



**CITY COUNCIL**



**PROTOCOLS**



**MARCH 2015**



## Preface

*The following is a single source reference document of the Millbrae City Council Protocols. The protocols included in this reference document were formally adopted by the City Council on December 8, 1998 by Resolution No. 98-109.*

*This document has been revised by Resolution No. 99-62 on June 8, 1999; Resolution No. 00-83 on July 11, 2000; Resolution No. 01-03 on January 9, 2001; Resolution No. 02-04 on January 22, 2002; Resolution No. 03-65 on September 9, 2003; Resolution No. 04-73 on November 29, 2004; Resolution No. 07-52 on September 25, 2007; Resolution No. 10-08 on February 23, 2010; Resolution No. 10-23 on June 22, 2010, Resolution No. 14-49 on October 14, 2014, Resolution No. 14-50 on October 14, 2014, and Resolution 15-09 on March 10, 2015.*

*This document will be updated and modified on an ongoing basis, as the City Council deems appropriate.*

**This document was prepared by the Administration Department.  
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## **MILLBRAE CITY COUNCIL PROTOCOLS**

*The rules set forth are not all inclusive and do not limit the inherent power and general legal authority of the Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the City.*

### **I. COUNCIL MEETINGS**

1. **Regular Meetings.** Regular meetings of the Millbrae City Council shall be held every second and fourth Tuesday of the month, commencing at 7:00 p.m. in the Council Chamber, 621 Magnolia Avenue.
  - a. **Other Locations.** The Council may, from time to time, elect to meet at other locations within the City and upon such election shall give public notice of the change of location in accordance with provisions of the Government Code.
  - b. **Location During Local Emergency.** If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in City Hall, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, if the Mayor does not so designate, by the Vice Mayor or City Manager.
  - c. **Canceled Meetings.** When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day shall be deemed canceled unless otherwise provided by the Council.
2. **Special Meetings & Emergency Meetings.** Special meetings and emergency meetings of the Council may be called and held from time to time consistent with and pursuant to the procedures set forth in the Ralph M. Brown Act (“Brown Act”) (Government Code section 54950, et seq.).
3. **Adjourned Meetings.** The Council may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the procedures set forth in the Brown Act.
4. **Closed Sessions.** The Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law to consider or hear any matter which is authorized by State law to be heard or considered in closed session.
  - a. The City Council may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions.
  - b. The general subject matter for consideration shall be announced in an open meeting before such session is held or through proper public notice on the meeting agenda.

- c. Councilmembers may not reveal the nature of discussions or the authorizations or decisions from a closed session unless required by law.
- 5. **Cancellation of Regular Meetings.** Any meeting of the Council may be canceled in advance by the Mayor or by a majority vote of the Council at a properly noticed meeting. When a regularly scheduled Council meeting falls on a state or federal primary or general election day, the meeting will be held on the following Tuesday.
- 6. **Quorum.** Three members of the Council shall constitute a quorum, but a lesser number may adjourn from time to time.
- 7. **Chair.** The Mayor shall preside over all Council meetings. The Mayor shall have authority to preserve order at all Council meetings, to remove any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council. The Mayor shall also have the power to administer oaths and affirmations.
  - a. **Absence of Mayor.** The Vice Mayor shall act as Mayor in the absence or disability of the Mayor. The Mayor shall advise the Vice Mayor and staff of planned absences.
  - b. **Absence of Mayor and Vice Mayor.** When the Mayor and the Vice Mayor are both absent from any meeting of the Council, the members present may choose another member to act as Mayor pro tem, and that person shall, for the time being, have the powers of the Mayor.
- 8. **Attendance by the Public.** Except as specifically provided by law for closed sessions, all meetings of the Council shall be open and public in accordance with the terms, provisions and exceptions consistent with the Brown Act.
- 9. **Minutes.** Minutes of Council meetings will be recorded as action minutes, which primarily include final motions with votes only.
  - a. **Comments for the Record.** If a Councilmember desires a verbatim comment to be included in the minutes, it is his or her responsibility to make that request.
  - b. **Timing of Council Approval of Minutes.** Whenever possible, minutes of meetings are submitted to the Council at the next regularly scheduled meeting for approval.
  - c. **Recordings of Meetings.** Recordings of regular Council meetings are maintained by the City Clerk for a period of one calendar year plus the current year.
- 10. **Meetings to Review Strategic Goals.** On a periodic basis, the City Council will schedule time to review and update the strategic goals established by the City Council to do the following:
  - a. Review current strategic goals;

- b. Consider adopting new ideas or projects;
- c. Evaluate interest among the Councilmembers in pursuing the new ideas or projects;
- d. Assess relative importance of any new ideas or projects which a majority of the Council desires to pursue along with the current strategic goals; and
- e. Offer direction to the City Manager as to any changes in the list or priority order of the strategic goals.

