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## Boards and Commissions

## Rules and Procedures

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by Resolution No. 82 (2015)

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# **City of San Mateo, Boards and Commissions Rules and Procedures**

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## **Chapter 1. Purpose and Overview**

This manual describes the way the City of San Mateo's Boards and Commissions do their business. It is a compilation of all Board and Commission (hereafter referred to as "Commission" for the sake of brevity) rules and procedures that have been formally adopted by Council. These Rules and Procedures ("Rules") supersede individual Commission bylaws.

These Rules are intended to enhance public participation and debate so that the best possible decisions can be made for San Mateo. These Rules set a standard of professionalism, civility and decorum for the conduct of the City's business. San Mateo has a long and proud tradition of open government and civil, intelligent public discourse. These rules, which must be approved by the City Council as a body, are subject to review and future modification by the City Council as needed.

Appointed Board and Commission members are expected to understand and comply with these Rules and Procedures. Failure to comply with the rules and procedures outlined in this document may be cause for removal from the appointed position.

Amendments to these Rules are made and approved by the City Council as a body; and are subject to review and future modification as needed.

## Chapter 2. Commission Authority

### 1. Commission Authority, Generally

- A. The primary role of City commissions is to increase public input and participation in the determination of City policies and some programs.
- B. The specific role of a City commission is to review and make recommendations to the City Council on matters within its scope of responsibility as defined in the Charter or Municipal Code. The commissions are basically a citizen's advisory arm of the City Council, although certain commissions, such as the Planning Commission, may take final actions in certain prescribed areas.
- C. Most importantly, the commission serves as a vehicle for public input into City programs and policies referred to it by the City Council or brought to its attention by staff.
- D. The commission also serves to reduce the reevaluation of these matters before the City Council.
- E. On the specific matters referred to it by the City Council, the commission serves as the principal reviewing body of the City.
- F. Commissions adhere to the City Council's policies on the programs under their scopes of interest.
- G. Commissions serve to represent the general interests of the entire City and not specific program areas or specific interest groups.
- H. Commissions are encouraged to express their views on issues, projects, or policies brought to them by the City department.
- I. As further described below, the Planning Commission has a distinct role with the City in that it makes decisions and recommendations to the Council on land use matters. These include development applications submitted by project proponents.

### 2. Applicability

The complete scope of responsibilities for each commission is identified either in the Charter or in the City's Municipal Code and will be provided by the Departments supporting the commission. When not in conflict with the Charter of the City of San Mateo, or the Constitution or laws of the State of California, these Commission Rules and Procedures ("Rules") shall be in effect upon adoption of the Council.

### 3. Authority of Each Board / Commission

The authority of the City of San Mateo's Boards and Commissions are described in the San Mateo City Charter Article VI, as well as its Municipal Code Title 2 Administration and Personnel in Chapters 2.15, 2.21, 2.24, 2.26, 2.27, 2.28, 2.29 and 2.57.

#### A. Library Board:

The Library Board oversees the Library department's policies and accepts in the name of the City money, personal and real property donated for Library purposes.

#### B. Personnel Board:

The Personnel Board hears appeals submitted by any person in the competitive service relative to any disciplinary action, dismissal, demotion, charge of discrimination, or alleged violation of [municipal code chapter](#) 2.57, and to certify its findings and recommendations as provided in the personnel system rules.

#### C. Community Relations Commission (CRC):

The CRC addresses a broad spectrum of social issues and related policy and provides oversight for Federal grant programs that implement public services, housing, and community development programs. It is also the hearing and appeals board for Code Enforcement related cases.

#### D. Park & Recreation Commission:

The Park and Recreation Commission makes recommendations to the City Council on acquisition, development, beautification and maintenance of public parks, landscape resources, public recreation facilities, budget, and programs of park and recreation activities.

#### E. Planning Commission:

The Planning Commission hears requests and makes decisions and recommendations on land use projects. This body also recommends policy changes to the City Council.

#### F. Senior Advisory Commission:

The Senior Advisory Commission encourages, fosters, and facilitates programs for the enhancement of all matters relating to the social, economic, and personal well-being of the senior population.

G. Sustainability and Infrastructure Commission

The Sustainability and Infrastructure Commission was established in 2018, consolidating the Public Works Commission and Sustainability Commission into one commission. It is the duty of the Sustainability and Infrastructure Commission to advise on policies and programs related to environmental sustainability, transportation and infrastructure.

H. Investment Advisory Committee (IAC):

The IAC serves as an administrative advisory committee to the City Manager. The IAC provides added insight and an independent perspective on the City's investment policies and practices.

I. Youth Activity Council (YAC):

The Youth Activity Council provides experiences and opportunities for the youth and young adult population by: providing safe and enjoyable activities; creating community through special events; enhancing leadership and decision-making skills; providing service learning experiences; practicing civic participation and empowering our youth's voice with our decision makers.

4. Rosenberg's Rules of Order

To the extent these Rules do not address an issue of parliamentary procedure for legislative body meetings, Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century shall apply.

## **Chapter 3.     Governance Principles**

In alignment with the City Council governance principles, each Board and Commission acts as a body, not as individuals. Commissioners understand and acknowledge the City is run on a Council-Manager form of governance and will respect professional staff's role and the City Manager as leader of the City organization's operations. Commissioners should be aware of and mindful of the impact of requests on limited staff resources.

