



## **City Council**

### **Special Meeting Agenda**

|                                |   |                       |
|--------------------------------|---|-----------------------|
| <i>Mark Turner</i>             | - | <i>Mayor</i>          |
| <i>Marilyn Librers</i>         | - | <i>Mayor Pro Tem</i>  |
| <i>Soraida Iwanaga</i>         | - | <i>Council Member</i> |
| <i>Yvonne Martínez Beltrán</i> | - | <i>Council Member</i> |
| <i>Miriam Vega</i>             | - | <i>Council Member</i> |

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**Monday, November 10, 2025**

**Facilitated City Council Session**

**8:30 a.m.**

**Community and Cultural Center  
17000 Monterey Rd, Morgan Hill, CA 95037**

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## **AMENDED AGENDA**

**Closed Session added below**

### **CALL TO ORDER**

### **ROLL CALL ATTENDANCE**

### **DECLARATION OF POSTING AGENDA**

### **OTHER BUSINESS**

#### **1. CITY COUNCIL GOVERNANCE TRAINING WORKSHOP**

Recommendation:

1. Affirm City Council's commitment to supporting and implementing governance best practices as described in the attached CP 97-01 - Rules for the Conduct of City Council Meetings, Placement of Items on the Agenda, and Matters to be Reconsidered; and

2. Consider adoption of a consolidation of the concepts contained within the adopted City Council Norms, which is retitled as the attached "Morgan Hill Approach to Public Service."

## **CLOSED SESSION**

### **Conference with Legal Counsel – Anticipated Litigation**

Significant exposure to litigation pursuant to § 54956.9(b): Number of Cases  
Unknown

### **Conference with Legal Counsel—Existing Litigation (§ 54956.9)**

Guerrero v. Encarnacion, et al., Santa Clara County Superior Court Case No. 21-CV-379735

## **OPPORTUNITY FOR PUBLIC COMMENT**

## **ADJOURN TO CLOSED SESSION**

## **ADJOURNMENT**

## **RECONVENE**

## NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

## PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item described in the notice of this meeting during consideration of that item. If you wish to address the Council on any item on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk before the City Council discussion on the item. You are not required to give your name on the speaker card to speak to the Council, but it is very helpful. When you are called, proceed to the podium, and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may request an item on the agenda for a future City Council meeting. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email [cityclerk@morganhill.ca.gov](mailto:cityclerk@morganhill.ca.gov).

## AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259 or by email at [cityclerk@morganhill.ca.gov](mailto:cityclerk@morganhill.ca.gov). Requests must be made as early as possible and at least two full business days before the start of the meeting.

# SUSTAINABLE MORGAN HILL



## Vision

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound community.

## Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.

## Strategic Priorities 2024-2025

- Fiscal Sustainability
- Affordable Housing and Homelessness
- Community Engagement
- Economic Development and Tourism
- Transportation
- Healthy Community

## City Council Ongoing Priorities

- Enhancing Public Safety and Quality of Life
- Protecting the Environment and Preserving Open Space and Agricultural Land
- Maintaining and Enhancing Infrastructure
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Diversity and Inclusiveness
- Advocating for Local, Regional, and State Legislative Initiatives

## **CITY COUNCIL STAFF REPORT**

### **MEETING DATE: November 10, 2025**

## **CITY COUNCIL GOVERNANCE TRAINING WORKSHOP**

### **RECOMMENDATION(S)**

1. Affirm City Council's commitment to supporting and implementing governance best practices as described in the attached Morgan Hill City Council Policies and Procedures (CP-97-01); and
2. Consider adoption of a consolidation of the concepts contained within the adopted City Council Norms, which is retitled as the attached "Morgan Hill Approach to Public Service."

### **COUNCIL PRIORITIES, GOALS & STRATEGIES**

#### **City Council Ongoing Priorities**

Fostering a Positive Organizational Culture

Preserving and Cultivating Public Trust

### **REPORT NARRATIVE:**

As part of the City's ongoing commitment to effective elected leadership and transparent decision-making, this workshop will provide the City Council with a governance training session focused on strengthening Council effectiveness and meeting excellence. The session will highlight industry best practices in local governance, clarify the respective roles and responsibilities of the City Council within the council-manager form of government, and review current City policies and procedures that support ethical, efficient, and well-organized Council meetings. The goal of this training is to reinforce the City Council's shared understanding of its governance role, enhance collaboration and communication between elected officials and staff, and ensure alignment with the City's mission, values, and strategic priorities.

