

# **A GUIDE TO CITY COUNCIL COMMUNICATIONS & BUSINESS**

**INCLUDING PROCEDURES FOR PUBLIC PARTICIPATION**

Adopted: November 19, 2012

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## I. INTRODUCTION & CONTENTS

Redwood City's adopted Core Purpose is: Build a Great Community Together. One way we do this is by understanding and respecting everyone's interests. The purpose of this Guide is to ensure that there is a clear awareness of how the City conducts its business, therefore fostering full community participation. These are guidelines to help people understand what to expect and the best way to promote good communication between the Council and those wishing to speak during City Council meetings. The Mayor, as Presiding Officer, and the City Council have the discretion to modify the application of these guidelines during meetings, such as the amount of time provided for public comment, as needed to assure that the Council is able to conduct its business and to hear from speakers wishing to participate in its meetings.

## II. GENERAL MATTERS

- A. Procedural Rules. Rosenberg's Rules of Order shall serve as a general guide to procedural matters and motions but need not be strictly followed. (See [www.ca-ilg.org/sites/main/files/file-attachments/resources\\_\\_Rosenbergs\\_Rules\\_of\\_Order\\_-\\_Revised\\_2011.pdf](http://www.ca-ilg.org/sites/main/files/file-attachments/resources__Rosenbergs_Rules_of_Order_-_Revised_2011.pdf))
- B. Adjournment. City Council meetings conclude no later than 11:00 p.m. unless a 5/7 majority of the Council votes to extend the meeting to discuss specified items; any motion to extend the meeting shall include a list of the specified items to be handled. Any items not completed at a regularly scheduled Council meeting shall be continued to the next regular business meeting or by 5/7 majority vote to a specified meeting. Occasionally, the City Council may adjourn in memory of someone. Such a request is usually handled through the Mayor.
- C. Public Participation.
  1. Aspirational Goals. The City Council welcomes participation and comment on any matter within its subject matter jurisdiction. It is the City Council's intent to create and maintain an environment where people feel comfortable participating in the public process and an atmosphere of respect for all who participate in the City's public meetings. To maintain civility and respect and in order to allow the Council to complete its work in a timely manner, the Council requests that all attendees and participants show respect for every speaker regardless of their viewpoint, and to refrain from conduct that may inhibit others from addressing Council. Disrespectful conduct, such as hissing, booing, whistling, cheering, chanting, and judgmental hand gestures, are all inappropriate. The City Council also discourages profane remarks or personal attacks or insults to any member of the Council, staff, other attendees or speakers, or the general public. Accordingly, the City Council requests the cooperation of all in maintaining a meeting environment where persons can feel comfortable participating in the public process and expressing their views and opinions, and an atmosphere of respect for all.

2. Maintaining Order. The following behaviors when they cause actual disruption of a City Council meeting are prohibited, and provide grounds for the Presiding Officer to declare a speaker out of order, limit speaking time or topics, expel a person from the meeting if they refuse to cease their disruptive behavior, call for security to physically remove or arrest any persons who persist in actual disruption: creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules (including time limits), preventing or attempting to prevent others who have the floor from speaking, preventing or impeding others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, holding up in the air or waving posters, signs, flags, or banners in the audience in a way that impedes ingress or egress or disrupts the ability of other audience members to view or participate in the proceedings, or disrupts the ability of the Council to view the audience or participated in the proceedings.

3. Enforcement. Disruptive behavior as described more fully above may result in removal from a City Council meeting and/or arrest and prosecution. Any law enforcement officer on duty may serve as the Sergeant-at-Arms of the Council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order at the City Council meetings.

- D. Cooling off Period/Clearing Council Chambers. In the event one or more individuals at a Council meeting continues, after a warning by the Presiding Officer, to engage in disruptive or unruly behavior to the extent that it is preventing Council members or others from adequately participating in the meeting, the Presiding Officer may order a cooling off period and/or the Council chambers be cleared of all members of the public (with the exception of members of the press who are not participating in the disruption) or may adjourn the meeting to another time or place so that the meeting may continue uninterrupted.
- E. Council Chamber Capacity. Council Chambers attendance shall be limited to the posted seating capacity (152 people). Entrance to the City Hall will be appropriately regulated by the City Manager or designee on occasions when the Council Chamber capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the Council Chamber except to address the Council; standing in the foyer at the back of the room is acceptable so long as proper decorum is observed. Sitting on the floor shall not be permitted. The Council proceedings may be conveyed by loudspeaker to those who have been unable to enter the Council Chambers. There is also a monitor outside for people to view the proceedings.
- F. Accessibility. The city makes every reasonable effort to accommodate the needs of the disabled. Persons needing assistance should contact the City Clerk.