## Chapter 4. Duties

### 1. Duties of the Chair

- A. All City commissions elect a presiding officer, known as a chairperson for a one-year period.
- B. The Chair sets the tone for the entire meeting.
- C. To conduct meetings of the Commission as its chairperson efficiently:
  - 1. Ensure that consideration of items on the agenda move along without delay.
  - 2. Ensure that petitioners, proponents, and opponents are heard but not allowed to disrupt the meeting.
  - 3. Ensure that decorum and civility is maintained during the meeting.
  - 4. In presiding over matters where the public has provided comment or testimony and/or raised questions, the Chair should:
    - a. At the end of the public comment period, restate, if any, relevant questions from the public.
    - b. Direct questions or comments requiring a response to staff for a response.
    - c. Ensure that staff and members of the public direct their comments to the chair and commission members.
    - d. Help keep Commissioner comments and questions relevant to the matter being considered by the Commission, and schedule non-agenda topics for subsequent meetings, where necessary and if agreed upon by the Commission during Reports and Announcements.
    - e. If necessary, consider calling for a brief recess if the orderly conduct of the meeting is being disrupted.
    - f. Ensure that the decision and vote of the Commission on all subjects is announced. This may occur with the assistance of the City Clerk, Staff Liaison or commission clerk.
  - 5. To ensure that each member of the Commission is provided an opportunity to completely express their views on items of business, the Chair should:

- a. Actively seek commission member comments and ensure that Commissioners ask to be recognized by the Chair before speaking to maintain an orderly process on the dais.
- b. Make sure that each commission member has had a first chance at providing comments, before allowing another commission to make additional statements – unless they are asked to clarify their prior statement.
- c. Ensure that each commission member is given the opportunity to fully express their views.

D. To correspond on behalf of the Commission, provided that opinions expressed on behalf of the Commission or City Government are consistent with the consensus of the Commission.

E. Nothing under the Chair's duties shall limit any individual Commissioner's ability to interact with members of the public.

## 2. Duties of Vice Chair

In the absence of the Chair from the Commission meeting, the Vice Chair shall possess all powers of the Chair and be subject to all prescribed duties for that position.

## 3. Duties of Commissioners

- A. Arrive on time for all Commission meetings.
- B. Review all meeting materials in preparation for Commission meetings, and direct questions to staff (before meetings, whenever practical) if any item is unclear or clarification is needed.
- C. Alert staff in advance of the meeting whenever possible if an item is intended to be pulled off of the Consent Calendar or introduced under Reports and Announcements for future Commission consideration.
- D. It is the responsibility of all members to assist the Chair in running an efficient and effective meeting by assisting with the orderly disposition of items, helping ensure all members are heard, participating fully in meaningful discussion and deliberation, keeping comments succinct, concise, civil and germane, and limiting repetitive comments. Commissioners are encouraged to hold their colleagues accountable for following these rules and do all in their power to contribute to the smooth running of a meeting for the community.
- E. All commission members are asked to alert the staff commission liaison when receiving media inquiries.

- F. It is expected that Commissioners will attend all meetings. If a commissioner is absent for three consecutive meetings or for 15% of scheduled meetings annually, the City Clerk will notify Council who may take action to vacate the seat. The Commissioner is expected to notify the Staff Liaison or Staff Admin if they are unable to attend a meeting.
- G. For Planning Commissioners, make every effort to participate in the California League of Cities Planning Commissioner Academy during the first year as a Commissioner, and every other year thereafter.
- H. Read, and use as a primary reference, the Institute for Local Government's Planning Commission Handbook.

4. Duties of Staff Liaison

- A. The liaison, an assigned City staff person, has the following responsibilities:
  1. Create meeting schedules.
  2. Prepare meeting agendas and Agenda Reports.
  3. Notify the City Clerk of attendance problems, resignations, and members' change of contact information.
  4. Ensure that sufficient research and analysis has been performed by staff to allow an informed decision by the Commission.
  5. Help facilitate and advise the Chair on meeting management.
  6. Ensure that all affected departments have an opportunity for input before bringing an item forward for commission consideration.
  7. For the Planning Commission, arrange an annual joint meeting with the City Council.
- B. The Staff Liaison, along with the City Clerk, is responsible for ensuring that appointed board/commission members are oriented about policies and procedures as they relate to the body.
- C. All communications addressed to a specific Board or Commission are received by the staff liaison, or their designee, and relayed to the appointed body.

## 5. Duties of Administrative Staff

Each commission also has an administrative staff person (Staff Admin), who works with the Staff Liaison, to support the body. Their responsibilities are to:

- A. Provide oversight of agenda preparation and its delivery to the full Commission and to the public.
- B. Ensure that meeting materials--including a sufficient number of agendas, universal speaker slips, and at least one binder of all related reports being presented at that meeting--are available for the public to examine at the meeting.
- C. Produce the action minutes for each meeting.
- D. Provide annually a record of attendance of each commissioner to the City Clerk.

## 6. Duties of Council Liaison

- A. Every year the Mayor will appoint Council Members to serve as liaisons to the City's Boards and Commissions.
- B. Council Members act as an advisor and resource to Commissioners and the commission's Staff Liaison when issues regarding process, procedure, interpersonal or public relations arise. Commissioners are also welcome to approach the Council Liaison for support or if they have any concerns. Council Members should refrain from participation at Board and Commission meetings to avoid influencing the outcome of those meetings.

