



CITY COUNCIL STUDY SESSION AGENDA

5:30 PM - Tuesday, August 22, 2023

via Videoconference and In Person

Please Note: The City Council will meet in person as well as via Telephone/Video Conference

Telephone:1-669-444-9171 / Webinar ID: 849 8013 5790

**[https://losaltosca-
gov.zoom.us/j/84980135790?pwd=dGxCYWhWMGhBMmpiWUt1SUUpJT2pwQT09](https://losaltosca.gov.zoom.us/j/84980135790?pwd=dGxCYWhWMGhBMmpiWUt1SUUpJT2pwQT09)**

Passcode: 390958

TO PARTICIPATE IN-PERSON: Members of the public may also participate in person by being present at the Los Altos Council Chamber at Los Altos City Hall located at 1 N. San Antonio Rd, Los Altos, CA

TO PARTICIPATE VIA VIDEO: Follow the link above. Members of the public will need to have a working microphone on their device and must have the latest version of ZOOM installed (available at <https://zoom.us/download>). To request to speak, please use the “Raise hand” feature located at the bottom of the screen.

TO PARTICPATE VIA TELEPHONE: Members of the public may also participate via telephone by calling the number listed above. To request to speak, press *9 on your telephone.

TO SUBMIT WRITTEN COMMENTS: Prior to the meeting, comments on matters listed on the agenda may be emailed to PublicComment@losaltosca.gov. Emails sent to this email address are sent to/received immediately by the City Council. Please include a subject line in the following format:

PUBLIC COMMENT AGENDA ITEM ## - MEETING DATE STUDY SESSION

Correspondence submitted in hard copy/paper must be received by 2:00 PM on the day of the meeting to ensure distribution prior to the meeting. Correspondence received prior to the meeting will be included in the public record. .

Public testimony will be taken at the direction of the Mayor, and members of the public may only comment during times allotted for public comments.

AGENDA

[Study](#) Session Public Comment

MEETING CALLED TO ORDER**CONFIRM QUORUM****DISCUSSION ITEM(S)**

1. Discuss and consider changes regarding the establishment of ad hoc subcommittees, the appointment of Commissioners as liaisons, the role of Council liaisons, and including a statement of incompatible activities and perceived conflict of interest to the Los Altos Commission Handbook

ADJOURNMENT**SPECIAL NOTICES TO THE PUBLIC**

In compliance with the Americans with Disabilities Act, the City of Los Altos will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (650) 947-2610.

Agendas Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.losaltosca.gov/citycouncil/online/index.html>. Council Meetings are televised live and rebroadcast on Cable Channel 26.

On occasion the City Council may consider agenda items out of order.

Melissa Thurman

From: Pat Marriot <patmarriott@sbcglobal.net>
Sent: Friday, August 18, 2023 9:54 PM
To: Public Comment
Subject: PUBLIC COMMENT STUDY SESSION - COMMISSIONS AUGUST 22, 2023

Council Members:

My comments and suggestions regarding Commission responsibilities.

MINUTES

Commission Handbook

Page 4: *“Commission liaisons ... Prepare action minutes for approval by the Commission.”*

Page 10: *“Minutes are modeled after the City Council form of minutes known as ‘action minutes’ and include a record of the legislative actions from the meeting.”*

A random sample of minutes from various commissions indicates they vary greatly. Financial commission and planning commission model the council form in that they provide details of Actions. Some others just copy the agenda items and don't even bother to change the tense from future to past. Few identify the author.

For those of us who try to follow commission actions, I hope the standards will be followed so we can see a brief description of Actions taken vs. just “report received” or “discussed workplan.”

Also, Staff and council members present should be listed and the author of the minutes named.

All materials in the packet, including those prepared by commissioners, should include the date and author's name.

The Commission Handbook should also have a date.

ETHICS

Staff Report: *“Commission Handbook does not address incompatible activities or perceived conflicts of interest. Incompatible activities and the perception of a conflict of interest are defined in attachment #3 to this report.*

Attachment 3: *“A perceived conflict of interest for a Commissioner may arise from personal relationships, financial interests, serving on bodies or boards that have shared or overlapping subject matter jurisdiction as*

those under the jurisdiction of the Commission, or when it appears that the Commissioner's private interests impact the official duties of the Commissioner, or influence his/her decision-making."

The above is noteworthy in that it includes potential conflicts beyond financial interests.

