during one of the 10-minute periods (as an applicant or appellant), may not speak again during the public comment period [unless explicitly authorized to rebut or provide clarification by the Presiding Officer of the meeting](#).
4. Members of the public may not defer their time at the podium to another member of the public, allotting the speaker more time to speak. If a member of the public has already addressed the City Council or has a speaker card in queue to address the City Council, they may not speak on behalf of another member of the audience.

## Section 11. Communication with City Council and Staff

1. All communications between staff and councilmembers may be determined to be public records.
2. The Council, in adopting this policy, does not waive attorney-client privilege, or any other privilege associated with a closed session authorized under the Brown Act.
3. All emails sent and received through the City server are retained per the City’s Records Retention Schedule and are subject to the Public Records Act.

4. Members of the public who wish to contact the City Council may do so by the contact information provided on the City's website, or on business cards issued to the City Council.
5. Members of the public are permitted to email members of the City Council by sending each Council Member an individual email. *Group/mass emails to all members of the City Council may not be responded to, as doing so may create a violation it has the potential for violating sections of the Brown Act.* Anyone who sends an email to all Councilmembers may receive an automatic reply which will provide information on the proper way to communicate with the City Council, as well as helpful links to City services and resources.
6. For requests relating to City matters, members of the public are encouraged to contact City Hall at (650) 616-7058. Likewise, members of the public may submit city service requests via the website at: <https://www.sanbruno.ca.gov/respondsinfo.htm>

## **Section 12. Communication to the City Council and Use of Social Media**

1. The following guidelines apply to City Councilmember personal communications including use of various forms of social media, letters to the editor of newspapers, personal endorsements, email, newsletters, participation in public forums or other meetings and the like.
  - A. Individual City Councilmembers should confirm and clarify that the comments they are about to make ~~do not necessarily~~ reflect the views of the entire City Council. Because members of the public will hear and understand comments by a Councilmember to represent City policy and/or the City Council as a whole, it is important that Councilmembers use discretion while engaging with members of the public on any social media/media platform or public forum, regarding matters of City business or policy. Suggested language for a disclaimer to be used when clarifying opinions or statements are made is:

“I am a City Councilmember of the City of San Bruno. These are my own opinions and they may not represent those of the San Bruno City Council as a whole.”
  - B. City Councilmembers are expected to actively protect any information received the course of service as a Councilmember which is considered confidential or protected, such as information that is protected under personnel privacy laws.
  - C. City Councilmembers shall not post information, images or icons to any social media platform, which was obtained in their official capacity and not otherwise

available to the general public without specific confirmation by the City Manager that such information may be used and distributed publicly.

- D. City Councilmembers shall not comment on social media/media, or publish information related to City business without identifying themselves as a Councilmember and using a disclaimer such as is detailed in Section 9.1.
- E. If a City Councilmember creates a post on social media about city business (examples: upcoming meeting dates, public safety issues, etc.), they may not delete comments made by other users, or block any person who comments on the post(s). City Councilmembers should not block content or users due to a personal dislike of the user, or because of comments the other user makes, or has made. [Davison v. Randall and Loudoun County Board of Supervisors](#)
- F. It is the policy of the City Council to respond to letters, emails and other communication from constituents, including direct posts on social media through the Mayor, or the City Manager. The Mayor may assign a particular response to another Councilmember or may delegate the responsibility of responding to communications to another Councilmember, who will then assume this responsibility. To avoid confusion, individual City Councilmembers shall not respond directly to communications addressed to the City Council as a whole. Any responses shall be coordinated with the Mayor or his/her appointed representative. If a Councilmember receives a direct message via social media from a member of the public with questions/issues about city services, the Councilmember should direct the member of the public to the City Manager or Mayor for further assistance and shall not attempt to respond to the post directly.

### **Section 13. Budget Controls**

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

conference or seminar at the next regularly scheduled City Council meeting during the “Comments from Council Members” section of the agenda.

4. On a ~~quarterly~~ biannual basis, the City Council will be provided a brief report summary of~~en~~ the status of their combined training budget at a regular or special City Council meeting. This item will be informational only and will be placed on the agenda under Comments from Councilmembers and may be discussed during that portion of the meeting. No formal motion will be taken on this report.