#### **Attachments:**

1. CP 97-01 - Rules for the Conduct of City Council Meetings, Placement of Items on the Agenda, and Matters to be Reconsidered
2. CP 05-01 - Ethics Policy
3. CP 24-01 - Code of Conduct of Public Meetings in the Council Chamber and Conference Rooms
4. City Council Norms
5. Consolidated Set of Norms - "Morgan Hill Approach to Public Service"

# CITY OF MORGAN HILL

## CITY COUNCIL POLICIES AND PROCEDURES

**CP-97-01**

**SUBJECT:**                                **RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS, PLACEMENT OF ITEMS ON THE AGENDA, AND MATTERS TO BE RECONSIDERED**

**EFFECTIVE DATE:**                **May 7, 1997**

**REVISED DATE:**                **March 15, 2023, August 23, 2023, June 19, 2024**

**ORIGINATING DEPARTMENT:** **CITY MANAGER**

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### **SECTION 1 - SCOPE**

- 1.1** These rules shall establish the procedures for the conduct of all meetings of the City Council of the City of Morgan Hill. The purpose of these rules is to provide procedures consistent with the Ralph M. Brown Act, establish procedures which will be convenient for the public, be fair to all members of the City Council, and contribute to the orderly conduct of City business.

### **SECTION 2 - MEETINGS**

- 2.1** Open to Public: All meetings of the City Council, whether regular or special, shall be open to the public, unless a closed session is scheduled as authorized by law.
- 2.2** Regular Meetings: The City Council shall conduct its regular meetings at the time and place established by ordinance, if specified in the ordinance or resolution.
- 2.3** Review Status of Agenda at 9:00 p.m.: The City Council may review the agenda at 9:00 p.m. to determine if it will be able to conclude its business by 10:00 p.m. If, at 10:00 p.m., the City Council has not concluded its business, before continuing the meeting it shall review and discuss the status of the remaining agenda items and determine by majority vote whether to continue any remaining items to a future regular or special meeting, adjourn the meeting to another date and time, or extend the meeting beyond 10:00 p.m. as needed. The meeting may be extended beyond 10:00 p.m. one time. Additional extensions of time will be at the Mayor's discretion.
- 2.4** Special Meetings/Workshops: A special meeting and/or workshop may be called at any time by the Mayor or Presiding Officer of the City Council or by three members of the City Council. Written notice of any such meeting must specify the purpose of the meeting. Notice of the meeting must be made in accordance with the law.
- 2.5** Closed Sessions: The City Council may hold closed sessions during a regular or special meeting, or at any time authorized by law, to consider or hear any matter which is authorized by law. At times, Closed Sessions may have to be held in an order different than presented due to the timeliness of the matter, to save the City money when an outside attorney has been retained or due to the need for extra time to discuss and deliberate an

important closed session item. Closed session items may be continued to the conclusion of the agenda.

- 2.6 Quorum:** Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three Council members appear at a regular meeting, the Mayor, Mayor Pro Tempore in the absence of the Mayor, any member of the City Council, or in the absence of all Council members, the City Clerk or Deputy City Clerk shall adjourn the meeting to a stated day and hour.
- 2.7 Adjourned Meetings:** The City Council may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment and permitted by law.

### **SECTION 3 - POSTING NOTICE AND AGENDA**

- 3.1 Posting of Notice and Agenda:** For every regular or special meeting, the City Clerk or other authorized person, shall post a notice of the meeting specifying the time and place at which the meeting will be held and an agenda containing a brief description of all items of business to be discussed at the meeting. The notice and agenda may be combined in a single document.
- a. Posting for Regular Meetings:** For any regular meeting of the City Council, the notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting consistent with all Brown Act requirements.
  - b. Posting for Special Meetings:** For any special meetings of the City Council, the notice and agenda shall be posted no later than twenty-four (24) hours prior to the time set for the meeting consistent with all Brown Act requirements.
- 3.2 Location of Posting:** The notice and agenda shall be posted on the City's website and in a place to which the public has unrestricted access during at least normal business hours and where the notice and agenda are not likely to be removed or obscured by other posted materials.
- 3.3 Availability of the Agenda to the Public:** The agenda for any regular or special meeting shall be made available to the public as soon as is practical after delivery to the members of the City Council.

### **SECTION 4 - AGENDA CONTENTS**

- 4.1 Description of Matters:** All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description of the item and the proposed action to be considered should be set forth as clearly as practical so that members of the public will know the nature of the action under review and consideration.
- 4.2 Placement of items on the agenda:** The Mayor, City Manager, or City Attorney may place items on the agenda. Members of the City Council may request items to be added to an upcoming City Council agenda by requesting an item during the "Future Council Initiated Agenda Items" Section of the agenda. When a Future Council Initiated Agenda Item is requested, the Council Member making the request will send the City Manager a brief

summary outlining the request and any relevant background. If the requested item is not included in the current Strategic Priorities Workplan, the team will bring forward the item at a future Council Meeting within 30-45 days of the request via a brief staff report, including the brief summary provided by the requesting Council Member. At that meeting, the City Council will review the request and determine if the majority of the City Council wants the items agendaized at a future meeting for discussion.