Commission Handbook, Page 8: *"All those appointed by the Los Altos City Council to serve on Commissions shall complete at least two hours of public service ethics training every two years."*

There's no information about ethics training materials. I looked up **AB1234 self-study programs**. *"The ethics laws and training requirements of AB 1234 are both minimum standards. Just because a course of action is legal doesn't mean that it is ethical or that the public or media will perceive it to be so. Local officials are strongly encouraged to go beyond the minimum standards set forth in the law and participate in additional educational activities relating to their legal and ethical obligations as public servants."*

Part I: Financial Interests and Perks : *Contact an attorney when "You have important, but non-financial, personal interests or biases (positive or negative) about the facts or the parties that could prevent you from making a fair decision."*

Part II: Governmental Transparency and Fair Processes : *Although California statutes largely determine when public officials must disqualify themselves from participating in decisions, common law (judge-made) and some constitutional principles still require a public official to exercise his or her powers free from personal bias-including biases that have nothing to do with financial gain or losses."*

I highlight these sections because it's clear there's more to ethics than financial gain or loss. I urge Council to "go beyond the minimum standards set by law" and codify standards beyond financial concerns. This example is from Palo Alto:

"Conflict of Interest: In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest."

The Markkula Center for Applied Ethics is a great resource, with many documents on government ethics, e.g.,

<https://www.scu.edu/government-ethics/resources/what-is-government-ethics/>

<https://www.scu.edu/ethics/ethics-resources/a-framework-for-ethical-decision-making/>

COMMISSIONS' ROLE IN PUBLIC OUTREACH AND INPUT

I recall one stated purpose of commissions is to gather public input to include in reports to Council.

Assuming that's still true, residents would have to look at agendas for each commission meeting, read whatever documents are provided and decide whether to write a public comment or attend the meeting and comment in person.

If residents are notified of commission meetings and Zoom in, they would watch commissioners and staff sitting around a U-shaped table with a microphone passed around. In that setup, it's impossible to know who's speaking.

Residents who don't attend may want to know what happened at commission meetings so they can make a public comment when the topic comes before Council. That would require them to watch videos of the meetings, again not knowing who's speaking. Or, they could read the minutes. As I've outlined above, most minutes don't provide even minimal information about Actions taken.

Given current lack of participation, it's unrealistic to assume residents can stay informed and provide input solely through commission meetings.

If Council hopes to get more residents involved in commission activities, a lot more outreach/publicizing will be necessary. Whether or not the ROI would be worth the effort is hard to predict because most residents just don't have the time or interest to pay attention.

Thanks to Staff for researching other cities' protocols. Than you, Council, for codifying Commission processes. Thanks to all those residents who serve on commissions. None of you has an easy job.

Sincerely,

Pat Marriott

Melissa Thurman

From: carol little <morrist03@yahoo.com>
Sent: Saturday, August 19, 2023 4:01 PM
To: Public Comment
Subject: City Council August 22, 2023 study session item number 1

August 19, 2023

Dear City Council Members,

I am writing regarding City Council Study Session discussion item number 1. The proposed changes regarding conflicts of interests. I understand the desire, as well as a potential need, to manage conflict of interests within commissions. However, in most cases, I think most people serve on city commissions with the goal of helping and participating in a meaningful manner, not for their own special interests. Although, to that I will add that a more specific proposal than the one being offered in this packet might have merit. Such a proposed and well thought out change would also be valuable if it were to be used as a guideline for City Council as well.

Keeping in mind that most residents serve without personal interests as their driving force, I am wondering how City Council is planning to identify and monitor any potential conflicts of interests? Additionally, how will council ensure an even handed approach? With any change to commission guidelines, the most important goal needs to be transparency, education, lack of special interests and fairness.

A robust education for commissioners will go a long way to prevent any violations if there is concern that the commissioners will serve with a conflict of interest, or make a mistake regarding the Brown Act.

Thank you for your attention to my letter.

Teresa Morris

Please note, this letter represents me as a member of the public, not as a commissioner.

Melissa Thurman

From: carol little <morrist03@yahoo.com>
Sent: Saturday, August 19, 2023 4:02 PM
To: Public Comment
Subject: August 22, 2023 City Council Study Session

August 19, 2023

Dear City Council Members,

Item 1 in the Study Session packet, on page 7 has the recommendation that commissioners only be allowed to serve on one subcommittee at a time. As someone who is currently on more than one subcommittee I think this restriction is unnecessary and potentially limiting to the progress of the commissioner's ability to serve at their fullest capacity.

As many of you know from your time as commissioners, there are times when a subcommittee must hold on the work they are doing. Those down times are the perfect opportunity for commissioners to work on additional subcommittee projects. Additionally, some subcommittees are intermittent by design. An example is PARC Pop Up subcommittee.

A good example of why a commissioner may need or want to serve on more than one subcommittee is the dog park subcommittee. Serving on that committee, as I do, has varied between more time consuming to very little time required.

Commissioner's service can also lift a burden from our staff's shoulders. Thereby saving Los Altos money and staff time.

