

CITY OF SAN MATEO
City Council Special Meeting
May 10, 2025
2:00 PM

Senior Center, 2645 Alameda de las
Pulgas, San Mateo, CA 94403



COUNCIL MEMBERS
Rob Newsom Jr.
Adam Loraine
Nicole Fernandez
Danielle Cwirko-Godycki
Lisa Diaz Nash

AGENDA

THIS MEETING IS BEING HELD AS AN IN-PERSON WORKSHOP. PUBLIC ATTENDANCE IS AVAILABLE IN-PERSON ONLY. PUBLIC COMMENTS MAY BE SUBMITTED IN PERSON OR IN WRITING. FOR SUBMITTING PUBLIC COMMENT SEE FURTHER DETAILS BELOW.

CALL TO ORDER

Roll Call

STUDY SESSION

The public will have an opportunity to comment during the consideration of this item.

1. Code of Conduct - Workshop

Provide feedback and direction regarding proposed amendments to the City Council Rules and Procedures to establish an enforcement mechanism for the Code of Conduct.

CEQA: This study session is not a project subject to CEQA, because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines Section 15378(b)(5).)

ADJOURNMENT

AGENDAS: Agendas and material are posted on the City's website and can be viewed at www.cityofsanmateo.org . Any supplemental material distributed to the Council after the posting of the agenda will be made part of the official record.

PUBLIC COMMENTS/REQUEST TO SPEAK

Prior to the Meeting

Send comments to: clerk@cityofsanmateo.org until 4 p.m. on Friday, May 9, 2025.

ACCESSIBILITY: In compliance with the Americans with Disabilities Act, those with disabilities requiring special accommodations to participate in this meeting may contact the City Clerk's Office at (650) 522-7040 or clerk@cityofsanmateo.org . Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



CITY OF SAN MATEO

City Hall
330 W. 20th Avenue
San Mateo CA 94403
www.cityofsanmateo.org

Agenda Report

Agenda Number: 1

Section Name: STUDY SESSION

Account Number: 10-1711

File ID: 25-9965

TO: City Council

FROM: Prasanna W. Rasiah, City Attorney

PREPARED BY: City Attorney's Office

MEETING DATE: May 10, 2025

SUBJECT: Code of Conduct

RECOMMENDATION:

Provide feedback and direction regarding proposed amendments to the City Council Rules and Procedures to establish an enforcement mechanism for the Code of Conduct.

BACKGROUND:

On February 22, 2025, the City Council held a Blue Sky workshop as the first step in its annual goal-setting process. One of the goals tentatively added was to develop a code of conduct for the City Council with measurable consequences in terms of enforcement. While this priority list has not yet been formally adopted, and applies to Fiscal Year 2025/26 starting on July 1, 2025, staff has nevertheless begun the process of drafting a proposed enforcement mechanism.

DISCUSSION:

As drafted, the City Council Rules and Procedures would modify Chapter 6, Council Member Conduct ("Code of Conduct"). A section at the end of the chapter would be added to allow for enforcement by the City Council, following a prescribed process. Enforcement would take the form of either a reprimand, which is similar to a warning, or a formal resolution of censure. The Council could also decide to take no action.

The first step encourages informal resolution between a Council member who is allegedly violating the Code of Conduct, and another Council member who is concerned about those actions. Alternatively, the concerned Council member may refer the matter to the Mayor (or Deputy Mayor if the Mayor's conduct is at issue) for private counseling.

If the offense(s) nevertheless continue, or if warranted due to the serious nature of an initial violation, two Council members may file a complaint in writing with the City Clerk and copying the City Manager and City Attorney. A copy of the complaint is to be promptly provided to the Council. The City Clerk would then place the complaint on the next available City Council agenda for initial consideration. The Council member who is the subject of the complaint may include a written response to be included with the agenda packet and may also verbally respond at the meeting.