- 4.3 Council shall not act or take a position on: Matters outside of the Morgan Hill City Council's subject matter jurisdiction, including foreign or international events. Appropriate subject matter jurisdiction includes agenda items directly related to Morgan Hill business, as well as County/regional items having a direct impact on the City (i.e. countywide emergency services or transportation).
- 4.4 Limitation to Act on Only Items on the Agenda: No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:
  - a. Upon a majority determination that an "emergency situation" (as defined by State Law) exists; and
  - b. Upon a determination by a 4/5 vote of the City Council that there is a need to take immediate action and that the need to take the action came to the attention of City officials subsequent to posting of the agenda.
- 4.5 Change in Order of Business: The Mayor or Presiding Officer may decide to take matters listed on the agenda out of the prescribed order unless a majority of members present object to this variation.
- 4.6 City Council Reports: On an alternating basis, at each Regular City Council meeting, with a time limit of three minutes, a Council Member has the opportunity to share with the Council and community any pertinent updates or information in regard to their appointments to outside agencies, upcoming events, or relevant City business. These are non-action items.
- 4.7 City Manager Report: These are updates on current City activities, reports on issues raised at previous Council meetings, or recognitions. These are non-action items.
- 4.8 City Attorney Report: These are updates on current City activities, reports on issues raised at previous Council meetings, or reportable actions of the City Council in Closed Sessions and/or current litigation. These are non-action items.
- 4.9 Other Reports: These are pertinent updates or information on upcoming activities or events relevant to City business with a time limit of one minute. These are non-action items.
- 4.10 Public Comment for items not on the agenda: This refers to those matters not scheduled on the agenda where a member of the public wants to address a matter of importance to the City Council. Since the matter is not on the agenda, no action by Council can be taken. If a member of Council so desires, the matter can be placed on the agenda of a future Council meeting for review and consideration.
- 4.11 Consent Calendar: These are items of a routine or generally uncontested nature. Any member of the Council or member of the public may request to have an item pulled from the

consent calendar and acted on individually by the Council. Items pulled will be discussed after action is taken on the balance of the consent calendar. The Mayor shall decide if the items are heard before or after moving on to public hearing and other business items.

- 4.12 Public Hearings:** These are matters that are duly noticed and published in a newspaper of general circulation and where required by law, written notice is given to the affected residents who have the opportunity to speak in favor or against a matter or ask questions about the matter.
- 4.13 Other Business:** These are other matters of City business which are not appropriately placed on the consent calendar and do not require published notices and require Council action and direction.
- 4.14 Future Business:** These are items that members of the City Council wish to discuss to potentially take action on or have placed on future agendas.

## **SECTION 5. ORDER OF BUSINESS**

- 5.1** The order of business at meetings of the City Council shall be as follows:
- a.** CALL TO ORDER
  - b.** ROLL CALL ATTENDANCE
  - c.** DECLARATION OF POSTING AGENDA
  - d.** WORKSHOP (if needed; 5:00-6:00 p.m., or as deemed appropriate)
  - e.** CLOSED SESSION (if needed; 5:00-6:00 p.m., or as deemed appropriate)
  - f.** SILENT INVOCATION
  - g.** PLEDGE OF ALLEGIANCE
  - h.** PRESENTATIONS
  - i.** PROCLAMATIONS
  - j.** RECOGNITIONS
  - k.** CITY COUNCIL REPORTS
  - l.** CITY MANAGER'S REPORT
  - m.** CITY ATTORNEY'S REPORT
  - n.** OTHER REPORTS
  - o.** PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA
  - p.** ADOPTION OF AGENDA
  - q.** CONSENT CALENDAR

- r. PUBLIC HEARINGS
- s. OTHER BUSINESS
- t. FUTURE COUNCIL INITIATED AGENDA ITEMS
- u. CLOSED SESSION
- v. ADJOURNMENT

## SECTION 6. PUBLIC COMMENT

- 6.1 Public Comment:** Persons present at meetings of the City Council may comment on individual items on the agenda at the time the items are scheduled to be heard. In addition, comments may be offered on items not on the agenda under that portion of the agenda. In accordance with State law, matters not scheduled on the agenda cannot be acted upon by the City Council, but items raised by the public during public comment may be referred to a future City Council agenda at the request of the Mayor or City Council.
- 6.2 Limitations:** The public comment period may be 3 minutes for items on the agenda or items not listed on the agenda. Speakers are called in the order the speaker cards are submitted. Project applicants or appellants will be allowed more than the designated 3 minutes in accordance with City Council Policy 03-01. Consistent with this policy, the Mayor or Presiding Officer may recall an applicant or appellant to address questions after the public comment is heard. In addition, applicants will be given time at the end of the public hearing to address any questions or comments.

The Mayor or Presiding Officer may allow speakers who wish to speak under public comment for items not on the agenda to concede a portion of their time, specifically, one speaker may concede a portion of their time to one other speaker. For all other business items, the Mayor or Presiding Officer may allow speakers more time and/or allow speakers to concede a portion of their time to a designated speaker of a group, specifically up to two speakers may concede their time to one speaker, unless a majority of the City Council objects. Speakers that wish to designate a group speaker shall notify the City Clerk before discussion on the item begins. Additionally, any speaker that concedes their time must be present at that City Council meeting. Speaker who would like to share documents or presentations may do so by submitting said document to the City Clerk by noon on the day of the City Council Meeting. Speaker may not share videos or presentations with videos embedded within them.