A couple alternatives to the proposed *only one subcommittee* idea follow:

1. Some subcommittees complete their work before the end of the annual work plan. Perhaps instead of limiting the commissioner's ability to serve on multiple subcommittees, it would be wise to set up a system to eliminate a subcommittee from the work plan at the completion of the project. At that point, the subcommittee members would be available to help other subcommittees, if desired, or need be.
2. Instead of limiting commissioners to only one subcommittee, allow up to three (example number) subcommittee positions.
3. Consider length of time needed for each subcommittee commitment.

Some commissioners, such as myself, have the ability to serve on more than one subcommittee and enjoy doing so. Finally, why not allow an commissioner to determine what they can and cannot handle?

Thank you for considering my experienced input and for your time serving Los Altos.

Respectfully yours,

Teresa Morris

Please note: this letter is sent on behalf of myself and not as a representative of PARC.

Melissa Thurman

From: Couture, Terri <Terri.Couture@cbnorcal.com>
Sent: Saturday, August 19, 2023 6:35 PM
To: Public Comment
Subject: City Council Study session - Agenda #1 August 22,203

Council Members:

Attachment 3 in the packet says: "A perceived conflict of interest for a Commissioner may arise from personal relationships, financial interests, serving on bodies or boards that have shared or overlapping subject matter jurisdiction as those under the jurisdiction of the Commission, or when it appears that the Commissioner's private interests impact the official duties of the Commissioner, or influence his/her decision-making.

This narrow interpretation of "serving on bodies or boards" could deprive the city of having residents with relevant knowledge and interest serve on commissions.

Consider the following:

Los Altos contracts with Palo Alto Animal Services for animal control. Pets in Need (PIN) runs Palo Alto Animal Services.

1. Paul is on the PIN board.
2. John is a supporting member (major donor).
3. Ringo adopted a dog from PIN and volunteers at the shelter
4. George is a vet who does pro bono spay/neuter for PIN.

Would any of these have a perceived conflict of interest if they wanted to serve on PARC, which votes on dog parks?

Mick is on the board of The Nature Conservancy, a global environmental nonprofit. Keith is on the board of Environmental Volunteers in Palo Alto. Both apply to be on PARC or the Environmental Commission. If they're disqualified, we'd lose people with expertise and a passion for parks and the environment.

Please do consider these thoughts in your evaluations.

Fred Tuerk & Terri Couture

***Wire Fraud is Real*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

Melissa Thurman

From: Freddie ParkWheeler <freddiep99@yahoo.com>
Sent: Monday, August 21, 2023 10:47 AM
To: Public Comment; City Council
Cc: Gabriel Engeland; Melissa Thurman
Subject: Public Comment - Council Study Session August 22, 2023

Please make this Public Comment a matter of record for the Council Study Session scheduled August 22, 2023

PUBLIC COMMENT - Council Study Session, August 22, 2023

Dear Mayor Meadows, Vice Mayor Weinberg, and Councilmembers Lee Eng, Fligor, and Dailey,

I am a Library Commissioner however I want to make it clear that I am not speaking on behalf of the Library Commission. I am also writing as a resident of Los Altos expressing my concerns regarding the proposed Perceived Conflict of Interest policy for Commissioners:

“A perceived conflict of interest for a Commissioner may arise from personal relationships, financial interests, serving on bodies or boards that have shared or overlapping subject matter jurisdiction as those under the jurisdiction of the Commission, or when it appears that the Commissioner’s private interests impact the official duties of the Commissioner, or influence his/her decision-making.”

I was appointed to the Los Altos Library Commission in 2019. As a commissioner, I have worked diligently to serve my community by finding ways to improve, support and benefit the Los Altos libraries. Approximately one and a half years ago, the Santa Clara County Library District (SCCLD) asked me to join its Foundation Board specifically because of my work on the Library Commission. My appointment to that board was voted on and approved by the Santa Clara County JPA that manages the SCCLD. Councilmember Lee Eng was the Los Altos delegate to the JPA when my appointment was confirmed.

Since joining the Library Commission, I have served as its liaison to the Los Altos Library Endowment (LALE). After two years I was asked to join the LALE board. But for my work on

the Library Commission, I would not have come to LALE's attention as a potential board member.

As written, the Perceived Conflict of Interest policy is so incredibly broad that every item for consideration coming before the Library Commission may well have "*shared or overlapping subject matter jurisdiction*" with all the nonprofits that support the Los Altos Libraries. If a commissioner had to recuse themselves from considering an agenda item because they serve on "bodies or boards that have shared or overlapping subject matter jurisdiction as those under the jurisdiction of the Commission," i.e., any matter related to the Los Altos Libraries, this proposed perceived conflict of interest policy would essentially disqualify that commissioner.

The subject matter jurisdiction of the Library Commission encompasses everything relating to our libraries. LALE's jurisdiction also covers our libraries, specifically funding improvements, programs, and materials for the benefit of our library patrons. Friends of the Los Altos Libraries' jurisdiction is similar to LALE's. SCCLD Foundation's jurisdiction includes all libraries in the district, including our Main Library and Woodland Branch.