## **Chapter 5. Selection of Chair and Vice Chair**

1. Commission reorganization, including rotation of the roles of the Chair and Vice Chair, occurs annually at the meeting as close as possible to June 10<sup>th</sup> of each year. The results of the vote should be publicly announced; and the vote recorded in the minutes.
2. Nomination of commissioners to serve as Chair and Vice Chair for the coming year can be made by any of the current commissioners in attendance.
3. The Chair and Vice Chair are elected by a majority of the commission for a one-year term and hold office until their successors are elected or until their terms as members of the commission expire.
4. The normal convention is a rotation from Vice Chair to Chair. Deviation from this normal convention should be extremely rare and must be accompanied by stated justification by the Commissioner making a nomination that does not conform to the normal convention.
5. The City Council believes that experience as a Commissioner will assist those who are selected to serve as Chair or Vice Chair, and that it is in everyone's best interest that candidates have experience in cycles of governing to acclimate themselves to the jobs, tasks, and roles of the Commission.

## Chapter 6. Commissioner Conduct

1. Members are committed to governing for all, striving to avoid any appearance of impropriety, and running our meetings with civility, decorum, and respect. With that spirit, Members shall:
  - A. Govern as a body. If we work together well as a team, our City will excel.
  - B. Treat all with dignity, courtesy, and respect. This includes staff, each other, or members of the public, on and off the dais.
  - C. Keep confidential matters confidential.
  - D. Respect process and roles. This includes avoiding interruptions and distractions.
  - E. Agree to disagree in a respectful manner. We focus on the issue not the person.
  - F. Keep our comments clear, concise, and on-topic. This respects our colleagues', the public's, and staffs' time.
  - G. Give each other a chance to speak. Everyone gets to speak before another of us speaks for a second time. We refrain from dominating the discussion.
  - H. The Chair normally speaks last. After other members of the Commission have offered their opinions, the Chair speaks. The Chair can speak after each round of speaking by Members.
  - I. Be mindful of the impact of our words and tone. We consider this as we address each other, staff, and the public.
  - J. Promote discussion and resolution. We present problems and issues in that way.
  - K. Follow the agenda. We begin and end meetings on time.
  - L. Respect the City Charter, rule of law, and decisions once made. We do not attempt to undermine decisions.
  - M. Speak for the City only when specifically authorized (see Chapter 10, Communication, sections regarding “Speaking for the City” and “Speaking as an Individual”).
  - N. Practice a “no surprises” rule. We give a heads up to the Commission staff liaison, and City Attorney’s Office representative (if applicable) out of respect and teamwork.

- O. Practice the principles of inclusivity and self-awareness to guard against implicit bias in our actions and decisions.
- P. Adhere to all federal, state, and local laws in the performance of their public duties, including conflict-of-interest laws.
- Q. Not engage in discussion with a member of the public during the meeting.<sup>1</sup>
- R. Determine whether to schedule a future agenda item for discussion and/or action, during Reports and Announcements, when non-agenda items are raised in the course of the meeting.
- S. Meet with the Council liaison to the Commission when requested.
- T. Pay close attention the meeting and limit the use of electronic devices while on the dais, except as necessary to access agenda materials or respond to urgent personal matters.
- U. When acting in a quasi-judicial capacity: keep an open mind, do not rush to pre-judge any matter, and be fair and neutral towards all concerned parties. This applies to statements that are verbal and written, including posts on social media. At the beginning of the hearing, disclose any ex parte communications (oral or written communications from one party outside of the hearing) and describe the nature and substance of the communication.

2. Commissioners may not be employed by the City or provide services under a contract with the City. Commissioners may not volunteer in the operations arm of the department their commission is affiliated with, without Department Head approval. However, Commissioners are encouraged to volunteer for city events, put on by any City department, or volunteer in any capacity in other City departments. Commissioners enhance their presence in the community by volunteering with local non-profits or assisting with community events and serving on special committees.
3. Commissioners are subject to all the provisions of the City's *Harassment and Discrimination Policy* (#301).
4. Commissioners shall complete ethics training at least once every two years, beginning with calendar year 2025.
5. Enforcement.
  - A. Where a Commissioner is allegedly not following the rules set forth in this Chapter ("Code of Conduct"), any concerned Council member is encouraged to resolve the

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<sup>1</sup> Items Q-T are included within the existing Commissioner Conduct chapter and do not overlap with the new conduct. Staff recommends retaining items Q-T for this reason.

matter on an informal basis through direct conversations, or by referral to the Mayor or Council Liaison to the Commission to privately counsel the subject Commissioner.