## II. ORDER OF BUSINESS

1. **General Order.** The business of the Council at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CEREMONIAL/PRESENTATIONS

AGENDA OVERVIEW/STAFF BRIEFING

APPROVAL OF MINUTES

ORAL REPORTS FROM COMMITTEE/COMMISSION CHAIRS

PUBLIC COMMUNICATION

CONSENT CALENDAR

PUBLIC HEARINGS

EXISTING BUSINESS

NEW BUSINESS

COUNCIL COMMENTS

ADJOURNMENT

- a. The number of items appearing on the agenda shall be appropriately balanced within and among the listed categories, when possible.

- b. It shall be the City's policy to distribute materials relating to the agenda items to the Council in advance of the meeting. The distribution of meeting materials to Councilmembers on the evening of the Council meeting is discouraged.

- c. The Mayor may limit the total number of oral reports from committee/commission chairs to a maximum of two at any one Council meeting. When appropriate, a subheading under this item shall be included for the "INSTALLATION OF COMMITTEE/COMMISSION APPOINTEES."

2. **Action Agenda Items.** In accordance with the Brown Act, the Council may not take action on any item that did not appear on the posted Council agenda 72 hours prior to the Council meeting unless an exception is made as permitted under the Brown Act.

3. **Ceremonial/Special Presentations.** All ceremonial/special presentations will be calendared and coordinated through the Mayor and will be planned so as not to exceed 10 minutes at each Council Meeting.

4. **Council Comments.** Councilmembers serve as representatives to various committees and other county and regional entities. The Council Comments section of the agenda provides Councilmembers the opportunity to briefly comment on Council business, City operations, City projects, community events, or other matters. The comments of each Councilmember shall be limited to five minutes.

5. **Consent Calendar.** Agenda items removed from the Consent Calendar by Councilmembers or staff will be considered after the Consent Calendar or as part of Existing or New Business, as determined by the Mayor. Members of the public may comment on consent items prior to the Council's consideration of the consent agenda. A Councilmember may vote "no" or abstain on any consent item without comment or discussion by advising the City Clerk on the record to record his or her vote in that manner for the particular item. Any comments, questions or discussion on an item may require the pulling of the item from the Consent Calendar.
  - a. **Appointments to Advisory Groups.** Appointments to Advisory Boards, Commissions, and Committees are placed on the Consent Calendar. New members shall be sworn in by the Mayor or City Clerk either at the Council meeting when the appointment is made or at a subsequent time following the Council appointment.
6. **Standard Adjournment.** The Council establishes 11:00 p.m. as the hour of adjournment and will not continue beyond 11:00 p.m. without a majority vote of the Council. To assist in making the determination to continue an item under consideration, or to take up a new item on the agenda, the Council should find that discussion, deliberation and action on the item can be concluded by 12:00 midnight; these time parameters also pertain to Closed Sessions of City Council.

If agenda items remain after the 11:00 p.m. adjournment, the items may be rescheduled to a special meeting or deferred until the next regularly scheduled Council meeting. Deferred items will appear first under the same agenda category of the next regularly scheduled Council meeting.

### III. COUNCIL MEETING RULES AND PROCEDURES

1. **General Procedure.** It is the policy of the Council not to become involved in entanglements over “parliamentary procedure.” Consistent with the general law and any applicable City ordinance, statute or other legal requirement, any issue of procedure relating to conduct of a meeting or hearing not otherwise provided for herein may be determined by the Chair. Any Councilmember may appeal the Chair’s determination on such procedural issue to the full Council. In making such determinations, the Mayor and the Council shall be guided by the rules of order set forth in the latest revised edition of Robert’s Rules of Order Revised.
2. **Authority of the Mayor.** Subject to appeal to the full Council, the Mayor shall have the authority to prevent the misuse of motions, the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.
3. **Mayor to Facilitate Council Meetings.** The Mayor will facilitate the Council meetings. In the role as facilitator, the Mayor will assist the Council to focus on their agenda, discussions and deliberations.
4. **Obtaining the Floor.** The Mayor has been delegated the responsibility to control the debate and the order of Councilmembers and other speakers wishing to speak.
5. **Limit Deliberations to Item at Hand.** Councilmembers will limit their comments to the subject matter, item or motion under current consideration by the Council.
6. **Length of Council Comments.** Councilmembers will govern themselves as to the length of their comments or presentation. The Council has delegated to the Mayor the responsibility to assist Councilmembers by signaling when the Councilmember has been speaking for over ten (10) minutes.
7. **Council Presentations.** Councilmember presentations are limited to the item or issue being deliberated. To ensure that the appropriate equipment is available, Councilmembers must provide the City Clerk advance notice of the intent to make a presentation.
  - a. **Title Page.** Presentations will be prepared by individual Councilmembers and will have a title page indicating that the opinions or positions presented are that of the individual Councilmember.
  - b. **City Clerk Assistance.** The City Clerk will assist Councilmembers to ensure that the presentation is computer compatible and working correctly prior to the Council meeting.
  - c. **Copy of Presentation.** To ensure a complete record of the meeting, Councilmembers will provide a copy of the presentation to the City Clerk in sufficient time prior to the Council meeting for copies to be made available for public distribution in accordance with the Brown Act.