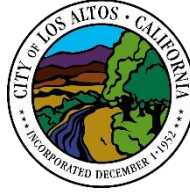
If merely serving on "bodies or boards that have shared or overlapping subject matter jurisdiction" is perceived to be a conflict of interest, library commissioners would be unable to join LALE, SCCLD Foundation or even Friends of the Library. Conversely, a person serving in any of those organizations would be effectively disqualified from serving on the Library Commission. In fact, I believe every current commissioner would be disqualified by virtue of being a member of the Friends of the Library.

Surely this is not what you intended.

Please enact sensible policies that encourage residents with passion and expertise to serve on commissions related to their interests. Their service will enrich the city.

Thank you for listening,

Freddie Wheeler



AGENDA REPORT SUMMARY

Meeting Date: August 22, 2023

Subject **Discussion on Edits to Commission Handbook**

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Suggested Edits to Commission Handbook on Subcommittees and Liaisons
2. Section from Los Altos and Palo Alto Commission Handbook(s) on role of Council Liaisons
3. Definition of Incompatible Activities and Perceived Conflicts of Interest
4. Los Altos Commission Handbook

Initiated by:

City Council

Previous Council Consideration:

N/A

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the City Council wish to make it easier for Commissions to form ad hoc subcommittees while remaining compliant with the Brown Act? Does the City Council wish to allow individual Commissioners to serve as a liaison to other bodies where there are shared interests?
- Does the City Council wish to make changes to the roles and expectations around Council liaisons to Commissions? Does the City Council wish to continue this practice?
- Does the City Council wish to add a section around incompatible activities and perceived conflicts of interest to the Commission Handbook?

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD



Subject: Discussion on Edits to Commission Handbook

Summary:

- The current Commission Handbook does not allow the formation of standing committees for Commissions but provides very little guidance on how to form ad hoc subcommittees, which are allowed. This has led to confusion around when and how an ad hoc subcommittee can be established, the appropriate role of an ad hoc subcommittee, and if the ad hoc subcommittees established are compliant with the Brown Act. The suggested changes to the Commission Handbook are designed to make the expectations and requirements around the formation of ad hoc subcommittees clearer, and the formation of ad hoc subcommittees easier.
- Additionally, the Commission Handbook does not describe appointments of individual Commissioners acting as liaisons to other bodies. The suggested changes to the Commission Handbook are designed to formalize, continue, and encourage this practice by Commissioners.
- The role of the City Council liaison could be defined more clearly, with responsibilities and expectations, provided in the Commission Handbook. The definition of Council liaison is different in the Commission Handbook than the definition in the Council Norms and Procedures. The current definition allows for individual interpretation and the City Council may want to discuss changes in this area. Alternately, the City Council may wish to discontinue the practice of Council liaisons to Commissions.
- Commissioners often are involved in civic, non-profit, or other governmental organizations that share overlapping interests with City Commissions. The Council may wish to consider adding a section to the Commission Handbook advising Commissioners on when these interests should be disclosed and if recusal is necessary with regards to incompatible activities and/or perceived conflicts of interest.

Staff Recommendation:

Staff recommends the City Council discuss and consider changes regarding the establishment of ad hoc subcommittees, the appointment of Commissioners as liaisons, the role of Council liaisons, and including a statement of incompatible activities and perceived conflict of interest to the Los Altos Commission Handbook.

Purpose

The City Council should discuss and consider changes as outlined in this report.

Discussion/Analysis

The Los Altos Commission Handbook functions as the introduction to service for Commissions and Committees. It is reviewed and updated from time to time to incorporate changes in Council direction, state law, or to establish or further define roles and responsibilities of Commission Members. This study session is intended to allow the City Council to discuss and consider changes



Subject: Discussion on Edits to Commission Handbook

around the establishment of ad hoc subcommittees, the appointment of Commissioners as liaisons, the role of Council liaisons, and the recommended inclusion of language around incompatible activities and perceived conflicts of interest.

Ad Hoc Subcommittees and Appointment of Commissioners as Liaisons

The Commission Handbook in the “Subcommittee” section states “Commissions may not create standing subcommittees.” Commissions are free to create ad hoc subcommittees assuming the guidance in the Commission Handbook is complied with. In general, Commissions can create ad hoc subcommittees that are compliant with the Brown Act on topics that are under the jurisdiction of the Commission.