- 6.3 Procedure:** To address the City Council, each speaker is requested to fill out a Speaker Card and turn it in to the City Clerk before discussion on the agenda item begins. The speaker is requested to provide their name, contact information, and the subject(s) upon which the speaker wishes to address the City Council. Speakers who do not wish to provide their name should provide an alternative designation so that they can be called to speak by the City Clerk.

Public comment may be provided in writing for items on the agenda, as well as for items not on the agenda. Public comment in writing may be submitted via email to [ccpubliccomment@morganhill.ca.gov](mailto:ccpubliccomment@morganhill.ca.gov) or by mail to the City Clerk at 17575 Peak Avenue,

Morgan Hill, CA 95037. Please email your comments to the City Clerk no later than 3:00 p.m. on Tuesday (the day before the City Council meeting) for your comments to be submitted to the members of the City Council with sufficient time to review the comments. You may continue to provide written comments up to noon on Wednesday (the day of the meeting although Council Members may not have sufficient time to review them. Public comments submitted to the City Clerk after noon the day of the meeting will be provided to the City Council as time allows.

Written comments WILL NOT be read aloud during the City Council Meeting. Please note that written comments are posted on the City's website, so do not include any personal information you do not want to be posted on the web.

## **SECTION 7. PROCEDURES FOR THE CONDUCT OF MEETINGS**

### **7.1 Role of the Mayor/Presiding Officer:**

- a.** The Presiding Officer of the City Council, who shall be the Mayor or in the Mayor's absence shall be the Mayor Pro Tempore, or in their absence any other designated member of the City Council, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Presiding Officer to ensure that the rules of operation and decorum contained herein are observed. The Presiding Officer shall maintain control of communication between Council Members and between the Council, staff, and public.
- b.** Communication with Council Members:
  - 1.** Council Members should request the floor from the Presiding Officer before speaking.
  - 2.** When one member of the Council has the floor and is speaking, other Council Members shall not interrupt or otherwise disturb the speaker.
  - 3.** During both questions, when one Council Member has the floor, they are limited to 5 minutes. During discussion, the Mayor and Council Members as a whole are limited to 15 minutes. The time limit may be extended at the Mayor's discretion.
  - 4.** With the concurrence of the Mayor, a Council Member holding the floor may address a question to another Council Member. The Council Member being questioned may or may not respond while the floor is still held by the Council Member asking the question. The reply shall be limited to the question asked.
- c.** The Mayor or Presiding Officer may declare that an item within the meeting will be conducted in "workshop" format, which means that the procedures described in section 7.1B do not strictly apply. This is to allow for a more open discussion without strict formalities. The Mayor or Presiding Officer may end the workshop format for the item at his/her discretion.
- d.** Communication with Members of the Public Addressing the Council

1. The Mayor or Presiding Officer shall open the floor for public testimony as appropriate.
  2. After a witness or subject matter expert has addressed the City Council during public comment, Council members may only ask questions of witnesses or subject matter experts. Such questions should be directed to the person through the Presiding Officer unless the Presiding Officer grants the Council Member permission to directly question the person.
  3. Staff members, through the City Manager, shall be a resource to the City Council to answer questions arising during discussions between Council Members and between Council Members and members of the public. Communications in this regard shall be through the Presiding Officer.
  4. Members of the public shall direct their questions and comments through the Presiding Officer.
- 7.2 Rules of Order: The City Council adopts no specific rules of order except those listed herein. The City Council shall refer to Rosenberg's Rules of Order (available at <https://www.cacities.org/UploadedFiles/LeagueInternet/77/77d4ee2b-c0bc-4ec2-881b-42ccdbbe73c9.pdf>) as a guide for the conduct of meetings. The guideline regarding not requiring seconds for governmental bodies' motions, resolutions or ordinances is not adopted as the rule in the City. The Mayor or Presiding Officer has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the City Council members present.
- 7.3 Motions: The Mayor or any member of the City Council may bring a matter of business on the agenda before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Presiding Officer shall open the matter for full debate offering the first opportunity to debate to the moving party and, thereafter, to any Council Member recognized by the Mayor or Presiding Officer. Debate shall be closed upon consent of a majority of the Council.
- 7.4 Reconsideration: Immediately after a vote on a matter, any member of the City Council may request to have his/her vote changed on a matter before the Council moves on to the next item. Such a request will be granted by the Mayor or Presiding Officer unless a majority of the Council objects.

A matter may be reconsidered by the City Council if a member on the prevailing side of the vote requests reconsideration. Such a motion may be made at a meeting where such action is taken or at a subsequent meeting of the Council, however, nothing in this policy precludes the majority of members of the City Council from requesting reconsideration of any item.