- B. If the offense(s) continue, or if warranted due to the serious nature of an initial violation, two Council members may file a complaint regarding the conduct of a Commissioner for an alleged violation of the Code of Conduct. The complaint shall be in writing and filed with the City Clerk, with a copy to the City Manager and City Attorney. A copy of the complaint shall be promptly provided to the Council and to the Commissioner. The City Clerk shall place the complaint on the next available City Council agenda for initial consideration. The Commissioner who is the subject of the complaint may include a written response to be included with the agenda packet or may verbally address the complaint at the Council meeting, or both.
- C. At the meeting where the complaint is considered, a Council majority (3 votes) shall decide whether to (1) take no action, (2) reprimand the subject Commissioner and require them to promptly take ethics training (in addition to any training required by law), or (3) schedule the matter for a future hearing to consider a formal resolution of censure, revoke seniority, and/or restrict payment of expenses such as for official travel. Alternatively, the Council may direct the City Manager or City Attorney to investigate the matter, or to engage a third party to do so, and bring it back to the Council following completion of the investigation.
- D. If a Council majority (3 votes) directs the scheduling of a hearing, it should also appoint one or two Council members to draft a censure resolution to be included with the agenda packet. At the hearing, the Commissioner who is the subject of the complaint shall have the opportunity to rebut the allegations in the report either themselves or through a representative. The formal rules of evidence shall not apply, and the hearing shall be generally informal.
- E. At the close of the hearing, a Council majority (3 votes) shall decide whether to (1) take no action, (2) issue a reprimand and require the Commissioner to promptly take ethics training (beyond what is required by law), or (3) adopt a censure resolution, revoke seniority, and/or restrict payment of expenses such as for official travel. Any action taken by the Council is final and is not subject to appeal or reconsideration.

## Chapter 7. Meetings

1. All Commission decisions must be taken at Commission meetings only after hearing the presentation, project applicants, and hearing all public comments/testimony, then only under Commission discussion with colleagues should Commission Members opinions be shared, and deliberations engaged in before making any decision or taking action.
2. No business may be transacted by the commission at a regular or special meeting unless a quorum of the membership is present (50% plus one of those currently appointed).
3. Commission Meeting Dates
  - A. If at any time any regular meeting of the Commission falls on a holiday or if it is known that a quorum will not be available, the meeting may be rescheduled to the earliest convenient time.
  - B. The Boards and Commissions shall adopt a schedule of quarterly or more frequent meetings on an annual basis, which become the regular meeting dates.
  - C. Regular meeting dates may be amended with the approval of the Commission.
4. Types of Meetings
  - A. **Regular Meetings** are those identified in the adopted meeting schedule. Regular meetings are agendized and posted at least 72 hours in advance of the meeting.
  - B. **Special Meetings** are called at a non-regular meeting date and time. They are called by the Chair or Commission with a minimum of 24 hours' notice, versus 72 hours' notice for regular meetings.
  - C. **Study Sessions** are special meetings that are held for the purpose of providing information to the Commission, particularly on issues that are more complex or more time-consuming than matters typically scheduled on regular Commission meetings. At study sessions Commissioners may collectively provide direction to City staff, or to an applicant in the case of the Planning Commission. Typically, no action is taken at the study sessions, but direction may be given.
  - D. **Closed Sessions** at the commission level would be very rare and would only occur at the direction of the City Attorney. The procedures for the conduct of the closed sessions shall be the same as those for open session meetings, except that the public, after allowance for public comment, will be excluded.
  - E. **Emergency Meetings** are allowed per the Ralph M. 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. **Adjourned Meetings due to Power Outages** In the event that the location of meeting loses electrical power or suffers an internet connection outage not corrected within 15 minutes, the meeting may be adjourned to a date certain. Any items noticed as public hearings will be continued to the next regularly scheduled meeting of the Commission. Any other agenda items the Commission has not taken action on will be placed on a future agenda.

5. Voting

A motion, second, and a majority vote of the Commission shall be required for any formal action of Commission. If the meeting is virtual, or any member is teleconferencing in, the vote must be taken by roll call vote.

6. The Chair, with the approval of a majority of the Commission, can change the order of hearing of items on the agenda. Staff may make suggestions on the order due to practical and logistical issues.

7. Public Participation

- A. All members of the public are encouraged and invited to participate in the legislative process of the City's Boards and Commissions, for example by submission of comments before the meeting or speaking in person, or virtually when offered, at the scheduled meeting.
- B. It is the intent of these rules to allow everyone to be heard without fear of cheers or jeers that may discourage public participation. For these reasons, these rules are taken seriously. Disruptive or unruly behavior can result in removal from the Commission meeting to the extent allowed by state law. The presiding member of a legislative body may remove an individual for disrupting a meeting after the individual first receives a warning yet continues the disruptive behavior. The legislative body may also decide to clear the room if interruptions render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of disruptive individual(s) alone.
- C. Public meetings are considered a limited public forum in which the speaker must stay on-topic if speaking to a particular agenda item. If speaking during general public comment, they must address matters within the subject matter jurisdiction of the City. If speakers fail to follow these rules, they will be warned, and if they continue to disregard the rules, their opportunity to speak will be ended.
- D. The Chair may, at their discretion with commission concurrence, limit the amount of time allotted to speakers when needed, per the following time limits.
- E. Generally, time Limits for public comment are dependent on the number of speakers:

1. Individual Speakers - 3 minutes
  - a. between 1 -10: 3 minutes
  - b. between 11-20: 2 minutes
  - c. over 21 speakers: 1 minute
2. Organized group (in lieu of individual speakers) – up to five (5) minutes for a group presentation,, with as many speakers as can be accommodated within the time allowance. To qualify for a group presentation, all individuals associated with the presentation must be clearly identified and confirmed as in attendance at the meeting.
3. Yielding of Time. To ensure that all persons have an ample opportunity to be heard, all speakers will be recognized for the same amount of time. No speaker will be allowed to yield all or part of their time to another, and no speaker will be credited with time requested but not used by another.
4. The Chair shall manage public comments such that no individual speaker is allotted a disproportionate amount of time.