The suggested edits to the Commission Handbook provide more clarity around the purpose and scope of an ad hoc subcommittee and ensures they will be established and operate in compliance with the Brown Act. The proposed changes to the Commission Handbook should allow for Commissions to establish ad hoc subcommittees more easily which could increase the efficiency and effectiveness of the Commissions. Ad hoc subcommittees do not require the posting of an agenda or a public meeting and will often not require additional staff support outside of the normal meetings of the Commissions. This will allow Commissioners, through ad hoc subcommittees, to work on multiple areas of their work plan simultaneously, without increasing the work to the Council liaison or staff. The findings, recommendations, or other outcomes from the ad hoc subcommittee will be discussed by the full Commission at a regularly scheduled meeting.

In addition to the changes to the establishment of ad hoc subcommittees, the Council should consider an addition to the Commission Handbook to allow individual Commissioners to be appointed as liaisons to other bodies. Past practice has allowed individual Commissioners to act as liaisons to other bodies, including boards, commissions, agencies, or working groups. Formally allowing Commissioner liaisons may increase the exchange of information between groups, provide opportunities for collaboration, feedback, or direct input from Commissions to bodies that have shared interests.

Council Liaisons

The practice of appointing Council Members as liaisons to Commissions started in 2017. The definition of Council liaison is different in the Council Norms and Procedures than it is in the Commission Handbook. Currently, the roles and expectations are determined by individual Councilmembers. The City Council may wish to:

- define the role more clearly with responsibilities and expectations listed and have the same definition in the Council Norms and Procedures as exist in the Commission Handbook, or
- discontinue this practice all together.



Subject: Discussion on Edits to Commission Handbook

Los Altos is unique in the Commission Handbook provides an explanation of the role of Council Liaison. Of the peer cities Los Altos staff researched, only Palo Alto provided a formal definition in their Commission Handbook. The definitions have been included as attachment #2 to this report.

The City Clerk's Office in Mountain View and Cupertino confirmed they do not have Council liaisons to Commissions and the Cities of Campbell, Los Gatos, and Morgan Hill do not mention or define Council liaisons in their Commission Handbooks.

Incompatible Activities and Perceived Conflicts of Interest

The Commission Handbook outlines the Statement of Economic Interest (Form 700), the applicable sections of the Political Reform Act Brown Act (Conflict of Interest), and the applicable sections of the Brown Act. These sections of the Commission Handbook attempt to make it clear when Commissioners should seek advice from the City Attorney on a potential legal or financial conflict of interest.

However, the Commission Handbook does not address incompatible activities or perceived conflicts of interest. Incompatible activities and the perception of a conflict of interest are defined in attachment #3 to this report.

The Council may wish to consider adding a section to the Commission Handbook advising Commissioners on when incompatible activities or perceived conflicts of interest should be disclosed and if recusal should be considered.

Recommendation

Staff recommends the City Council discuss and consider changes regarding the establishment of ad hoc subcommittees, the appointment of Commissioners as liaisons, the role of Council liaisons, and including a statement of incompatible activities and perceived conflict of interest to the Los Altos Commission Handbook.

Attachment 1

Subcommittees A Commission may appoint Ad Hoc subcommittees, consisting of less than a majority of the body, to work on specific tasks. Ad Hoc subcommittees should be focused on one specific topic and shall not last more than one year. These subcommittees are working bodies and may be responsible for generation of reports and analyses, which are reviewed by staff prior to distribution to the full Commission. Commissions shall not create standing committees. All Ad Hoc Subcommittees must adhere to Resolution No. 2015-09.

In order to establish a Subcommittee, the topic of the formation of the Subcommittee must be posted and noticed on the regular agenda.

Commission members currently serving on a Subcommittee are not eligible to serve on another Subcommittee simultaneously.

The motion of establishment must include that the Subcommittee:

- Is comprised solely of members of the Commission establishing the Subcommittee,
- Consists of less than a quorum of the Commission,
- Has a defined purpose and a time frame to accomplish that purpose and is less than one year in duration,
- Will not be re-established or renewed in multiple years, and
- Is advisory in nature and is not established to work on an item where continuing jurisdiction exists.

Commission Liaison Assignments:

Commissions may assign individual Commissioners to act, by a majority vote, as a liaison to other boards, commissions, or agencies, without establishing a subcommittee. The work, findings, conclusions, and any updates of the liaison should be brought back to the Commission for discussion and, if applicable, action. The positions taken by the liaison are to be in alignment with the positions that the Commission or the City Council have taken on issues under the purview of the Commission.

Attachment 2

Roles and Responsibilities of Council Liaisons

Los Altos definition of Council Liaison in Commission Handbook:

To facilitate the exchange of information between the Council and its Commissions, one Councilmember will be assigned as a liaison to each Commission. These liaisons may attend meetings, but will not participate as a member of the Commission. While Council liaisons may offer general guidance, liaisons do not speak for the Council on matters not previously considered by the Council as a whole.