## Section 14. Ceremonial Matters

1. The City may issue ceremonial proclamations, resolutions or certificates of appreciation when such an issuance positively impacts the community and conveys an affirmative message to residents. It will be the policy of the City Council to process requests for ceremonial documents in the following manner:
  - A. If the Mayor determines that a request is consistent with the policy stated above, the Mayor will direct the City Clerk to prepare the document and coordinate the release of the document, either privately, or at a future public meeting.
  - B. The person who submitted the request must provide specific details regarding the request, including language for a proclamation or resolution, or information for a certificate of appreciation at the time the request is made.
  - C. Depending on the nature and time-sensitivity of a particular request, the Mayor may act without full formal concurrence of the City Council when the situation warrants.

## Section 15. Enforcement

~~Councilmembers have the primary responsibility to assure that these practices and protocols are understood and are followed, so that the public may continue to have full confidence in the integrity of their local government. As an expression of the standards of conduct expected by the City for Councilmembers, the practices and protocols are intended to be self-enforcing. They therefore become most effective when members are thoroughly familiar with them and embrace their provisions. For this reason, Councilmembers entering office shall sign a statement affirming they have read and understood the Council Policies and Procedures Manual. The City Council Policies and Procedures manual will be included with the annual Council appointments staff report (for internal and external agencies) and may be discussed, if needed, during the meeting~~

~~in which those appointments are made. (Specific CC Discussion & Direction Item: Does the Council desire to have these policies as “self-enforcing” as outlined above or does the Council want an admonishment, sanction, and/or censure procedure included?)~~

- ~~1. The provisions of this Policy contained below apply exclusively to the Mayor and Councilmembers and do not extend to members of City Commissions. Violations of this Policy or any other applicable City Council/Administrative Policy by Commissioners may be considered by the City Council, or by a City Council Subcommittee who will make a recommendation to the City Council on an appropriate City Council response.~~
- ~~2. A City Councilmember who does not follow this Policy or any other applicable City policy may face admonition, sanction or censure.~~
- ~~3. The following sets forth the procedures to be followed when there is a belief that a Councilmember has violated this Policy or any other applicable City policy. This rule shall not be used for violations of State or Federal laws, as such laws are subject to separate penalty and enforcement provisions outside of the City’s purview.~~

#### Notification of Allegation

- ~~1. If a Councilmember believes that another Councilmember has violated this Policy or any other applicable City policy he or she shall notify the Mayor. If the allegation is against the Mayor, the Vice-Mayor shall be notified. If the allegation concerns both the Mayor and Vice-Mayor, then the most senior Councilmember shall be notified and, if two Councilmembers share seniority, then the Councilmember who received the most votes in their most recent election shall be notified. The official selected will be provided with all background information that the Councilmember making the allegation has in their possession.~~
- ~~2. Once an allegation has been received, the official receiving the allegation shall meet with the City Manager and the City Attorney. At that time, the official who received the allegation will determine whether more information is needed, whether the allegation is unfounded, or whether to recommend that the full Council hear the allegation.~~
- ~~3. If the official who received the allegation determines that the allegation is unfounded or requires additional information, he or she will notify the Councilmember making the allegation. At that time, if the Councilmember making the allegation is not satisfied with the official’s determination, he or she may bring the matter to the full Council for review by asking the City Manager, at least a week before the meeting, to place it on the next City Council Agenda, and the~~

City Manager will notify the Councilmember against whom the allegation is made about the violation and the future agenda item.

4. If the official receiving the allegation determines that the allegation should be brought to the City Council for review, at least a week before the meeting he or she will ask the City Manager to place it on the next City Council Agenda for discussion under the Consideration portion of the Agenda; and the City Manager will notify the Councilmember against whom the allegation is made about the violation and future agenda item.

4.—Should an allegation be brought to the City Council, the City Manager, in consultation with the City Attorney, will prepare a brief staff report that, among other things, reminds the City Council of this Policy. It will be the responsibility of the City Councilmember making the allegation to present the matter to his/her colleagues.

5.

#### Potential Council Actions

1. While the City Council has broad discretion in deciding which of the three potential actions below it may choose to impose in response to violations of this Policy or any other applicable policy, the following are definitions and procedures related to three types of actions: admonition, sanction and censure. Admonition and sanctions are not considered punishments and there are no penalties associated with them; a censure is considered a punishment and may include penalties.