- 7.5 Debate:
- a. The discussions and deliberations at meetings of the City Council are to secure the informed judgement of Council members on proposals submitted for decision. This

purpose is best served by the exchange of thought through discussion and debate.

Debate is regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

**b. Obtaining the Floor for Debate:**

As soon as a debatable motion has been stated to the Council by the Mayor or Presiding Officer, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by seeking recognition from the Mayor or Presiding Officer. A member who has been recognized is entitled to be heard so long as he/she observes the rules of debate.

**c. Speaking More Than Once:**

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Council member has already spoken and other members wish to speak, the latter members should be recognized in preference to the member who has already spoken. However, if no other members seek recognition, the Mayor or Presiding Officer may recognize the member who has already spoken.

**d. Relevancy of Debate:**

All discussion must be relevant to the motion before the City Council. A member is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. The Mayor or Presiding Officer should then direct the speaker to limit discussion to the question before the City Council.

A motion-its nature or consequences-may be attacked vigorously. But it is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor or Presiding Officer instantly to stop any member who engages in personal attacks. It is the motion, not its proposer, that is the subject of debate. Meetings must discuss measures and ideas, not people.

Arguments, for or against a measure, should be stated as concisely as possible.

Debate must be fundamentally impersonal. All discussion is addressed to the Mayor or Presiding Officer and must never be directed to any individual.

**e. Mayor's Duties During Debate:**

The Mayor or Presiding Officer has the responsibility of controlling and expediting debate. A Council member who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor or Presiding Officer to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

## SECTION 8. DECORUM

- 8.1 Council Members:** Members of the City Council value and recognize the importance of the trust invested to them by the public to accomplish the business of the City. Council Members shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council.
- 8.2 City Employees:** Members of City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business and professional manner towards Council Members and members of the public.
- 8.3 Public:** Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.
- 8.4 Noise in the Chamber:** Noise emanating from the audience within the Council Chamber or lobby area, which disrupts City Council meetings, shall not be permitted.
- 8.5 Sergeant-at-Arms:** The Chief of Police, or his/her designated representative shall be ex-officio Sergeant-at-Arms of the City Council.

## SECTION 9. VIOLATIONS OF PROCEDURES

- 9.1** Nothing in these policies and procedures shall invalidate a properly noticed and acted upon action of the City Council in accordance with State Law.

This policy shall remain in effect until modified by the City Council.

**APPROVED:**

DocuSigned by:  
  
9581D1D2BBAF481...  
**MARK TURNER, MAYOR**

# **CITY OF MORGAN HILL**

## **CITY COUNCIL POLICIES AND PROCEDURES**

**CP 05-01**

**SUBJECT:** ETHICS POLICY

**EFFECTIVE DATE:** APRIL 20, 2005; Amended September 7, 2005;  
Amended September 13, 2006, REVIEWED JULY 18, 07

**ORIGINATING DEPARTMENT:** CITY COUNCIL

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### **1. INTRODUCTION**

Democratic government can function properly only when the citizenry has confidence in its public officials. Once public trust is damaged, it is difficult to reestablish. As a result, a public agency may not be able to function effectively. Moreover, individual careers or reputations may be irreparably damaged. Hence, it is imperative to foster the highest standards of personal integrity and honesty in discharging public duties. Public officials should never compromise their honesty or integrity for personal gain or advancement. They should remain sensitive to the values of the public they serve.

The citizens, businesses and employees of Morgan Hill are entitled to fair and ethical local government. The ethical operation of local government therefore requires that decision-makers be independent, impartial and accountable. It is the Council's expectation that our city government will act in ways that inspire and retain the trust and confidence of the community we serve.

The City of Morgan Hill has adopted this Ethics Policy to promote the highest standards of personal and professional ethics by individuals charged with carrying on the City's business. This is a "values based" approach to ethical behavior, rather than a rules-based system. It is not intended to address all potential ethical issues which may arise, or to replace the various codes of ethics of professional associations but to supplement those codes. Ethics is a top priority for the City of Morgan Hill.

This Policy articulates values that are designed to ensure the public's confidence by requiring that:

- public officials, both elected and appointed, comply with both the letter and the spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial, and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally required to be confidential, in an atmosphere of respect and civility.

To that end, and to foster the highest standards of integrity and honesty, the City Council of the City of Morgan Hill hereby adopts this Ethics Policy.

## **2. APPLICATION**

All elected and appointed officials are required to subscribe to this Policy, understand how it applies to their specific responsibilities, and practice the core values set forth herein in their public service.