Los Altos Definition of Council Liaison in Council Norms and Procedures:

Commission Liaisons. To facilitate the exchange of information between the Council and its Commissions, the Mayor will at least annually make liaison appointments to the Commissions. These appointments shall be ratified by the Council. Councilmembers shall respect the separation between policy making and advisory Commissions by: A) not attempting to lobby or influence Commissions on any item under their consideration; B) attending meetings of assigned Commissions, but not taking a position on an item before the Commission; C) not voting at the Commission's meeting on any item; and D) assisting the Commission in scheduling recommendations to be heard by the Council. If an issue arises regarding a member of any Commission, staff may work with the assigned Council Liaison to resolve the issue.

Palo Alto Definition of Council Liaison:

“The City Council relies upon the expertise and recommendations of the [Boards, Commissions, Committees] BCCs in advising the Council as it sets City policy. The Council liaison function serves to facilitate and enhance this work. Their principal function is to provide a wide range of information to the advisory body, such as information about Council discussions, policies and actions. This helps provide an historical perspective and thereby place the BCC work in context. However, the BCCs should act independently in formulating recommendations for the City Council to consider. Therefore, it is inconsistent for liaisons to direct, guide or unduly influence the policy making work of the City's advisory bodies. Council liaisons have flexibility in discharging their duties. They may serve with or without attending the meetings of their advisory bodies. Historically, Boards and Commission members have valued consistent participation by Council liaisons. However, at minimum, they should be available for contacts with members of advisory bodies, and particularly with the chairs.”

MEMORANDUM

TO: Mayor Sally Meadows and the Los Altos City Council
FROM: Jolie Houston, City Attorney
RE: City Commissions and Committees Brown Act Concerns
CC: Gabriel Engeland, City Manager
DATE: August 17, 2023

The City of Los Altos (“City”) has numerous legislative bodies such as commissions, committees, subcommittees, standing committees, and ad hoc committees that may have similar or overlapping subject matter jurisdiction and membership. Moreover, many of the members (public officials) on these various legislative bodies are actively involved with related private nonprofit organizations in varying capacities. As a result, there are many opportunities for potential Brown Act violations to arise. This memo anticipates some of the possible Brown Act violations that may arise due to individuals serving on multiple legislative bodies that have similar or overlapping subject matter jurisdiction.

Standing Committees

Government Code section 54952 states that a “legislative body” includes “the governing body of a local agency ... a commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that *standing committees of a legislative body, irrespective of their composition, which have [1] a continuing subject matter jurisdiction, or [2] a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.*” Courts have defined “formal action” by a legislative body to also include authorization given to the agency’s executive officer to appoint an advisory committee pursuant to agency-adopted policy.¹

Standing committees comprised of less than a quorum of the legislative body are still subject to the Brown Act. Thus, if a legislative body creates a long-term committee on a single subject, that standing committee would be subject to the Brown Act. Additionally, the California Attorney General has opined that “function over form” is used to analyze whether a standing committee is a legislative body under the Brown Act.² In other words, a statement by the legislative body that an advisory committee “shall not exercise continuing subject matter

¹ See *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781, 793.

² 79 Ops.Cal.Atty.Gen. 69 (1996).

jurisdiction” or the sole fact that a committee does not have a fixed meeting schedule because it meets on the calls of its chair or members is not determinative.³

A majority of the legislative body that created a standing committee is allowed to attend a meeting of the standing committee, as long as the members of the legislative body who are not also members of the standing committee do not participate in the meeting. The Brown Act defines a meeting as “any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take any action on any item that is within the subject matter jurisdiction of the legislative body.”⁴ However, the Brown Act creates six statutory exceptions to this definition of “meeting”.⁵ One exception authorizes the “attendance of a majority at an open and noticed meeting of a standing committee of the legislative body, provided that the legislative body members who are not members of the standing committee attend only as observers.”⁶ As a result, if a legislative body establishes a standing committee of two of its five members, which meets monthly, a third member of the legislative body may attend these meetings as an observer; however, they may not participate in the meetings.⁷

Temporary Advisory Committee

Temporary advisory committees “composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies”, if they serve a limited or single purpose and will be dissolved once its limited or single purpose is completed.⁸ Such temporary advisory committees are commonly also called “ad hoc committees”, although this term not used in the Brown Act. Examples of temporary advisory committees include “an advisory committee composed of less than a quorum created to interview candidates for a vacant position or to meet with representatives of other entities to exchange information on a matter of concern to the agency, such as traffic congestion”.⁹

In order to determine whether a subcommittee of a body falls into the category of a standing committee or an exempt temporary advisory committee, factors such as “how meeting schedules are determined, the scope of the committee’s charge, or whether the committee exists long enough to have ‘continuing jurisdiction’” must be analyzed.¹⁰

The League of California Cities’ Guide to the Ralph M. Brown Act notes that advisory groups for a single decision-maker are not covered, because the Brown Act applies only to committees created by formal action of the legislative body. For instance, a committee advising a school district superintendent would not be covered by the Brown Act. However, the same committee, if created by formal action of the school board, would be covered.¹¹ As a result, the

³ *Id.*

⁴ California Government Code section 54952.2(a).