- G. Use of City Equipment. City equipment such as video/DVD player and projector is not available for public use during public comment for items not on the agenda due to the limited time for such items and the need for advance coordination with the City Clerk to assure compatibility with City equipment. Such equipment is generally available on a limited basis for use during presentations on agenda items such as land use matters or appeals. The speaker must make prior arrangements with the City Clerk in order to assure compatibility with the City's system, allow testing for viruses or other issues that might harm the City's equipment, and that the materials do not require more than a few minutes' preparation and set-up.
- H. Alternate Facilities for Council Meetings. The Mayor and Vice-Mayor may approve from time to time that a meeting be held at a facility other than the City Council Chambers and provide advance notice to the public.
- I. Use of City Council Chambers. The City Council Chambers are for use only by the City. By permission of the City, the Chambers may be used for City co-sponsored meetings or by other governmental agencies; to the extent it does not disrupt any City activity. In addition, upon permission of the City, the City Council chambers may be used for City Council debates during election years facilitated by a non-governmental non-partisan entity. All other uses are prohibited. Applications for use shall be made to the City Clerk.
- J. Materials after Posting of Agenda. New materials provided after the posting of the agenda are available during the meeting in the public binder on the table in the back of the City Council chambers and are posted on the City's website

### **III. PUBLIC COMMENT**

- A. These Guidelines are intended to assure that members of the public have the opportunity to speak before final action on an item and that the City Council has adequate time to complete its work as set forth on an agenda. The time frames set forth herein are meant to give people an idea of what to expect. While the total time for public comment on an agenda item or the time for individual comment may be reasonably limited to allow the Council time to complete its work, the Mayor as Presiding Officer may adjust these time frames as appropriate for any particular item or agenda to ensure that the intent of the law and of these guidelines is met.
- B. Public Comment: General Rules.
  - 1. Public comment will generally be taken in the following order and in accordance with the published agenda:
    - a. Public comment on non-agenda items and consent items.
    - b. Public comment on action items including appeals and public hearings as they are taken up under the procedures set forth herein.
  - 2. Oral communications may be used only to address items that are within the Council's subject matter jurisdiction.

3. Any person desiring to address the Council must first obtain permission of the Presiding Officer, via the use of speaker cards as outlined below.
4. Speakers shall use the microphone provided for the public and speak in a recordable tone, either personally or with assistance, if necessary.
5. All remarks should be addressed to the Council as a body and not to any individual member nor to staff or any other member of the public
6. In order to assure the opportunity for all those desiring to speak before the Council, there is no yielding of time to another speaker.
7. Speaker Cards. Speaker cards must be submitted to the City Clerk, in order to address the Council during oral communications and on any agenda matter. The speaker must identify the agenda item number and/or subject matter on which the speaker desires to comment.

Identifying information requested on the speaker cards is *optional* and is collected so that that the City can respond to speakers when appropriate after the meeting. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included on the speaker card or in any communication to the City Council, will become part of the public record.** A speaker may list his or her name on the card as “anonymous” and address as “City Resident.” The Presiding Officer will call on speakers by the name listed on the speaker card, so if a speaker lists his or her name as “anonymous” or another pseudonym, he or she should be prepared to respond to that name when called to the podium by the Presiding Officer.

8. The City Clerk will give the cards to the Presiding Officer so that the speakers may be identified an orderly way. **Once the public comment period has begun, no additional speaker cards will be collected and no additional speakers will be allowed to speak.** This is because the amount of time allotted to speakers is dependent upon the total number of speakers, as determined by the number of speaker cards submitted prior to the start of the public comment period.
9. Petitions. Petitions shall be submitted to the City Clerk and shall not be read in their entirety unless requested to do so by the Council.