F. In-person members of the public are invited to speak at the lectern microphone, whenever available, to ensure all attendees can hear and so that the recording can be captured.

G. **Presentation Materials** – Videos, slide shows, and other visual materials may be used during public comment or group presentations, provided they do not exceed the allotted speaking time. Any content still in progress when the time expires will be stopped. All presentation materials must be submitted for review – both for technical compatibility and relevance to subject matter or city business – no later than one (1) business day before the meeting.

H. Individuals who wish to speak in-person should submit a speaker card to the commission's Staff Admin for in-person meetings. For remote meetings conducted virtually, the raise the hand feature is used and managed by the Staff Admin. The Staff Admin will announce the last opportunity to submit forms or raise hands and announce when the time has closed for public comment on any particular item.

I. Commissioners should be careful to not engage in back-and-forth questions or discussion with public speakers. If a member of the public raises a question, the Chair should invite staff (or an applicant before the Planning Commission) to respond to any questions raised at the end of the public comment period.

8. Agendized Discussion Items (Public Hearings, New Business, Old Business)

- A. Staff / applicant presentation
- B. Open public hearing (or public comment section) for testimony
- C. Close public hearing (or public comment section)
- D. Response by staff to public questions/concerns (or by an applicant before the Planning Commission), if warranted
- E. Council questions to applicant and/or staff.
- F. Commission discussion and deliberation.
- G. Commission votes.

9. Appeals

- A. Appeals are public hearings and will follow the order stated above with the following time allocations:
  1. Appellant – 15 minutes
  2. Applicant (if not the Appellant) – 15 minutes
  3. Individual Speakers – as outlined in Section 7(E)1 above.
  4. Rebuttal (Applies to Appellant and Applicant) – 5 minutes each.
  5. Clarification (Staff may offer explanation or clarification for the testimony)
  6. If the appellant is also the applicant, only one 15-minute presentation is allowed.
- B. Any person that addressed the Commission during one of the fifteen-minute periods may not speak again during the public comment period for individual speakers on the appeal.

10. Items Considered after 11:00 p.m.

11. At 11 pm, in order to ensure effective discourse on an item, the Commission will determine with a majority vote on whether to continue with an item or take up any unheard items.

12. Action Minutes

- A. The City Council and all of its Boards and Commissions shall use Action Minutes to record the decisions of the body.
- B. Action Minutes contain very little, if any, narrative content and do not capture details of public comments, or Commissioner comments, questions, and opinions. The staff is responsible for producing the minutes. Commissioners may request correction only of factual errors when presented with the draft minutes. No supplemental materials may be appended to minutes.
- C. Motions and votes are shown in the record, whenever applicable.
- D. Media (audio/video) recordings will be used to provide a verbatim record of meetings and are kept as identified in the City's Records Retention Schedule.

13. Conflict of Interest

- A. The Political Reform Act (PRA), implemented and enforced by the Fair Political Practices Commission (FPPC), controls financial conflicts of interest.
- B. The other applicable law is Government Code §1090, which applies only to City contracts in which a public official has a financial interest.
- C. Whenever it appears to a Commissioner that they may have a prohibited financial interest in any City contract, or an item that may be presented to the Commission, the Commissioner should consult with the City Attorney at the earliest opportunity for advice on whether a disqualifying conflict of interest exists.
- D. If the City Attorney is consulted on such a matter, the City Attorney shall provide their advice in writing, and shall provide a copy of their opinion to the Commission, the City Council, the City Manager, the affiliated Department Head, and the Staff Liaison.
- E. With full consideration of the City Attorney's advice, it is up to each individual Council Member to decide for themselves whether there is a conflict of interest.
- F. A member shall not vote upon or participate in any matter on which they have a conflict of interest.
- G. A member shall openly state the reason for their conflict of interest.
- H. A member who is disqualified by a conflict of interest shall recuse themselves from the dais and leave the room unless it is during the Consent Calendar

## **Chapter 8. Meeting Agendas**

### **1. Agenda Order**

Commission agendas will be prepared by the Staff Liaison to the commission and presented to the Commission in the order described below, except where the Staff Liaison determines that a different order is appropriate under the circumstances

#### **A. Opening**

1. Pledge of Allegiance
2. Roll Call

#### **B. Consent Calendar**

All matters listed under the Consent Calendar are considered by the Commission to be routine and will be enacted by one motion without discussion. If discussion is desired, that item may be removed by a Commission member and considered separately. Members of the public may speak to any Consent Calendar item without the item being pulled.

#### **C. Public Comment**

Members of the public wishing to comment on any item not appearing on the agenda may address the Commission at this time. State law prevents Commissions from taking action on any matter not on the agenda. Comments may be referred to staff for follow-up. Public comment is limited to a total of 15 minutes; however, an opportunity for additional public comment will be provided later in the agenda, if needed. Timing is per Chapter 7(E)1 of these Rules.