⁵ California Government Code section 54952.2(c).

⁶ California Government Code section 54952.2(c)(6).

⁷ See *Open & Public V: A Guide to the Ralph M. Brown Act*, League of California Cities (Revised 2016), page 20.

⁸ California Government Code section 54952(b); see also *Freedom Newspapers, Inc. v. Orange County Employees Retirement System Board of Directors* (1993) 6 Cal.4th 821, 832.

⁹ *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1129; see also *Open & Public V: A Guide to the Ralph M. Brown Act*, League of California Cities (Revised 2016), page 16.

¹⁰ See *Open & Public V: A Guide to the Ralph M. Brown Act*, League of California Cities (Revised 2016), page 13.

¹¹ 56 Ops.Cal.Atty.Gen. 14, 16-17 (1973).

Brown Act would not apply to an informal committee of five residents advising a member of a legislative body. Alternatively, if a city council directs the city manager, during a meeting, to form an advisory committee of residents to develop recommendations for a new ordinance, that committee would be subject to the Brown Act.¹²

Appointed Bodies

All appointed bodies, “whether permanent or temporary, decision-making or advisory,” created by formal action of the governing body are legislative bodies.¹³ These include “planning commissions, civil service commissions and other subsidiary committees, boards, and bodies”, in addition to “volunteer groups, executive search committees, task forces, and blue ribbon committees created by formal action of the governing body are legislative bodies.”¹⁴ If members of different legislative bodies are appointed to serve on a separate advisory group together, that advisory group may also be subject to the Brown Act. For example, in a case where a city council created a committee of two members of the city council and two members of the city planning commission to review qualifications of prospective planning commissioners and make recommendations back to the city council, the court held that their joint mission made them a legislative body subject to the Brown Act.¹⁵ Had there been two separate committees and had they met only to exchange information and report back to their respective boards and not jointly to the city council, then they would have been exempt from the Brown Act.

Private Organizations

The governing body of a private or nonprofit organization will be subject to the Brown Act if it (1) “[was] *created by a legislative body* in order to exercise authority that may lawfully be delegated by such body to a private corporation, limited liability company or other entity”; or (2) “[received] *funds from a local agency* and the membership of whose governing body *includes a member of the legislative body of the local agency appointed to that governing body* as a full voting member by the legislative body of the local agency.”¹⁶ A private or nonprofit organization that receives government funding will not automatically have its governing body subject to the Brown Act. The Brown Act will also not apply to such an organization only because a non-appointed member of a legislative body sits on its board.¹⁷

¹² See Open & Public V: A Guide to the Ralph M. Brown Act, League of California Cities (Revised 2016), page 14.
¹³ See Open & Public V: A Guide to the Ralph M. Brown Act, League of California Cities (Revised 2016), page 12.
¹⁴ See *id.*
¹⁵ *Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799, 804-805.
¹⁶ California Government Code section 54952(c)(1).
¹⁷ See Open & Public V: A Guide to the Ralph M. Brown Act, League of California Cities (Revised 2016), page 13.

Attachment 3

Incompatible Activities and Perceived Conflict of Interest

Incompatible Activities

A non-elected local agency officer (public official) or employee may not engage in any employment, activity, or enterprise for compensation that is inconsistent, incompatible, or in conflict with their duties as a local agency officer or employee. Govt. Code§1126(a),(b). A local agency has the power to adopt rules on incompatible activities and include provisions to give notice of the determination of prohibited activities, of any disciplinary action to be taken for engaging in prohibited activities, and for the appeal of such determination and application. Govt. Code§1126(c).

Perceived Conflict of Interest

A perceived conflict of interest for a Commissioner may arise from personal relationships, financial interests, serving on bodies or boards that have shared or overlapping subject matter jurisdiction as those under the jurisdiction of the Commission, or when it appears that the Commissioner's private interests impact the official duties of the Commissioner, or influence his/her decision-making.