At the meeting where the complaint is considered, at least three Council members would decide whether to reprimand the subject Council member, take no action, or schedule the matter for a future hearing to consider a formal resolution of censure. Alternatively, the Council could direct the City Manager or City Attorney to investigate the matter, or to engage a third party to do so, and return to the Council once the investigation is complete. The Council would at that point again need to choose from the same three options, i.e., issue a reprimand, take no action, or schedule a hearing to consider censure. If a hearing is scheduled, then one or two Council members would draft a proposed censure resolution to be included in the agenda packet.

At the hearing, the Council member who is the subject of the complaint would have the opportunity to rebut the allegations in the report either themselves or through a representative. The formal rules of evidence would not apply, and the hearing would be informal. At the close of the hearing, the Council will need to determine, with at least three votes, whether to adopt a censure resolution, issue a reprimand, or take no action.

Note that this enforcement mechanism would only apply prospectively. It could not apply retroactively to prior conduct. Additionally, any action taken by the Council would be final and not subject to appeal or reconsideration.

Once the Council agrees on a framework, it can also be added to the Board and Commission Rules and Procedures, with Council members having the ability to file a complaint for alleged misconduct of board and commission members. Additionally, the Council could decide to apply this framework to only some and not all City boards and commissions.

Finally, note that the Code of Conduct itself would be modified to require adherence to federal, state and local laws in the performance of the Council members' public duties, including conflict of interest laws that are already referenced.

The proposed changes are enclosed as Attachment 1.

Other Jurisdictions

On January 14, 2025, the San Mateo County Board of Supervisors adopted a code of conduct. It allows the Board to censure a Board member or take any other action within the Board's legal authority, in response to a violation of the code. Other nearby cities have adopted a censure process as well.

For example, the City of Belmont maintains a code of ethics and process that is similar to what is being proposed here, although there are some differences such as additional enforcement options and application to boards and commissions, which again this Council may wish to adopt. Additionally, the City of Sunnyvale has a code of ethics and conduct that includes procedures similar to Belmont. The City of Millbrae has adopted a process wherein complaints are directed to the Mayor, and if not addressed there, are brought before the full council. Options include reprimand, censure, loss of committee assignments, or a loss of place in the rotation for mayor.

Other jurisdictions such as Palo Alto, Los Altos, Los Gatos, and San Carlos have procedures to censure Council members, with some more elaborate than others. Some contemplate filing a complaint with the Mayor or Vice Mayor, while others establish an ad hoc committee to consider the complaint. Substantively, some cities allow for additional enforcement options such as a loss of committee assignments or travel restrictions.

BUDGET IMPACT:

There is no budget impact associated with this study session.

ENVIRONMENTAL DETERMINATION:

This study session is not a project subject to CEQA, because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines Section 15378(b)(5).)

NOTICE PROVIDED

All noticing requirements were met.

ATTACHMENTS

Att 1 – Proposed Code of Conduct revisions

STAFF CONTACT

Prasanna W. Rasiah, City Attorney
prasiah@cityofsanmateo.org
(650) 522-7020

Chapter 6. Council Member Conduct

1. Council Members are committed to governing for all, and running our meetings with civility, decorum, and respect. With that spirit, San Mateo Council Members shall:
 - A. Govern as a body. If we work together well as a team, our City will excel.
 - B. Treat all with dignity, courtesy, and respect. This includes staff, each other, or members of the public, on and off the dais.
 - C. Keep confidential matters confidential.
 - D. Respect process and roles. This includes avoiding interruptions and distractions.
 - E. Agree to disagree in a respectful manner. We focus on the issue not the person.
 - F. Keep our comments clear, concise, and on-topic. This respects our colleagues', the public's, and staffs' time.
 - G. Give each other a chance to speak. Everyone gets to speak before another of us speaks for a second time. We refrain from dominating the discussion.
 - H. The Mayor normally speaks last. After other members of the Council have offered their opinions, the Mayor speaks. The Mayor can speak after each round of speaking by Council Members.
 - I. Be mindful of the impact of our words and tone. We consider this as we address each other, staff, and the public.
 - J. Promote discussion and resolution. We present problems and issues in that way.
 - K. Follow the agenda. We begin and end meetings on time.
 - L. Respect the City Charter, rule of law, and decisions once made. We do not attempt to undermine decisions.
 - M. Speak for the City only when specifically authorized.
 - N. Practice a "no surprises" rule. We give a heads up to the City Manager and City Attorney out of respect and teamwork.
 - O. Practice the principles of inclusivity and self-awareness to guard against implicit bias in our actions and decisions.
 - P. Adhere to all federal, state, and local laws in the performance of their public duties, including conflict-of-interest laws.