C. Public Comment: Non-Agenda Matters and Consent Calendar.

1. The General Rules for all public comment apply (see above).
2. The time for public comment on this portion of the agenda is generally **fifteen (15)** minutes. Regardless of the number of speakers, a speaker shall not exceed 3 minutes but the time allotted might be less than 3 minutes when there are more than 5 speakers, at the discretion of the Presiding Officer. When there are numerous speakers, the Presiding Officer may extend the time for public comment for non-agenda and consent items.

3. Matters Not on the Agenda. The Brown Act does not allow the City Council to discuss non-agendized matters because it does not give the public adequate notice. Accordingly, the City Council is limited to asking factual and clarifying questions of staff, and when appropriate, the Council may consider placing a matter on a future agenda. In addition, it is not reasonable to expect staff to respond to any of a variety of issues on which they may or may not be prepared to respond to on a moment's notice, so the City Manager may direct staff to respond at a later time.
  4. Consent Calendar. There is generally a Consent Calendar on all regular meeting agendas which includes those matters that the City Manager, in consultation with the Mayor and Vice-Mayor, deems to be of a routine nature and will be enacted by one motion and one vote. The public may contact the person identified on the agenda prior to the Council meeting with questions about matters on the consent calendar.
- D. Public Comment: Action Items. The public may comment on each remaining item listed on the agenda for action as the item is addressed by the Council.
1. The General Rules for all public comment apply (see above).
  2. Action Items (other than appeals and public hearings). The total time for public comment on items on this part of the agenda is generally **thirty (30)** minutes. Regardless of the number of speakers, a speaker shall not exceed 3 minutes but the time for individual speakers may be less than 3 minutes when there are more than 10 speakers. The Presiding Officer may extend the time for public comment.
  3. Appeals and Public Hearings. The total time for public comment on items on this part of the agenda is generally **sixty (60)** minutes. Regardless of the number of speakers, a speaker shall not exceed 3 minutes. If there are more than twenty (20) persons wishing to comment in addition to the staff and the parties to the appeal or public hearing, the Presiding Officer may limit the public comment for all speakers to less than three (3) minutes per speaker. If there are more than twenty (20) speakers, the Presiding Officer may also extend the time for comment to ensure that every speaker has an opportunity to make public comment.

#### **IV. PROCEDURES FOR PUBLIC HEARINGS ON LAND USE AND ZONING MATTERS AND ON APPEALS**

- A. Presentation by the Party Participants. The Presiding Officer may limit the amount of time to be devoted to public presentations.
1. The General Rules for all public comment apply (see above).
  2. For public hearings for land use and zoning matters and for appeals, staff shall present its report first.
  3. If the item is not an appeal, then the applicant will have ten minutes to make a presentation followed by public comment.

4. If the item is an appeal, then time shall be provided for one representative on both sides of the appeal to make a presentation. Absent unusual circumstances in the judgment of the Presiding Officer, each side shall have **ten minutes** to make a presentation on the appeal. The appellant shall go first, then the applicant, and then individuals may make public comment.
  5. Where the appellant is the applicant, the appellant-applicant may make a **ten (10) minute** presentation after the staff report, and public comment on the matter shall follow.
  6. In case there are two or more appellants, the time allowed for presentation shall be a total of **twenty (20) minutes** divided among all appellants. In no event will an individual appellant be given less than five (5) minutes for presentation.
  7. In some cases, a designated spokesperson(s) appears on behalf of an individual or a group to present the case of the applicant or appellant. Because the applicant and/or appellant is given more time than others, applicants and appellants should not additionally speak during public comment, regardless of whether the applicant or appellant spoke or whether represented by a spokesperson, on the item so as to avoid the inequity of some parties obtaining more time than others. A party may have more than one spokesperson such as the applicant and an attorney or an attorney and an engineer, and they may all speak but within the total time allotted to that one party.
- B. Public Comment. The General Rules for all public comment apply (see above).
- C. Rules of Evidence Do Not Apply. The City Council and its subordinate agencies as well as staff are not partisans on any side of any land use dispute but are charged with making decisions in the best interests of the entire City after weighing all input, and this process is a means of addressing divergent community interests. Accordingly, the rules of evidence and other such legal procedures do not apply.
- D. Ex Parte Communications. Constituents have a reasonable expectation that they may engage their elected officials on matters of community concern such as land use matters which are often controversial. However, interested persons also have a right to know what a Council Member considers as supporting information in making certain decisions and may feel that the proceeding was not fair when a public official has ex parte communications (communications that occur outside of a public hearing) on a matter that is before or likely to come before the City Council.