#### **D. Public Hearing**

Duly noticed hearings as mandated by local, state, or federal law, providing an opportunity for public review and comment of a proposed action by the Commission.

#### **E. Old Business**

Non-routine items that have been presented before that require further oral presentation and/or discussion before action is taken.

#### **F. New Business**

Non-routine items requiring an oral presentation and discussion before action is taken.

G. Reports and Announcements

Commissioners provide an update on any meetings they attended in their commissioner role and Commissioners may make individual requests to schedule future items for consideration. Commissioners should notify the Staff Liaison in advance if they intend to make such a request. A majority vote of the Commission is required to place a request on a future agenda.

H. Additional Public Comment (if needed)

I. Adjourn

2. Agenda Item Submission

A. The Staff Liaison coordinates all agenda items for consideration on a given agenda. In order to ensure that each item for discussion has been thoroughly analyzed in advance, an Agenda Report shall be prepared.

1. The preparation of Agenda Reports applies to all Boards and Commissions in order to ensure:

- a. The Board or Commission has all the information needed to make a well-informed decision; and
- b. Any action is fully transparent to the public.

2. Agenda Reports shall be part of the public agenda packet issued prior to the meeting. Copies of the agenda, Agenda Reports and supporting materials shall be made available to the public at the meeting.

B. A Commissioner may request an item be considered on a future agenda and, upon a majority vote of the Commission, staff will prepare an Agenda Report and agendize the item for a future meeting. Before the vote, staff will provide information, if available, on how much staff time would be required to produce the Agenda Report.

C. Members of the Public

1. A member of the public may request Commission action in the following ways:

- a. Write a letter or email to the Commission.
- b. Speak during the Public Comment period at a Board / Commission meeting.

2. The first response is for the staff liaison to address concerns raised directly outside the meeting regarding the issue.
3. If a majority of the Commission agrees, the item will be agendized at a future meeting.

## **Chapter 9. Financial Matters**

1. All Commissioners serve as volunteers without compensation or a stipend.
2. Commissioner Expense Reimbursement Policy

It is rare that a Commissioner would need reimbursement, but in the event that they do, the following policy shall apply:

- A. Authorized Expenses
  1. City funds, equipment, supplies, titles, and staff time must only be used for authorized city business.
  2. Expenses incurred while attending educational seminars designed to improve officials' skill and information levels are permitted with pre-approval from the affiliated Department Head.
  3. All other expenses require prior approval by the City Council.
  4. The City will not reimburse the following expenses:
    - a. The personal portion of any trip.
    - b. Political contributions or events.
    - c. Family expenses, including partner's expenses when accompanying official on agency-related business.
    - d. Entertainment expenses, such as movies, sporting events, or cultural events.
    - e. Non-mileage personal automobile expenses, including repairs, citations, insurance or gasoline.

### **B. Cost Control**

To conserve City resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. If expenses are incurred that exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within these guidelines.

#### **1. Airfare**

Airfares that are equal to or less than those available through the League of California Cities, the California State Association of Counties and the State

of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. If no discounted airfare is available through these entities, then the most reasonable and economical airfare possible.

2. Airport Parking

Long-term parking must be used for travel exceeding 24 hours.

3. Automobile

Mileage shall be reimbursed at IRS rates presently in effect (see [www.irs.gov](http://www.irs.gov)). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses. In addition, drivers may be reimbursed for bridge and road tolls. For rental vehicles, only receipted fuel expenses will be reimbursed.

4. Car Rental

Rental rates that are equal or less than those available through the State of California's website [Car Rental Resources for State Travel](#) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.

5. Conferences/Meetings

If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, rates that are equal to or less than the group rate at the host hotel are presumed to be reasonable and reimbursable for purposes of this policy.

6. Internet

Officials will be reimbursed for Internet access connection and/or usage fees away from home, if Internet access is necessary for City business.

7. Lodging

Commissioners are expected to select the most cost-effective and logical lodging available, including utilizing the lodging at the conference/training site, if available. If there is not specific lodging associated with the official City business, the City shall pay for actual lodging expenses up to the United States General Services Administration (GSA) maximum rate allowed by location (<http://www.gsa.gov/portal/content/104877>). This

maximum applies to the room rate only and does not include any taxes or fees. Government rates for lodging are often available and should be sought. The City will pay only for standard single rooms, including taxes and fees, for individual Council members, and any additional nonbusiness expenses incurred will be paid by the Council member.

8. Meals

The City will pay for a Commissioner's meals during authorized, required travel up to the per diem amount ([Per Diem Rates | GSA](#)). If meals are included in the cost of a conference or training, the City will not pay for a meal that a Commissioner elects to purchase from another source. Unlike lodging, using the per diem methodology for meals that is limited to the GSA amount eliminates the need for employees to submit receipts. Thus, the Commissioner only needs to report the per diem amounts in the expense report, but not the actual receipts. This only applies to meals, as all other travel expenses require a receipt to substantiate the purchase.

When the meal function is an organized event, the official shall be reimbursed the amount being charged by the event organizer for the meal. The City will not pay for alcohol/personal bar expenses.

9. Taxis/Shuttles

Taxis or shuttle fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline, and parking combined, or when such transportation is necessary for time-efficiency.

10. Telephone/Fax/Cellular

Officials will be reimbursed for actual telephone and fax expenses incurred on City business. Telephone bills should identify which calls were made on City business.