8. **Motions.** Motions may be made by any member of the Council, including the Mayor. Any member of the Council, other than the person offering the motion, may second a motion.
9. **Procedure for Motion.** Before a motion can be considered or debated, it must be seconded. Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will take place on the matter, provided however, Councilmembers may be allowed to explain their vote.
10. **Motion Amendments.** When a motion is on the floor, and an amendment is offered, the amendment shall be acted upon prior to acting on the main motion.
11. **Ordinances.** Motions offering ordinances are deemed to include the waiver of full readings of the title and substance of the ordinances unless otherwise specifically stated.
12. **Voting.** Any Councilmember present at a meeting when a question comes up for a vote should vote for or against the measure unless he/she is disqualified from voting pursuant to the standards and procedures defined in applicable law and has appropriately removed himself/herself from consideration of the matter. If the vote is a voice vote, the Mayor shall declare the result. The Council may also vote by roll call, ballot or voting machine. All actions of the Council will require three (3) votes.
13. **Abstention.** An abstention does not count as a vote for or against a matter. If a Councilmember abstains, he/she is counted as present for quorum purposes, but is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those members present and voting.”
14. **Tie Votes.** A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.
15. **Motions for Reconsideration.** Motions for reconsideration of a matter may be made at the same meeting or at the next meeting following a Council action. Such a motion may only be made by a Councilmember who voted with the side that prevailed on the previous action. With regard to a tie vote resulting in a lost motion, the prevailing side will be deemed to be those Councilmembers who voted in the negative. Any member of the Council may second a motion for reconsideration. If the reconsideration motion takes place at the subsequent meeting, the matter must be included on the agenda of that subsequent meeting upon request to the City Manager from the Councilmember proposing to move for reconsideration.

## IV. PUBLIC HEARINGS

1. **General Procedure.** The Council procedure for the conduct of public hearings is generally as follows:
  - a. At the outset of the agenda item, the Mayor announces the public hearing is open.
  - b. Staff presents a brief report. Councilmembers may ask questions of staff if they so desire.
  - c. If the topic is an appeal, the applicant or appellant has the first opportunity to present comments, testimony or arguments. The applicant or appellant also is given an opportunity for rebuttal or a closing argument.
  - d. The public testimony portion of the hearing (see paragraph 4 below) is closed by motion/vote of Council and Council discussion and consideration occurs. In this connection, there may be further questions of or comments by staff, or questions by the Council or others as deemed necessary or appropriate.
  - e. Council decision occurs.
  - f. The Mayor will announce the final decision of the Council and the public hearing is closed.
2. **Time for Consideration.** Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and will continue until the matter has been completed or until other disposition of the matter has been made.
3. **Continuance of Hearings.** Any hearing being held or noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice of the Council, be continued or recontinued to any subsequent meeting.
4. **Public Testimony Portion of Hearings.** During a public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence or testimony respecting the matter.
  - a. **Project Applicant or Appellant.** A project applicant, appellant or other person or entity with a substantial, direct property interest in a noticed public hearing item, or any duly designated representative of such a person or entity, shall have such time for oral presentation or testimony in connection with the noticed public hearing item to which their oral presentation or testimony relates as may be specified by the Council or presiding officer of the hearing based on the facts and circumstances of the particular matter, the nature and complexity of the particular issue, the number of persons wishing to be heard and like considerations as determined in the sound

discretion of the Council or presiding officer. Each presentation shall be limited to three (3) minutes unless otherwise provided.

- b. **Public Member Request to Speak.** Any person desiring to speak or present testimony shall make his/her presence known to the Mayor by completing a speaker slip and submitting it to the City Clerk. Upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor.
- c. **Council Questions of Speakers.** Members of the Council who wish to ask questions of the speakers or each other during the public hearing portion may do so but only after first being recognized by the Mayor. Interaction with the speaker shall be limited to questions, rather than an ongoing dialogue. Councilmembers should avoid raising questions as a method to extend the allocated time for a speaker.
- d. **Due Process.** The Mayor shall conduct the meeting in such a manner as to afford due process.
- e. **Public Oral Presentation.** All Council rules pertaining to oral presentation by members of the public apply during public hearings.
- f. **Materials for Public Record.** Any interested person may submit written testimony or remarks, as well as other written evidence, to the City Clerk. All such materials presented will be retained by the City Clerk as part of the formal record of the hearing.
- g. **Germane Comments.** No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Mayor, but any Councilmember may appeal such determination to the full Council.