2. Council Members shall not participate as a volunteer in any of the City's operating departments.
3. Council Members are subject to all the provisions of the City's Harassment, Discrimination and Reasonable Accommodations for Disabilities Policy (#301).
4. Enforcement.
 - A. Where a Council member is allegedly not following the rules set forth in this Chapter ("Code of Conduct"), any concerned Council member is encouraged to resolve the matter on an informal basis through direct conversations, or by referral to the Mayor (or the Deputy Mayor if the Mayor's conduct is at issue) to privately counsel the subject Council member.
 - B. If the offense(s) continue, or if warranted due to the serious nature of an initial violation, two Council members may file a complaint regarding the conduct of another Council Member for an alleged violation of the Code of Conduct. The complaint shall be in writing and filed with the City Clerk, with a copy to the City Manager and City Attorney. A copy of the complaint shall be promptly provided to the Council. The City Clerk shall place the complaint on the next available City Council agenda for initial consideration. The Council member who is the subject of the complaint may include a written response to be included with the agenda packet or may verbally address the complaint at the Council meeting, or both.
 - C. At the meeting where the complaint is considered, a Council majority (3 votes) shall decide whether to reprimand the subject Council member, take no action, or schedule the matter for a future hearing to consider a formal resolution of censure. Alternatively, the Council may direct the City Manager or City Attorney to investigate the matter, or to engage a third party to do so, and bring it back to the Council following completion of the investigation.
 - D. If a Council majority (3 votes) directs the scheduling of a hearing, it should also appoint one or two Council members to draft a censure resolution to be included with the agenda packet. At the hearing, the Council member who is the subject of the complaint shall have the opportunity to rebut the allegations in the report either themselves or through a representative. The formal rules of evidence shall not apply, and the hearing shall be generally informal.
 - E. At the close of the hearing, a Council majority (3 votes) shall decide whether to adopt a censure resolution, issue a reprimand, or take no action. Any action taken by the Council is final and is not subject to appeal or reconsideration.

From: Doris Nishimoto [REDACTED]
Sent: Thursday, May 8, 2025 1:51 PM
To: City Mgr <citymgr@cityofsanmateo.org>; Rob Newsom <rnewsom@cityofsanmateo.org>; Lisa Diaz Nash <ldiaznash@cityofsanmateo.org>; Adam Loraine <aloraine@cityofsanmateo.org>; Danielle Cwirko-Godycki <dcwirkogodycki@cityofsanmateo.org>; Nicole Fernandez <nfernandez@cityofsanmateo.org>; Prasanna Rasiah <prasiah@cityofsanmateo.org>; Noel Nish [REDACTED]
Subject: Upcoming study session for "Code of Conduct" Council Members

Hi City Council and City Manager and City Attorney,

As a practicing dentist 47 years now (73 YO this week!), if a dentist does not follow the rules of "Code of Conduct", the dentist is subject to loss of licensure through the California State Board.

I've seen this happen to 2 dentists (younger than me) in our town:

One was for fraudulent billing of services rendered (female DDS). The other was for theft of a TV Cable from the former Kmart Store on Delaware St (male DDS)

You would think that this wouldn't happen (risk losing license) in that it takes 8 years to become a dentist.

"Loss of Income" (Council member's monthly paycheck) is what I recommend you consider as enforcement. Also, Dentists are required to fulfil an "ethics" course now. (Didn't have this requirement when I graduated UCSF in 1978). Council members should take an ethics course relevant to politics.

Doris Nishimoto, D.D.S.