11. Transportation

Officials traveling on City business shall use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, using the most direct, time-efficient route. Government and group rates must be used when available.

C. Expense Reports

1. Expense reimbursement requests must be submitted on an expense report form provided by the City. Reports must document how the expenditure met the requirements of this policy.
2. Expense reports must be submitted within 30 days of an expense being incurred; and must be accompanied by receipts documenting each expense.
3. Expense reports are a public record.

D. Audits of Expenses

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

E. Reports on Meetings

Each official shall briefly give an oral report on any Brown Act meetings they attended for which they receive expense reimbursement at their next City Council, Board, or Commission meeting.

F. Violation of this Policy

Under state law, use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to the City, 3) the agency's reporting the expenses as income to the official to state and federal tax authorities, 4) civil penalties of up to \$1,000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.

## Chapter 10. Communication

### 1. All communications are public records.

All letters, memoranda, email, texts and other platform writing communications involving members of boards, commissions, committees and task forces, the subject of which relate to the conduct of government or the performance of any governmental function, with a few exceptions as outlined in the Public Records Act, are public records.

### 2. The City Council, in adopting this policy, does not waive attorney-client privilege or any other privilege associated with a closed session authorized under the Ralph M. Brown Act.

### 3. Ralph M. Brown Act

Each Commissioner should be mindful of all the requirements of the Brown Act in communicating with each other.

### 4. Correspondence

A. After the Commission has taken a position on an issue, official correspondence should reflect this position. While Commissioners who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official Board or Commission title, and staff support should not be utilized.

B. City letterhead, logo, insignia and brand, as well as, staff support cannot be utilized for personal or political purposes.

C. Generally, correspondence relating to a specific Commission agenda item shall be distributed with the agenda report; correspondence received after the publication of agenda packet will be compiled and distributed to the Commission prior to the meeting (known as a Dais packet). This additional correspondence is appended to the Agenda Report as public comment on the public meeting portal and in the records repository permanent record. Any further correspondence received between posting of the Dais packet and until the end of when the item is heard, will also be appended to the Agenda report as supplemental correspondence.

### 5. Electronic Communication Record Retention

A. Commissioners are issued City of San Mateo email addresses and are required to use this email for all commission related communication. The City email may not be forwarded to a personal email.

B. All emails sent and received through the City server are saved for at least three years on the City's network and are subject to the Public Records Act.

- C. Communication on social media sites are saved for at least two years.
- D. Text messages sent on any City-provided device are saved for at least two years.

## 6. Social Media Use as a Commission Member

Social media are internet-based platforms that allow for interactive communication and engagement with the public. For example, these may include (without limitation): Facebook, Twitter, Instagram, YouTube, TikTok, Snapchat, Nextdoor, blogs, etc.

The City's image as a professional organization is critical to maintaining the respect of the public, and members should use discretion when posting or communicating on social media. If Commission Members choose to maintain and use personal social media accounts to conduct City business, they must follow current federal and state regulations, as well as Council and City policies.

- A. Brown Act: Social media postings may turn into an interactive dialogue. The Brown Act has expanded to provide guidance on elected officials' use of media platforms that are free of charge and open and accessible to the public.
  - 1. Permitted Uses: You may answer questions, provide information to the public and solicit information from the public about city business; share a City post to your Council Member site; and tag other elected officials in a post.
  - 2. Prohibited Uses: A majority of the members may not use social media to discuss agency business and a member may not respond directly to any posting by another member regarding agency business including no 'likes' 'thumbs up', 'emojis' or other symbols.
- B. First Amendment. Commissioners' social media platforms can become public forums subject to First Amendment requirements. If a social media platform is 1) used for City business and 2) has interactive features that are accessible to the public without limitation, it is a public forum. The City's Social Media Policy contains rules for public participation and addresses what will constitute unacceptable content. In general, officials may not block a member of the public from their social media sites if those sites have become public forums. If unacceptable content appears on a site that has become a public forum, please consult with City staff.
- C. Public Records: Members are prohibited from deleting social media posts and related comments regarding any City-related matters to avoid violating the California Public Records Act. Social media is subject to the City's record retention schedule.

- D. Best practices: Officials should be honest and accurate when posting information or news, especially when communicating during a crisis or emergency. Any mistakes, misstatements and/or factual errors must be corrected quickly upon discovery. News of citywide importance should first be announced by the official City-affiliated accounts then can be reshared by Commissioners. Unless the member has been designated to serve as a spokesperson, members should never represent themselves as a spokesperson for the entire Commission or City. Members should be mindful of recognizing that accomplishments of the City or Commission are achieved by collective action of the entire body or organization, not by any individual commissioner.
- E. Quasi-Judicial Capacity: see Chapter 6 (Commissioner Conduct) for rules addressing the use of social media when Commissioners are acting in a quasi-judicial capacity.

## 7. Written Communications for Commission Meetings on Agenda Items

- A. The deadline for the receipt of written communications for inclusion in the agenda packet is up to 4:00 pm one week before the Commission meeting. This is to allow for adequate staff review and analysis, and to ensure public access to information; on all plans, correspondence, and other documents being heard by the Commission. Contact the Commission's Staff Liaison or Staff Admin for specifics.
- B. To be included in the addendum to the packet, items may be received up until 4 pm the day of the scheduled meeting.
- C. Materials distributed to Commissioners during the meeting shall be available for viewing by the public during the meeting if the materials were prepared by the City or a Commissioner, or at the conclusion of the meeting if prepared by another person.
- D. If a Commissioner receives materials regarding an agenda item, they shall forward it the Staff Liaison as soon as possible.