5. **Communications and Petitions.** Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor. A reading in full shall take place if requested by any member of the Council.
6. **Admissible Evidence.** Hearings need not be conducted according to technical rules relating to evidence and witnesses in a court of law. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.

## **V. ADDRESSING THE CITY COUNCIL AND ATTENDING COUNCIL MEETINGS**

1. **Staff Presentations.** Staff presentations will be limited to 10 minutes. Longer staff presentations must be approved by the City Manager and Mayor prior to the Council Meeting.
2. **General Rules on Members of the Public Addressing Council.** The following rules apply to oral presentations or comments by members of the public at City Council meetings:
  - a. Prior to the meeting, or during the meeting prior to an action on a matter, persons wishing to address the Council shall fill out a speaker slip and submit it to the City Clerk.
  - b. When called upon, the person should come to the podium, state his/her name for the record, and, if speaking for an organization or other group, identify the organization or group represented.
  - c. All remarks shall be addressed to the Council as a whole, not to individual members thereof.
  - d. All remarks shall be delivered in a respectful manner.
  - e. No member of the public shall interrupt the Mayor or another Councilmember or person who has been recognized by the Mayor to speak.
  - f. Questions, if any, shall be directed to the Mayor who will determine whether, or in what manner, an answer will be provided. There shall be no debate with the speaker.
3. **Public Communication.** Public Communication is that period set aside at City Council meetings for members of the public to address the City Council on items of City business other than scheduled agenda items. The Public Communication portion of the City Council meetings is the opportunity for members of the public to address the City Council pursuant to the requirements of applicable law.
  - a. **Speaker Slips.** Persons wishing to speak under Public Communication shall submit a speaker slip to the City Clerk in a timely fashion.
  - b. **Timing.** Public Communication is generally permitted at the beginning of a Council meeting, as specified on the City Council agenda. Public comments are limited to no more than thirty (30) minutes total for all speakers, with each speaker given no more than three (3) minutes. If there are more than ten (10) speakers at a City Council meeting, each speaker's time shall be reduced so that all speakers have an equal time to speak but the total period for Public Communication shall not exceed thirty (30) minutes. If the testimony of speakers is repetitive, the Mayor may further limit the

speaker's time. The Council has the discretion to extend the time limit beyond 30 minutes.

c. **City Matters.** Presentations under Public Communication are limited to topics within the subject matter jurisdiction of the City.

4. **Agenda Item Oral Presentations.** Any member of the public wishing to address the Council orally on City business matters appearing on the Council agenda may do so when that item is taken up by the Council, or as otherwise specified by the Council or its presiding officer.

a. **Time Limit.** Oral presentations may not exceed three (3) minutes unless otherwise provided.

b. **Presentations Submitted in Writing.** Persons who anticipate oral presentations exceeding three minutes are encouraged to submit comments in writing at the earliest possible time for distribution to the Council and other interested parties. Comments should be submitted sufficiently in advance of the scheduled meeting date to ensure distribution to the Council prior to the meeting. In addition, submission of comments in writing is encouraged in lieu of possible lengthy oral presentations, which may not be permitted.

5. **Comments in Writing Encouraged.** Members of the public may submit, and are encouraged to submit, comments in writing to the City Council and City Clerk relating to any items of City business, whether on the City Council agenda or otherwise. Such written comments will be distributed to members of the Council and considered and acted upon, or not acted upon, as the City Council in its judgment may deem appropriate.

6. **Comment Slips.** Comment slips may be used by members of the public who do not wish to, or cannot verbally, address the Council during a meeting. A person may choose to indicate his/her comments, opposition or support for an agenda item on a comment slip. During the public testimony of the item, the Mayor will announce for the record that the Council has received comment slips from (name of person) in support of the project or issue and comment slips from (name of person) in opposition of the project or issue. The minutes will reflect the Council's receipt of comment slips in opposition and support of the project or issue.

7. **Speaker Time Limits for An Agenda Item.** In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Council on the same subject matter, the presiding officer may request that a spokesperson be chosen by the group and, in case additional matters are to be presented by any other member of the group, that there be a limit on the number of such persons addressing the Council. A specific time limit may also be set for the total presentation.

8. **Conduct of Attendees at Council Meetings.** Any person attending a City Council meeting shall conduct his/herself in a manner that demonstrates respect for both the meeting process

and the right of those who have been officially recognized by the Mayor or other presiding officer to speak without interruption or distraction. Any person in the audience whose behavior does not conform to these standards or who refuses to respect an order from the presiding officer of the meeting may be removed from the meeting room.