## **3. CORE VALUES**

Representatives of the City of Morgan Hill shall be *ethical*. This means they should endeavor to practice the following core values:

- a) Honesty: I am honest with my fellow elected officials, the public and others. I am prepared to make unpopular decisions when my sense of the public's best interests requires it; and I take responsibility for my actions, even when it is uncomfortable to do so. I am trustworthy.
- b) Respect. I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community. I respect others' time by coming to meetings prepared and offering observations only when I believe it will move the discussion forward. I work to gain value from diverse opinions and build consensus. I am approachable, open-minded and willing to participate in dialog and I work to convey this to others. I recognize government's responsibilities to everyone. I convey the agency's care for and commitment to its community members through my words and deeds. I am attuned to, and care about, the needs and issues of citizens, public officials and agency workers.
- c) Responsibility. I do not accept gifts, services or other special considerations because of my public position. I refrain from any action that might appear to compromise my independent judgment. I support merit-based processes for the award of public employment and public contracts. I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds).
- d) Fairness. I support the public's right to know and participate in the conduct of the public's business. I am impartial when making decisions. I make decisions based on the merits of the issue.
- e) Loyalty. I respect the confidentiality of information concerning the agency's property, personnel and affairs. When presenting my individual opinions and positions, I explicitly state that my opinions do not represent the agency's position and I will not allow the inference that they do.

4. ACCOUNTABILITY

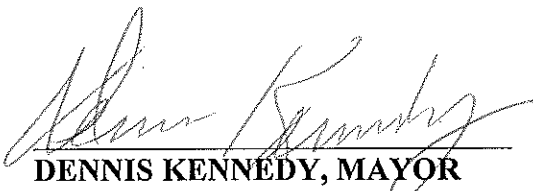
- a) On a yearly basis, on or before the due date of the submittal of the Conflict of Interest – Form 700, all persons subject to this Policy shall sign a statement affirming that they have read and understood the provisions of this Policy within the last 30 days.
- b) Violations of this Policy by commission, committee, board members and anyone appointed by the City Council in any manner, may be punishable, in the discretion of a majority of the City Council, by censure, public reproof, removal from appointed position, or, for serious violations warranting criminal charges, referral of the matter to the Santa Clara County District Attorney's Office for prosecution.

5. ANNUAL REVIEW

The Ethics Policy is to be reviewed on an annual basis.

This policy shall remain in effect until modified by the City Council.

APPROVED: \_\_\_\_\_

  
**DENNIS KENNEDY, MAYOR**

DATE: \_\_\_\_\_

9/29/06

| <b>CITY CORE VALUES</b> | <b>EXPRESSIONS OF CORE VALUES</b>                                                                                                                                                                                                                                                            | <b>POSITIVE BEHAVIORS</b>                                                                                                                                                                                                                                                                                                                                                                                               | <b>NEGATIVE BEHAVIORS</b>                                                                                                                                                                                |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Honesty                 | I am honest with my fellow elected officials, the public and others.                                                                                                                                                                                                                         | Encouraging open discussion.<br>Fully disclosing my interests in and my motivations for raising the issue.<br>Acknowledging past mistakes, and attempting to correct them.                                                                                                                                                                                                                                              | Being elusive, indirect.<br>Misrepresenting the motives behind my decision.                                                                                                                              |
| Integrity               | I am prepared to make unpopular decisions when my sense of the public's best interests requires it; and I take responsibility for my actions, even when it is uncomfortable to do so.                                                                                                        | Becoming knowledgeable of the pros and cons of all issues, and stating clearly on what basis a decision is being made.<br>Questioning the validity of the proposal or position, and being willing to challenge the status quo or the majority to ensure the proper decision is being made for the right reasons.                                                                                                        | Not attending meetings to avoid controversial votes.<br>Unwilling to oppose actions just to avoid controversy.<br>Creating "spin" explanations of mistakes.<br>Blaming or ascribing ownership to others. |
|                         | I am trustworthy                                                                                                                                                                                                                                                                             | Going out of the way to build trust.<br>Carefully considering the impact of one's actions on public confidence.<br>Actively listening with the intent of truly understanding.                                                                                                                                                                                                                                           | Not being candid.<br>Taking actions that destroy relationships.                                                                                                                                          |
| Respect                 | I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.<br>I respect others' time by coming to meetings prepared and offering observations only when I believe it will move the discussion forward. | If the proposal/issue once opposed now is presented with valid points to convince a reversal in position, acknowledging the validity.<br>Acknowledging the effort whether agree or disagree with the findings.<br>Being on-time and prepared.<br>Actively helping the meeting move forward by asking questions, rephrasing statements that are not clear, and making observations to enhance the quality of the debate. | Being rude, and ridiculing others in public and in private.<br>Ascribing bad motives to those who disagree.<br>Being unprepared.<br>Monopolizing the conversation; speak off point.                      |