The City Council wishes to balance its commitment to transparency in government and its obligation to provide a fair process. Accordingly, the following are suggested as best practices:

1. Legislative decisions. Legislative decisions relate to the City Council's law-making and policy functions, such as ordinances, zoning, and general plan amendments. The City Council may discuss pending legislative matters

freely with its constituents and the public and no disclosure of those contacts is necessary.

2. Adjudicative decisions or quasi-judicial decisions. Adjudicative or quasi-judicial decisions relate to evaluations and judgments where the City Council is charged with applying legal standards to a factual situation, such as discretionary land use entitlements. Accordingly, the procedure employed must be fair as well as accord interested parties with a meaningful opportunity to prepare and be heard. Interested parties should keep in mind that ex parte contacts with Council Members may give rise to the perception that the process was not fair if Council Members have information that other interested parties do not have, or ex parte contacts may give rise to a perception that the Council Member is biased in favor of or against a particular party. While Council Members may meet with constituents to discuss pending adjudicative decisions, it is recommended that the Council Member make a complete disclosure of such contact, as follows:
    - i. Where information of a specific nature is gathered by a member of the City Council through contacts outside the record and the information is not already on the record, the member shall disclose the contact and its substance on the record prior to the commencement of the hearing to which such contact relates.
    - ii. When a matter involves a mixture of adjudicatory and legislative decisions, ex parte contacts and communications shall be disclosed.
  3. Appeals. Once an appeal is filed, the City Council prefers to limit ex parte communications and rely on the record as presented during the hearing. In this case, the City Council members should decline to participate in any ex parte communications and may wish to avoid gathering or receiving information outside the noticed public meeting; but, to the extent such communication occurs, they should disclose this information.
  4. Hearings involving vested rights. Vested rights involve an established property interest such as revocation of a use permit. Here, the City Council's need for discourse with the public outside of a noticed meeting is less significant because the Council is not considering granting a benefit and instead is contemplating a modification or loss of an existing property interest. In this case, if such communication occurs, the Council Member who participates in ex parte communications should disclose this information.
- E. Tentative Opinions Not Prejudgment. Council Members sometimes express tentative opinions on various projects pending before them. The expression of such opinions assists interested persons and the public to address the concerns expressed and makes for a robust and far-ranging exploration of the issues raised by a project. The final decision is nonetheless based upon the entire record, after all evidence and testimony

has been considered, and such tentative opinions are a necessary part of the review process and do not constitute prejudgment of the project.

- F. Procedural Protections. Nothing in these procedures shall be construed as limiting any procedural protections that a party of the public may be entitled to by law over and above the protections of these guidelines, based upon the facts of any particular proceeding.
- G. Written Findings. On any matter for which state law or City ordinance requires the preparation of written findings, the staff report and other materials submitted on the matter will contain findings proposed for adoption by the Council. Any motion directly or impliedly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the direction provided by the Council.
- H. Absence. A Council member who is absent from any portion of a hearing conducted by the Council may vote on the matter provided that he or she has:
  - 1. watched or listened to a video broadcast or recording of the entire portion of the hearing from which he or she was absent
  - 2. examined all of the exhibits presented during the portion of the hearing from which he or she was absent
  - 3. states for the record before voting that the Council member deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.
- I. Submission of Written Materials to Council.
  - 1. Documents, comments and information may be provided to the City Council in writing subject to the following provisions:
    - a) Written documents, comments, or information may be mailed to the City Clerk or delivered to the City Clerk.
    - b) If the document, comment, or information concerns a hearing item, the sender should clearly label the material with the date of the meeting and the agenda item to which it applies.
    - c) All documents, comments, and information provided to the City become a public record including any contact information
  - 2. Pursuant to the Redwood City Municipal Code s. Chapter 1, an appellant who is filing an appeal must provide all documents upon which appellant is relying at the time he or she files the appeal.