## VI. COUNCIL DECISION-MAKING PROCESSES

1. **Council Subcommittees.** Subcommittees are formed on an as needed basis. They should have a clearly defined purpose and term. Subcommittees will consist of two Councilmembers recommended by the Mayor with concurrence by motion of the full Council.
2. **Study Session.** Study sessions may be included as part of any regular Council meetings or convened as Special meetings. The subject matter for discussion shall be listed on the agenda. During study sessions, Councilmembers may ask questions of staff. For those questions that staff cannot readily answer, responses will be provided for the Council in writing or at follow-up Council meetings.
3. **Staff Reports.** As a general rule, Staff Reports on major items will be forwarded to the Council in the Council Agenda Packet, on the Thursday preceding Tuesday's Council Meeting. If a report on an item is not available or completed by Thursday, it will be provided to the Council as soon as it is ready.
4. **Placing Items on the Agenda.** Any Councilmember may request that an item be placed on the agenda of the Council meeting by submitting such request to the City Manager. The matter will go on the next available agenda, unless the Mayor determines to schedule the item on an agenda of a subsequent Council meeting to better order and manage business to come before the Council. The Mayor may not postpone the placement of the item on a Council agenda indefinitely and items must be placed on a Council agenda within two months of the request, unless the requesting Councilmember agrees to a further postponement. The staff report shall identify the Councilmember requesting that this item be placed on the agenda.
5. **Appointments to Regional/County Committees and Boards.** The City representative to the City Selection Committee when registering the City's position concerning appointments to Regional and County Committees and Boards shall register the vote of the City as expressed by the City Council unless otherwise advised.

## VII. COUNCILMEMBER ADMINISTRATIVE SUPPORT

1. **Correspondence.** All addressed to the Mayor requiring a response from staff are copied to all Councilmembers with a note as to which staff person will be preparing a response for the Mayor's signature. Cards and other Councilmembers' mail marked "personal" will not be copied to the full Council.
2. **Mayor and Council Correspondence.** All Mayor and Councilmember correspondence written with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full Council, not individual Councilmembers' positions. All Councilmember correspondence using City resources will be copied to the full Council. For example, responses to letters will be copied to the full Council along with the original correspondence.
  - a. **Personal Correspondence.** City Councilmembers will be provided individual stationery and envelopes for use for communications reflecting their personal positions, not the positions of the full Council.
3. **Administrative Support.** The City Manager's Office will coordinate the preparation of correspondence, Proclamations, and Commendations requested by individual Councilmembers. All proclamations/commendations will be presented to groups/individuals at the discretion of the Mayor. It is the policy of the Council that all Proclamations and Commendations will be prepared for either the signatures of the full Council or the Mayor on behalf of the City Council, at the discretion of the Mayor, or Vice Mayor in the absence of the Mayor.
4. **Council Activities Calendar.** A Council Activities Calendar of Council events, functions or meetings will be provided to the full Council on a weekly basis.
5. **Council Policy Calendar.** A Council Policy Calendar will be provided to the full Council on a weekly basis. The policy calendar will include noticed public meetings convened by or involving the Council.
6. **Requests for Research or Information.** A Councilmember may request directly from Department Heads answers to routine questions or information on a given topic when it will require little or no research, but the Councilmember must also advise the City Manager of this request. All other Councilmember requests for research or information should be directed first to the City Manager. Requests for information or research that are anticipated to take staff more than two hours to complete will be brought to the full Council at a regular meeting for consideration and approval. All written documents produced as a result of these information or research requests will be copied to the full Council.
7. **Tickets to City Events.** Tickets for each Councilmember will be made available for City events. Departments hosting City events will coordinate the distribution of tickets to Councilmembers with the City Manager's Office. The availability of tickets for events hosted by other organizations which the City sponsors will be at the discretion of the

organizing agency. When the City is a major sponsor of an event, staff will endeavor to include the availability of tickets in the sponsorship agreement or contract.

8. **Council Notification of Significant Incidents.** The City Manager's Office will coordinate the notification to the Mayor, Vice Mayor and remaining Councilmembers of major crime, fire or other incidents.
9. **Expense Reimbursement.** Rules governing the expense reimbursement of Councilmembers for conducting City business are set forth in a separate Council resolution.
10. **Behavior and Conduct of Councilmembers.**

City Councilmembers who intentionally and/or repeatedly do not follow proper conduct as specified in these Protocols or applicable laws may be subject to such Council actions as a reprimand, formal censure, loss of his/her place in the rotational line-up for Mayor or Vice Mayor, loss of committee assignments (both within the City of Millbrae or with inter-government agencies), restriction of official travel privileges, or other actions as may be deemed appropriate. Infractions of Protocols or applicable laws could lead to other sanctions as deemed appropriate by Council or may be referred to the District Attorney for investigation.