| <b>CITY CORE VALUES</b> | <b>EXPRESSIONS OF CORE VALUES</b>                                                                        | <b>POSITIVE BEHAVIORS</b>                                                                                                                                                                                               | <b>NEGATIVE BEHAVIORS</b>                                                                                                                                  |
|-------------------------|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         | I work to gain value from diverse opinions and build consensus.                                          | Actively seeking out differing viewpoints and common threads.<br>Encouraging productive debate.<br>Working to craft solutions.                                                                                          | Refusing to listen/meet/talk/have dialog/interchange.<br>Being unresponsive or ignoring others.<br>Being unwilling to make concessions.                    |
| Respect (continued)     | I am approachable, open-minded and willing to participate in dialog and I work to convey this to others. | Focusing on solving problems.<br>Encouraging input and incorporating it into decisions.<br>Being accessible via all media; expressing a willingness to meet with others.                                                | Using a closed, irritated tone of voice and body language.<br>Unwilling to listen to others' opinions.                                                     |
|                         | I recognize government's responsibilities to everyone.                                                   | Actively listening.<br>Facilitating civil dialogue with all elements of the community.                                                                                                                                  | Being biased, prejudiced or arrogant.<br>Engaging in intimidating behavior.<br>Being indifferent.                                                          |
|                         | I convey the agency's care for and commitment to its community members through my words and deeds.       | Volunteering; being a visible part of the community.<br>Attending and supporting community events that reflect "commitment to community."<br>Publicly honoring those who have contributed to the good of the community. | Never being seen publicly, a "no-show."                                                                                                                    |
|                         | I am attuned to, and care about, the needs and issues of citizens, public officials and agency workers.  | Establishing citizen/customer/employee-friendly environment.<br>Being a good listener; understanding others' perspective.                                                                                               | Being unavailable.                                                                                                                                         |
| Responsibility          | I do not accept gifts, services or other special considerations because of my public position.           | Not accepting gifts which would influence my decisions.<br>Informing those who might offer gifts of the City's core value.                                                                                              | Being "in the camp of," affiliating with big bucks folks.<br>Seeking public favors for supporters.<br>Accepting special privileges for influencing others. |

| <b>CITY CORE VALUES</b> | <b>EXPRESSIONS OF CORE VALUES</b>                                                                               | <b>POSITIVE BEHAVIORS</b>                                                                                                                                                                                                | <b>NEGATIVE BEHAVIORS</b>                                                                                                                    |
|-------------------------|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
|                         | I refrain from any action that might appear to compromise my independent judgment.                              | Declaring conflicts of interest, or even the appearance thereof.                                                                                                                                                         | Leaning toward favoring supporters/friends/contributors.                                                                                     |
|                         | I support merit-based processes for the award of public employment and public contracts.                        | Keeping the public welfare/benefit foremost in consideration.<br>Ensuring that there are open competitive processes based on appropriate criteria that can be measured.                                                  | Concealing an action "because others might misunderstand."<br>Lobbying for friends for jobs and contracts.                                   |
|                         | I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) | Treating agency assets like a public trust.<br>Assuring processes are attuned to best interests of the City.                                                                                                             | "Rigging" the criteria.<br>Ignoring the consequences of requests on the time or costs imposed on colleagues, staff or city resources.        |
| <b>Fairness</b>         | I support the public's right to know and participate in the conduct of the public's business.                   | Ensuring that meetings include opportunities for all people to provide meaningful input.<br>Being proactive by supporting communication processes that inform the public and forums that encourage input.                | Discouraging public input and participation by holding meetings at inconvenient times and locations.<br>Rushing decisions.                   |
|                         | I am impartial when making decisions.                                                                           | Articulating clearly that decisions I make or support are based on the merits of the project and not on the relationships or the personalities.<br>Making decisions based on criteria that are objective and meaningful. | Not allowing everyone to speak who wishes to do so.<br>Demeaning those who disagree with you.<br>Taking care of those that take care of you. |
|                         | I make decisions based on the merits of the issue.                                                              | Researching to thoroughly understand all issues including the pros & cons of alternatives.<br>Explaining your decision thoroughly.                                                                                       | Being closed; don't listen, reject out of hand, etc.<br>Appeasing the loudest group.                                                         |

| <b>CITY CORE VALUES</b> | <b>EXPRESSIONS OF CORE VALUES</b>                                                                                                                                                 | <b>POSITIVE BEHAVIORS</b>                                                                                                                                                                                          | <b>NEGATIVE BEHAVIORS</b>                                                                                                                                                                                                                                                                                                                                           |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Loyalty                 | I respect the confidentiality of information concerning the agency's property, personnel and affairs.                                                                             | Seeking guidance when in doubt about the confidentiality of information.<br><br>Keeping commitments.<br><br>Honoring the process; respecting the procedures.<br>When change is needed, changing within the system. | Giving out information when it serves my personal purposes even if it hurts others.<br><br>Making something confidential to avoid controversy or loss of face or to cover up issues that should be public.<br><br>Using confidential information to gain credibility or to discredit others.<br><br>Divulging information to selected sources for gain or prestige. |
|                         | When presenting my individual opinions and positions, I explicitly state that my opinions do not represent the agency's position and I will not allow the inference that they do. | Declaring conflict of interest on issues or matters for which have or could have personal gain.                                                                                                                    | Speaking for the agency or any fellow body member without explicit authorization.                                                                                                                                                                                                                                                                                   |