## **V. USE OF ELECTRONIC MEDIA**

Use of Electronic Communications at Public Meetings. See Policy, "The Use of Computer Hardware during City Council, Boards, Commission, and Committee Meetings," approved by Resolution No. 15035 on July 12, 2010, and attached hereto as **Attachment 1**.

## **VI. PROCEDURES FOR CITY COUNCIL CORRESPONDENCE**

- A. City Council Use of City Letterhead. Resolution No. 13644, Adopted June 7, 1999, and entitled, "A Resolution Approving and Adopting City Council Policy Regarding Use of City Letterhead and City Logo and Rescinding Any And All Prior Such Policies," is attached hereto as **Attachment 2**.
- B. Use of Title on Candidate Endorsements and Ballot Measures.
  1. A City official can lawfully endorse a candidate for election or a ballot measure and identify themselves using their job or political title (e.g., Joe Smith, Townville Assistant City Manager or Lucy Lawful, Vice Mayor of Townville).
  2. The caveats are as follows: a) the City employee or official may not mislead the public into thinking that she other is speaking in official capacity or on behalf of the City, b) the employee or official must not use public resources such as letterhead, and c) the City employee's or official's off duty speech must not interfere with official duties.
  3. The Institute for Local Government suggests the following practice: officeholders may allow their names and titles to be used, subject to a condition that there is an asterisk by their name indicating that titles and organizational affiliations are for identification purposes only, and do not imply an endorsement by the organization itself.

## **VII. CITY COUNCIL - STAFF COMMUNICATIONS**

Requests made by individual Council Members for information or assistance will be addressed as quickly as possible under the circumstances, provided that, in the judgment of the City Manager (or the City Attorney depending on the nature of the request) the request is not of a magnitude, either in terms of workload or policy, which would require that it more appropriately be assigned to staff through the collective direction of the City Council. If the individual Council Member request goes beyond these parameters, or in the judgment of the City Manager, is not within the scope of City policies or business, the City Manager will bring the request to the full Council for consideration.

## **LIST OF ATTACHMENTS**

1. City Council Policy regarding "The Use of Computer Hardware during City Council, Boards, Commissions, and Committees Meetings," approved by Resolution No. 15035, adopted July 12, 2010.
2. City Council Policy regarding "Use of City Letterhead and City Logo" and Rescinding Any And All Prior Such Policies, approved by Resolution No. 13644, adopted June 7, 1999.

# CITY COUNCIL POLICY



EFFECTIVE: 7/12/10

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SUBJECT: THE USE OF COMPUTER HARDWARE DURING CITY COUNCIL, BOARDS, COMMISSIONS, AND COMMITTEES MEETINGS

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## PURPOSE:

This policy provides City Council, as well as the City Boards, Commissions, and Committees, utilization of computer hardware and software to receive and store agenda materials for the City Council Meetings.

## POLICY:

### A. General

1. During City Council meetings noticed and open to the public pursuant to the Brown Act, the use of computer hardware, including cell phones, Ipads, notebooks, netbooks, desktop computers, and other devices, by Council members to access the internet/intranet or receive/send email or text messages in not permitted.
2. This prohibition shall also apply to City Board, Commission, and Committee members during their respective meetings.

### B. Exceptions

1. This prohibition shall not apply to City Council subcommittees.
2. It shall not apply to email or text messages from or to family that do not address City/Redevelopment Agency business.

Approved by Resolution No. 15035 on July 12, 2010 by the City Council/Redevelopment Agency Board.

**RESOLUTION NO. 13644**

**RESOLUTION APPROVING AND ADOPTING CITY COUNCIL  
POLICY REGARDING USE OF CITY LETTERHEAD AND CITY  
LOGO AND RESCINDING ANY AND ALL PRIOR SUCH  
POLICIES**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF REDWOOD  
CITY AS FOLLOWS:**

That certain policy entitled, "City Council Policy Regarding Use of City Letterhead and City Logo," marked Exhibit "A," attached hereto, and by reference incorporated herein is hereby approved and adopted. Any and all prior such policies are hereby rescinded.