#### Admonition

1. This is the least severe form of action. Admonition may typically be directed to all members of the City Council, reminding them that a particular type of behavior is in violation of City Policy and that, if it occurs or is found to have occurred, could make a member subject to sanction or censure. Admonition may be issued in response to a particular alleged action or actions, although it would not necessarily have to be triggered by such allegations. Admonition may be issued by the City Council prior to any findings of fact regarding allegations, and because it is a warning or reminder, would not require a separate hearing to determine whether the allegation is true.

#### Sanction

1. This is the next most severe form of action. Sanction should be directed to a particular member of the City Council based on a particular action (or set of actions) that is determined to be in violation of City policy, but is considered by



the City Council to be not sufficiently serious to require censure. A sanction is distinguished from censure in that it is not a punishment. A sanction may be issued based upon City Council review and consideration of a written allegation of a policy violation. The member accused of such violation will have the opportunity to provide a written or verbal response to the allegation. A sanction may be issued by the City Council and because it is not punishment or discipline, would not require a separate hearing.

### Censure

1. Censure is the most severe form of action contemplated in this Policy and available to the City Council. Censure is a formal statement of the City Council officially reprimanding one of its members. It is a punitive action, which serves as a penalty imposed for wrongdoing. It may be combined with loss of committee assignments (either with the City of San Bruno or with inter-governmental agencies) or the restriction of official travel.
2. Censure should be used for cases in which the City Council determines the policy violation is a serious offense.
3. In order to protect the overriding principle of freedom of speech, the City Council shall not impose censure on any of its members for the exercise of their First Amendment rights, no matter how distasteful the expression was to the Council and the City. However, nothing herein shall be construed to prohibit the City Council from collectively condemning and expressing their strong disapproval of such remarks.

### City Council Discussion; Admonition or Sanction

1. At the meeting when the allegation is to be considered, the City Council may discuss it and determine whether to issue an admonition or sanction, or to hold a separate hearing to consider censure. Where the City Council decides to issue an admonition or sanction, a resolution may be prepared for the next meeting based upon the City Council discussion and direction.

### City Council Censure

1. If the City Council decides to conduct a separate public hearing on the question of censure, they will direct the City Manager, in consultation with the City Attorney, to engage the services of an independent third party investigator to conduct an investigation of the matter, prepare factual findings and make a recommendation as to the allegation(s) merit to the City Council. At that time, the City Council will also set a “not to exceed” investigation budget. Should, in the course of the investigation, it appear that the investigator’s costs will exceed the approved budgeted amount, then the City Council will be notified at a duly

noticed public meeting, to determine whether to increase the budget or discontinue the investigation.

2. If the investigator determines there is no factual merit to the allegation, that information will be conveyed to the City Council prior to a censure hearing. At that time, the City Council will determine whether to take no additional action or to issue an admonition or a sanction.
3. If the investigator determines there is factual merit to the allegation, a report of the factual findings shall be presented to the City Council for hearing and determination.

### Censure Hearing

1. If a separate hearing is set to consider the question of censure, it must be set far enough in advance to give the Councilmember subject to the allegation adequate time to prepare a defense. The official who received the original allegation from the Councilmember who made the allegation will preside at the hearing. The rules of evidence will not apply to the hearing, which is not a formal adversarial proceeding.
2. The investigator will present his or her report and the City Council, including the Councilmember who is the subject of the investigation, will have the opportunity to question the investigator. The Councilmember who is the subject of the allegation will have an opportunity to present a rebuttal to the allegation, which shall be limited to twenty minutes unless extended by the City Council. The Councilmember who is the subject of the allegation may be represented at the hearing and may have the representative speak or ask questions on his or her behalf. The City Council may also allow the testimony of a limited number of witnesses. The right to present witnesses shall be within the absolute discretion of the City Council.
3. Following the rebuttal, any witness testimony and any closing statement of the Council Member who is the subject of the allegation, the City Council shall hear public comments. At the conclusion of the public comments, the City Council shall discuss the matter and render a decision on whether to censure the Councilmember against whom the allegation has been raised.
4. Should the City Council decide to censure the Councilmember against whom the allegation has been raised, they shall direct the City Manager, in consultation with the City Attorney, to prepare a resolution making findings and penalties with regard to the specific charges, based on substantial evidence. The resolution will be considered by the City Council at a duly noticed public meeting.