# **CITY OF MORGAN HILL**

## **CITY COUNCIL POLICIES AND PROCEDURES**

**CP-24-01**

**SUBJECT: CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE  
COUNCIL CHAMBER AND CONFERENCE ROOMS**

**EFFECTIVE DATE: NOVEMBER 20, 2024**

**ORIGINATING DEPARTMENT: CITY ATTORNEY**

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### **PURPOSE**

The purpose of this policy is to establish rules of decorum for all attendees - members of the public, City staff, appointed, and elected officials - who are present, bringing signs or other objects to, and/or addressing the legislative or policy body at meetings held in the Council Chamber and Conference Rooms, including meetings of the City Council and Commissions. This policy is intended to facilitate the conduct of public meetings in an open and orderly manner and in an environment safe for all persons in attendance.

### **SCOPE**

This policy applies to persons attending public meetings in the Council Chamber and Conference Rooms.

### **POLICY**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

#### **1. Public Meeting Decorum:**

- a) Persons in attendance will refrain from behavior which will disrupt the public meeting. This includes any activity that disturbs, disrupts, or impedes the orderly conduct of the meeting.
- b) Persons in attendance will refrain from creating, provoking, or participating in any type of disturbance involving unwelcome physical contact.

#### **2. Signs, Objects, or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Conference Rooms, with the following restrictions:
  - i. No objects will be larger than 2 feet by 3 feet.

- ii. No sticks, posts, poles, or other such items will be attached to the signs or other symbolic materials.
- iii. The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chamber and Conference Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms, toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, sharp objects, pepper spray, and aerosol containers; and large backpacks and suitcases that contain items unrelated to the meeting.

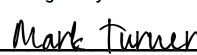
### **3. Addressing the Council or Commission:**

- a) Please see Section 6. Public Comment of City Council Policy 97-01, for information on addressing the City Council or Commission.
- b) Speakers should discuss topics related to City business on the agenda unless they are speaking during public comment for items not on the agenda.
- c) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Commissioners, or staff in conversation will not be honored. Abusive language or other behavior that disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting is inappropriate and may be cause for removal from meeting.
- d) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- e) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- f) Speakers and any other members of the public will not approach the dais at any time during the meeting without prior consent from the Chair of the meeting.

Any failure to comply with this Code of Conduct that disturbs, disrupts, or impedes the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest. The Presiding Officer and City Attorney (or their designee) are authorized to enforce this Code of Conduct to maintain a respectful and orderly environment for all participants. When appropriate, a warning shall be issued prior to any further action. Any member of the legislative body or city staff may request that a warning be issued.

This policy shall remain in effect until modified by the City Council.

**APPROVED:**

Signed by:  
  
\_\_\_\_\_  
**MARK TURNER, MAYOR**



### **City Council Norms**

Revised September 27, 2023

- ❖ Be respectful and patient with one another
- ❖ Address issue, not person
- ❖ Be honest and real
- ❖ “Clear air” if needed; have hard discussions
- ❖ Listen and think about what is being said
- ❖ Be aware of how we represent the City as leaders in the community
- ❖ Be accurate in statements
- ❖ Be open minded; avoid concluding on your position prior to the item being heard
- ❖ Be flexible and willing to compromise
- ❖ Recognize that experience comes in diverse ways
- ❖ Be mindful of time
- ❖ Be professional; keep decorum of meeting throughout
- ❖ No side conversations
- ❖ Come prepared
- ❖ Give enough time to discuss issues
- ❖ Ok to ask City Council to continue an item if not ready
- ❖ Don’t be repetitive on requests and comments
- ❖ Wait to be recognized before speaking
- ❖ Keep the order of the meeting (questions, public comment, and then discussion)
- ❖ Provide early notice of request for alternates to attend outside appointment meetings
- ❖ Speak into the microphone
- ❖ Cell phones silenced
- ❖ Be punctual
- ❖ Send questions in advance of meeting; let City Manager know if you plan to pull a consent item
- ❖ Be engaged
- ❖ Be concise
- ❖ Only leave a meeting for appropriate reasons and return from breaks in a timely manner

## **Consolidated Set of Norms**

### **“Morgan Hill Approach to Public Service”**

#### **Morgan Hill Approach to Public Service**

##### **I. Stewardship of the Public Trust (your behaviors)**

We earn and preserve the community’s trust and investment through ethical conduct, professionalism, and integrity in every action (consistent with adopted City Council Norms).

##### **II. Collaboration for Collective Impact (your contribution)**

We create greater outcomes together by valuing diverse perspectives, building alignment, and working as one team in service to the community.

##### **III. Managing the Public’s Business (your process and decisions)**

We conduct the public’s business through orderly, civil, transparent, and well-reasoned processes that ensure fairness and efficiency through City Council Policy 97-01 (Rules for the Conduct of City Council Meetings, Placement of Items on the Agenda, and Matters to be Reconsidered).