## 8. Commission - Staff Relations

- A. Commissioners may make requests of City staff through their Department Head for limited research and information. Requests that will require significant staff time, as determined by the Staff Liaison, may be referred to the full Commission and only pursued if supported by a majority of the Commission. All requests for research and information shall be made through the Staff Liaison.
- B. Commissioners are encouraged to submit their questions on agenda items to the Staff Liaison as far in advance of the meeting as possible so that staff can be prepared to respond at the Commission meeting.

- C. Clarifications or technical questions will be answered before the meeting whenever possible.
- D. Questions and all staff-prepared responses will be forwarded to all Commissioners.

9. Speaking for “the City”

Similar to written correspondence, when Commissioners are requested to speak to groups or are asked the Commission’s position on an issue, the response should reflect the position of the Commission as a whole. Of course, a member may clarify their vote on a matter by stating, for example, “While I voted against X, the Commission voted in support of it.” When representing the City at meetings or other venues, it is important that those in attendance gain an understanding of the Commission’s position rather than that of an individual member.

10. Speaking as an Individual

On occasion, Commissioners may wish to transmit correspondence on an issue upon which the Commission has yet to take a position or about an issue for which the Commission has no position. In these circumstances, members should clearly indicate in their communications that they are not speaking for the Commission or the City as a whole, but for themselves as an individual.

## Chapter 11. Boards and Commissions Selection Process

1. Refer to the San Mateo [City Charter Article VI](#) on Boards and Commissions.
2. Reappointments, Vacancies and Appointments
  - A. The City Clerk's Office manages the Boards and Commissions (hereafter referred to as "Commission" for ease of reference) application process. The process begins with the Clerk contacting members who are eligible for appointment to a second term and finding out their interest in reappointment.
  - B. The City Clerk then shares the results with each appointment subcommittee and receives direction on the need to schedule an appointment subcommittee meeting to provide direction on reappointments. The default is that currently serving Commissioners will each be interviewed for reappointment. However, if it is determined that a commissioner's performance is outstanding, or that other factors necessitate keeping them in their role, then an automatic reappointment can occur with a majority vote or majority consensus of the City Council. Any commission seat selected for re-interview means the seat will be processed as part of the full annual recruitment and the currently sitting commissioner may be interviewed along with other applicants. Commission recruitment occurs annually in the months of April and May and is managed by the City Clerk's Office. For these routine vacancies, the announcement is made approximately two months prior to the date on which the vacancy is to occur.
  - C. The City Clerk recruits for all open seats utilizing multiple avenues including advertising, the website, social media and networking lists to present qualified candidates to the Council for consideration.
  - D. The interview and selection of candidates is an open process.
  - E. The City Clerk receives the applications (ideally a minimum of three applications is sought for each vacant seat) and arranges for the appropriate sub-committee, in a noticed special meeting, to interview applicants and form their recommendation.
  - F. Commissioners, Board and committee members (hereafter referred to as "Commissioners" for ease of reference) are appointed by a majority vote of the City Council and serve staggered terms.
  - G. A City Council Appointment Subcommittee conducts the candidate interviews and makes a recommendation for Council approval. The Council will receive the full list of candidates for each opening.

- H. The Appointment Subcommittee recommendations for new and reappointed Commissioners are confirmed by Council under the Consent Calendar at regular Council meetings. A staff report summarizing the Subcommittees' recommendations will be provided to the full City Council and will include the list of all candidates reviewed by the subcommittee. The Council may adopt the recommendations as presented or pull the item for further discussion. A majority vote of the Council approves the appointees.
- I. The designated Appointment Subcommittee may establish an eligibility list for up to two applicants that will remain in effect for a six-month period.
- J. Unscheduled Vacancies
  - 1. Subject to the Maddy Act (California Government Code § 54970), if an unscheduled vacancy occurs on a commission, the Council may either appoint from the pool of applicants on file (the eligibility list if there is one available) or open up the position to new applications where the above process is followed.
  - 2. For such non-routine vacancies, the announcement for new applications is made as soon as possible in order to maintain viable memberships on the various boards and commissions.
  - 3. All appointments occur in an open public meeting.

K. Youth Activities Council (YAC) Selection Process

The YAC is not appointed directly by the City Council but through an application method administered by Parks and Recreation. High school students from all of the City's public high schools, as well as Junipero Serra High School and Nueva Upper School, are recruited for potential participation starting in the late spring of each year.

## Chapter 12. References

1. [San Mateo City Charter](#), §2.03, 2.04, 2.12, Article VI
2. [Ralph M. Brown Act](#) (California Government Code, § 54950 et seq.)
3. California Government Code, § [53234](#) et seq.
4. [San Mateo Municipal Code](#)
5. [California Public Records Act](#) (California Government Code, § 6250 et seq.)
6. [AB 1234](#) California Government Code, § 53232.3
7. [Rosenberg's Rules of Order](#)

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