Councilmembers should refer to the Mayor in private the offending infractions of the Protocols or applicable laws of any Councilmember. If the Mayor is the individual whose actions are being challenged, then the matter should similarly be referred to the Vice Mayor and the Vice Mayor will assume the Mayor's functions described in the next paragraph.

It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting. If violation of the Protocols or applicable laws is outside of the observed behaviors by the Mayor or Councilmembers, the Mayor shall consult with the City Manager and/or the City Attorney and may request them to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations or submitting the investigation and its findings to the full Council to consider appropriate sanction options in a public meeting.

11. **Behavior and Conduct of Members of City Commissions or Committees.**

Inappropriate behavior by a Commission or Committee member should be referred to the Mayor and the Chair of that body, or the Vice Chair if the Chair is implicated. The Mayor will confer with the Chair or the Vice Chair of the body. The Mayor shall also consult with the City Manager and/or the City Attorney and may request them to investigate the allegation and report the findings to the Mayor. Following these steps, a determination will be made as to an appropriate response which may consist of counseling the offending member. If inappropriate behavior continues, or if the offending conduct is of a serious nature such that counseling alone is not deemed sufficient, the Mayor should bring the situation to the attention of the full Council and the individual may be subject to removal from the Commission or Committee or other appropriate sanctions.

**12. Councilmembers Acting as Liaison to Commissions or Committees.**

It is the policy of the Council to have one or two members of the Council act as liaison between the City and each of the standing committees and commissions for a term of one calendar year.

Liaisons are appointed by the Mayor at the beginning of each year. The duties and function of liaison councilmembers are to: (a) Keep the commission or committee members informed of what has been going on recently in the city; (b) Communicate back to the Council, or City Manager as appropriate, what the committee or commission is doing or planning to do; (c) Advise the committee or commission if it is contemplating an action which for legal or City policy reasons clearly would be prohibited; and (d) Investigate responses to questions of policy or city capabilities and to so advise the committee or commission.

Liaison councilmembers shall not: (a) Participate or engage in discussions or decisions of the committee or commission, (b) Advise what the group should or should not do; or (c) Offer opinions or be advocates for or against matters when they come before the committee or commission.

**13. Councilmember attendance at Committee or Commission Meetings shall be Limited to No More than Two.**

It is the policy determination of the City Council that no more than two members of the City Council are to be in attendance at any meeting of a committee or commission at any time. If appointed to serve as liaison to a committee or commission, the councilmember has priority over any other councilmember who may wish to attend and is not a liaison.

## **VIII. ROTATION OF THE OFFICES OF MAYOR AND VICE MAYOR**

### **1. Rotation of the Offices of Mayor and Vice Mayor.**

- a. The term for Mayor and Vice Mayor shall be one year commencing with the meeting of the Council reorganization which takes place at the first regular Council meeting in December of each year, i.e., the second Tuesday of December.
- b. The office of Mayor and Vice Mayor shall rotate each year. No one may serve in the office of Mayor for two consecutive terms. No one shall serve as Mayor more than one time in a four (4) year election term.
- c. The rotation for Mayor and Vice Mayor shall be determined by the number of votes a Councilmember receives in his/her election or re-election in the manner described in paragraph d. below.
- d. Following each election, the Councilmembers elected in that election shall be placed in an existing rotational line-up for Mayor and Vice Mayor. The order of placement of these Councilmembers shall be determined in descending order based on the number of votes each elected Councilmember received in that election. Thus, the Councilmember receiving the highest or higher number of votes shall be placed before other Councilmember(s) receiving less votes in said election.
- e. The person at the top of the rotational line-up shall be Mayor. The person immediately following the Mayor in the rotational line-up shall be the Vice Mayor provided that person (1) intends to serve as Mayor the subsequent year and (2) is available to remain on the Council that subsequent year either by the continuation of his/her current term or by election to another term. If these conditions are not met, the person next in the rotational line-up who satisfies these conditions shall assume the office of Vice Mayor. The Vice Mayor shall then rotate to the office of Mayor the following year and the person immediately behind that new Mayor becomes the new Vice Mayor assuming that person meets the conditions described above.
- f. When a Council office becomes vacant during the course of a term, the person filling that office either by a special election or by appointment shall be placed at the end of the existing rotational line-up. The permanent placement in the rotational line-up for the person in this Council seat shall be established at the General Election for that seat in accordance with paragraph (e).
- g. In the event that any two or more Councilmembers receive the same number of votes in the same election, the Councilmember who has not previously served as Mayor shall be placed in the rotation before the other Councilmember(s). If there is a tie in votes between or among Councilmembers who have all previously served as Mayor, then the order shall be determined by length of continuous service on the Council; if there is no distinction in seniority, then the order shall be established by determining when the subject Councilmembers previously served as Mayor and placing the

Councilmember who most recently served as Mayor behind the other Councilmember(s).