\* \* \*

Passed and adopted by the Council of the City of Redwood City at a Regular Meeting thereof held on the 7th day of June, 1999, by the following votes:

AYES, and in favor of the passage and adoption of the foregoing resolution:  
Council Members Claire, Hartnett, Ruskin and Mayor Howard

NOES: Ira, Jordan and Leipzig

ABSTAIN: None

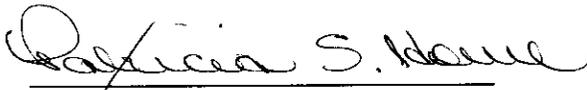
ABSENT: None



DIANE HOWARD

Mayor of the City of Redwood City

Attest:

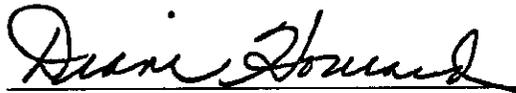


Patricia S. Howe

City Clerk of Redwood City

I hereby approve the foregoing

resolution this 8th day of June, 1999.



DIANE HOWARD

Mayor of the City of Redwood City

## CITY COUNCIL POLICY REGARDING USE OF CITY LETTERHEAD AND CITY LOGO

1. **Purpose.** The purpose of this policy is to ensure that City Letterhead and the City Logo shall be used solely for official City business. This policy shall be construed liberally to effectuate its purpose.
2. **Definitions.** For the purposes of this policy the following terms shall have the meanings respectively ascribed thereto:
  - A. **City Letterhead** – any Correspondence which is identical to, resembles, or approximates the examples attached hereto as Attachments 1 and 2 (incorporated herein) respectively; provided, that the names appearing on Attachment 1 shall correspond to Council membership current at any given time.
  - B. **City Logo** – The logo of the City of Redwood City as it appears on Attachment 1 or 2, or any resemblance or approximation thereof.
  - C. **Correspondence** – any paper, electronic communication, photostat, photograph, or other tangible object used for visual communication.
3. **Official City Council Positions.** The primary use of City Letterhead is to communicate official Council positions on matters of public concern. It is the role of the Mayor, or in the Mayor's absence, the Vice Mayor, to communicate these positions. No other Councilmember shall communicate official City Council positions utilizing City Letterhead or the City Logo, or any approximation of either, in their Correspondence.
4. **Correspondence by Individual Councilmembers Concerning City Matters.** Individual Councilmembers may use City Letterhead or the City Logo in Correspondence on all matters concerning official City business, including a Councilmember's independent opinion on any official matter. However, when using City Letterhead or the City Logo, it must be made clear that any opinion expressed by an individual Councilmember is that member's opinion only, and not the official opinion of the City or the Council as a whole.
5. **Prohibited Use of City Letterhead and Logo By a Councilmember.** Councilmembers shall not use City Letterhead or the City Logo for their own private purpose, or on behalf of private individuals or organizations. Additionally, Councilmembers shall not use City Letterhead or the Logo for purposes expressly prohibited by law.
6. **Procedures.** All Correspondence by a Councilmember using City Letterhead or the City Logo shall be prepared by the City Clerk's office whenever reasonably possible.

All such correspondence shall be filed with the City Clerk's office, and shall be distributed to the entire Council with the Council agenda documents and materials next following the date of issuance of the Correspondence.

Any Correspondence using City Letterhead or the City Logo which deals with personnel matters, or is otherwise confidential by law, shall be maintained in a confidential file by the City Clerk, and shall not be available to the public in accordance with the Public Records Act (Gov. Code § 6250, et seq.). All other Correspondence shall be made available to the public upon request in accordance with said Act.

In any particular instance, if a Councilmember is uncertain as to the applicability or interpretation of the foregoing policy, he or she shall seek the advice of the City Attorney prior to sending any proposed Correspondence on City Letterhead or bearing the City Logo.

7. **Date of Adoption.** This policy was approved and adopted on \_\_\_\_\_, 1999.

Mayor Diane Howard  
Vice Mayor Ira Ruskin

Council Members  
Richard S. Claire  
Jim Hartnett  
Jeff Ira  
Colleen M. Jordan  
Matt Leipzig



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