- h. In the event that the Mayor or Vice Mayor does not complete his/her term, the vacant office shall be filled in accordance with the existing rotational line-up as described in paragraph (e). Thus, if the office of Mayor becomes vacant, the Vice Mayor shall rotate into that office. If the office of Vice Mayor becomes vacant, the Councilmember next in order in the rotational line-up who meets the conditions described in paragraph (e) shall step into the office of Vice Mayor. Each newly rotated Councilmember shall serve for the balance of the respective vacant term of that office and the subsequent following term of that office unless the Mayor desires to rotate out of that office at the next Council reorganization.

## 2. **Procedures to Confirm the Rotation for Mayor and Vice Mayor Each Year.**

At the first regular Council meeting in October of each year, the City Clerk shall place an informational report on the consent calendar of the agenda advising the City Council as to who is in line to serve as Mayor and Vice Mayor at the next Council reorganization. If any Councilmember has a question or desires to solicit discussion among the Council about the proposed rotation, that Councilmember may request that the report be removed from the consent calendar. If the Councilmember presents a question or seeks a clarification that can easily be addressed at that meeting, the Council may determine to proceed with confirmation of the rotation noted in the report at that meeting. If the Councilmember seeks discussion of the proposed rotation, the item shall be continued to the subsequent regular Council meeting for placement on that agenda as an item of business.

## 3. **Council Reorganization Reception.**

The City will reimburse up to \$500 for the Mayor and \$250 for each Councilmember assuming a council office for an initial or a second term to cover expenses related to a single City reception hosted by the incoming Mayor and Councilmembers.

## **IX. ANNUAL CEREMONIAL ACTIVITIES**

1. **Commission/Committee Appreciation Event** - If the City has budgeted the activity, the Vice Mayor shall plan and host the City's annual Commission/Committee Appreciation event, which generally takes place in the month of June. Staff support shall be provided to the Vice Mayor through the City Manager's Office.
2. **Employee Recognition Event** - If the City has budgeted the activity, the Vice Mayor shall plan and host the City's annual Employee Recognition event, which generally takes place in the month of October. Staff support shall be provided to the Vice Mayor through the City Manager's Office.

# **CITY OF MILLBRAE**

## **Expense Policy & Procedures**

### **I. Purpose**

To establish rules related to reimbursement of transportation, meals, and lodging expenses for City elected officials, Commissioners, and Committee Members. All expense reimbursement requests are subject to proper authorization and the availability of budgeted funds.

### **II. Authority**

See Millbrae Municipal Code Title 2, Section 2.15.

See also City Council Protocols, Section VII.9 (September 2007)

### **III. Authorized Expenses**

Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this Policy are met:

- A. Communicating with representatives of regional, state and national government on City adopted policy positions;
- B. Attending conferences or educational seminars designed to improve skills and information level of members of Council, commissions or committees and of employees;
- C. Participating in regional, state and national organizations whose activities affect the City's interest;
- D. Attending meetings necessary and appropriate in the pursuit of City business, including, but not limited to, meetings and conferences sponsored by Council of Cities, City Managers Association, League of California Cities, County of San Mateo, Millbrae School District, San Mateo Union High School District, California Redevelopment Agency Association, ABAG, SAMCEDA, any organization in which the City is a member, events or dinners which are sponsored by the City or in which the City participates as a sponsor (such as buys a table for the meal), or any other meeting, conference or event for which the City Council grants prior approval for reimbursement.
- E. Attending the events or functions listed in Exhibit A. This list is not exhaustive and includes many events that would otherwise be authorized by Subsection D above. This Exhibit A shall be reviewed periodically by the City Council for update and amendment as deemed appropriate.

## **IV. Expenses Not Eligible for Reimbursement**

Expenses incurred in connection with the following types of activities are not authorized for reimbursement unless expressly permitted in Section III or by prior City Council approval:

- A. The personal portion of any trip;
- B. Political or charitable contributions or dinners;
- C. Ads or endorsements for fundraising event programs;
- D. Family expenses, including partner's expenses, when accompanying Council member, Commissioner, Committee member or employee on City-related business, as well as children- or pet-related expenses;
- E. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf-related expenses), or other cultural events;
- F. Luncheon or dinner events for a service club or organization in which the official or employee is a member;
- G. Alcohol/personal bar expenses;
- H. Tips greater than 15 percent (unless automatically included in the bill);
- I. Personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- J. Personal losses incurred while on City business.

Any questions regarding propriety of a particular type of expense should be resolved by the approving authority before the expense is incurred.

## **V. Transportation**

- A. Airfare. Airfares that are reasonable and economical (coach fare) shall be eligible for purposes of reimbursement. Ticket purchases should be made well in advance to take advantage of low fares.
- B. Automobile. Personal automobile mileage is reimbursed at Internal Revenue Service (IRS) rates in effect at the time of travel. Tolls are eligible for reimbursement, unless the charges are incurred as part of normal commute. Reimbursement for mileage shall not exceed the cost of coach airfare.
- C. Car Rental. Rental cars are only authorized for reimbursement with advance approval, when absolutely necessary, and when other transportation is not feasible or car rental is more economical. The cars are to be reserved at a rate that does not exceed the standard-size rate.

- D. Taxis. The cost of the taxi and gratuity (no more than 15%) will be reimbursed only when shuttle or public transportation is not practical.
- E. Parking and Shuttles. Reasonable parking will be reimbursed. Long-term parking or shuttle service to and from the airport may be claimed as a miscellaneous expense for reimbursement.

## **VI. Lodging**

Lodging expenses at the single-room rate will be reimbursed or paid for when travel on City business reasonably requires an overnight stay. If such lodging is in connection with a conference, training, or other educational activity, lodging expenses must not exceed the group rate published by the conference sponsor or training provider for the event in question, if such rates are available at the time of booking. If the group rate is not available, reimbursement shall be within a reasonable percentage of the U.S. General Services Administration (GSA) rate at the time of travel.

## **VII. Meals & Incidental Expenses**

- A. Meals Involving City Business. Actual and reasonable costs of business meals and gratuities are allowed when representing the City so long as such meal expenses do not exceed \$50.00. Supporting written receipts must be submitted showing names and positions of participating individuals, a description of the purpose of the meeting, and the nature and amount of the expense.
- B. Conferences, Seminars or Trainings. Supporting written receipts are required detailing the information described above. A copy of the Program or Agenda should be included with the Expense Report.

## **VIII. Registration Fees**

Registration fees for conferences or meetings will be reimbursed at actual cost.

## **IX. Telephone/Fax/Internet**

Reimbursement is available for actual telephone, fax, or Internet connection expenses incurred on City business. Telephone bills should identify which calls were made on City business.

## **X. Expense Report and Submission**

- A. All credit card expenses and expense reimbursement requests must be submitted on the form provided by the City. Expense reports must document that the expense in question met the requirements of this

Policy. Expense reports must be submitted within thirty (30) calendar days of an expense being incurred, accompanied by receipts.

- B. Expense reports shall be approved by the City Manager. Original receipts are required when a Council Member, Commissioner, or Committee Member is seeking reimbursement. In the event a Council Member, Commissioner, or Committee Member does not attend the trip and non-refundable expenses have been incurred for registration, lodging, and/or travel, he or she shall submit to the Mayor a written explanation of the reasons for non-attendance.

## **XI. Audits of Expense Reports**

All expenses are subject to verification that they comply with this policy.

## **XII. Reports at Next Regular Meeting**

Council Members, Commissioners, and Committee Members shall provide brief oral or written reports on meetings attended at the expense of the City at or by the next regular meeting of the Council, Commission, or Committee.

## **XIII. Compliance with Laws/Public Records**

Council Members, Commissioners, and Committee Members should keep in mind that all documents related to reimbursable City expenditures are public records subject to disclosure under the Public Records Act and other applicable laws.

## **XIV. Violation of Policy**

Misuse of public resources or falsifying expense reports in violation of this Policy may result in any or all of the following:

- A. Loss of reimbursement privileges
- B. Restitution to the City
- C. The City reporting the expenses as income to State and Federal tax authorities
- D. Prosecution for misuse of public resources that could lead to civil penalties of up to \$1,000 per day and three-times the value of the resources misused and possibly criminal penalties.
- E. For Council Members, Commissioners, and Committee Members, censure by the Council or such other measure as may be determined by the Council.

## **Exhibit A**

Committee & Commission Dinner  
Chamber of Commerce Business of Year  
Senior Commission Old West BBQ  
Council of Cities Dinner meetings  
Seniors' Lunar New Year lunch  
Millbrae Man & Woman of the Year dinner  
Lion's Club Police & Firefighters' Recognition dinner  
Hip Housing lunch  
SAMCEDA breakfast/lunch meeting  
League of California Cities dinner meetings  
Employee Retirement functions  
San Mateo County Women's Hall of Fame  
Chamber of Commerce Progress Seminar  
YMCA Heroes' breakfast  
School Board quarterly breakfast meetings  
State of the City breakfast  
Employee appreciation lunch