City of Los Altos

Commission Handbook

TABLE OF CONTENTS

INTRODUCTION	1
THE BASICS	1
Government in the City of Los Altos	
City Council	
Commissions/Committees	
Staff	
MEETING DAYS AND TIMES	3
COMMISSION WORKPLANS	3
MEMBERSHIP ON CITY COMMISSIONS	3
Appointment	
Reappointment	
Resignation/Removal	
Attendance and Participation	
Statement of Economic Interest	
Ethics Training	
THE BROWN ACT	6
Violations	
Types of meetings	
Agendas	
Meeting Minutes	
Adding items to a future agenda	
CONFLICT OF INTEREST	8
COMMISSION ORGANIZATION	9
Chair and Vice Chair	
Ad hoc Committees	
MEETING PROCEDURES	9
Rules of Order	
Consideration of agenda items	
Public comment	
Teleconferencing	
DECORUM	10
TRAINING	10
CONCLUSION	11
TIPS SHEET FOR CHAIRS	12

INTRODUCTION

This manual functions as an introduction to service as a Commission or Committee member in Los Altos. For the purposes of this manual, the terms Commission member and Committee member are interchangeable. For those instances not covered in this manual, refer to the City Council Norms and Procedures and the Los Altos Municipal Code for additional guidance.

If there is any conflict between the rules set forth in this handbook and the Los Altos Municipal Code or the City Council Norms and Procedures, the Code and then the Norms and Procedures shall govern.

THE BASICS

Government in the City of Los Altos

The City of Los Altos operates under the Council-Manager form of government. The City Council sets policy for the City which is then carried out by the City Manager and staff.

Commissions are integral to the City’s commitment to developing policies which reflect the needs and values of the community. Commissions work closely with staff and the Council to carry out the duties and responsibilities assigned by Council.



Figure 1: City of Los Altos organization

City Council

The City Council is elected by registered voters of the City of Los Altos and serves as the ‘Board of Directors’ for the City. The Council is the legislative body of the City. It sets policy and establishes the City’s overall priorities, direction and financial plan. The Council appoints the City Manager, who is responsible for the administration of City business, and the City Attorney.

To facilitate the exchange of information between the Council and its Commissions, one Councilmember will be assigned as a liaison to each Commission. These liaisons may attend meetings, but will not participate as a member of the Commission. While Council liaisons may offer general guidance, liaisons do not speak for the Council on matters not previously considered by the Council as a whole.

Commissions/Committees

Members are appointed by a majority vote of the City Council to serve on Commissions and Committees to advise and make recommendations to the Council and staff. Commissions focus on specific policy issues and provide additional opportunity for community participation in decision making.

From time to time, there may be instances when staff's recommendations on an issue may differ from that of the Commission. If this occurs, staff will inform the Commission of this in advance of the Council meeting and both recommendations will be presented to the Council for consideration.

As appointees of the City Council, members of Commissions are public officials and are appointed to represent all residents of the City, not individual organizations or special interest groups. Care should be taken to ensure that viewpoints expressed as public officials are consistent with City Council policy and the position of the majority of the Commission. Minority opinions are allowed but Commissioners acting in the role of a Commissioner should support actions taken by a majority of the Commission.

Unless speaking as the official spokesperson for the commission at a City Council or other public forum, commissioners should begin all written or verbal comments with "I am a commissioner for the [insert commission name here], but I am speaking on behalf of myself and my own personal beliefs."

Each Commission is established by Chapter 2.08 of the Los Altos Municipal Code, which includes the powers and duties of each Commission. Committees, both standing and ad hoc, are created by Council action and typically are assigned to focus on a specific topic for a short duration. Ad hoc Committees (sometimes referred to as Task Forces) may include Commissioners.

Staff

The City Manager serves as the 'Chief Executive Officer' for the City and implements policy set by the City Council, manages the day-to-day affairs of the City, appoints and removes employees, prepares the budget, enforces laws and ordinances, and makes recommendations to the Council on the general welfare of the City. He/she hires professionally trained staff to assist in carrying out his/her responsibilities.

The City Manager assigns staff members to assist the various Commissions in carrying out their responsibilities. These staff liaisons, by virtue of their technical training and experience, are competent to provide such assistance.

Commissions shall work closely with the staff liaisons; however, they do not have the authority to supervise or direct the work of staff.

Requests by a commission or commissioner for assistance in completing research or analysis for the benefit of a commission may be directed towards the Department Head which oversees the assigned Staff Liaison.

Role of Staff Liaison

- Attend all meetings of the Commission
- Prepare agendas in collaboration with the Chair
- Work with the Commission in the development of a work plan for the coming year and a summary of accomplishments for the previous year
- Research and prepare reports for the Commission, as is consistent with the work plan and/or Council direction
- Ensure agendas and reports are posted in compliance with State law and City protocols
- Prepare action minutes for approval by the Commission
- Prepare reports from the Commission to the Council, ensuring that reports represent the majority view and recommendation of the Commission
- Serve as the liaison between the Commission and City staff
- Submit all budget requests from Commissions to cover costs associated with accomplishing its mission as well as to attend training sessions related to accomplishing the work of the Commission
- Communicate directions from the City Council to the Commission
- Stay apprised of new laws and City protocols related to their assigned Commission or Commissions generally

Figure 2: Role of Staff Liaison

MEETING DAYS AND TIMES

Regularly scheduled commission meeting days and times are established by the City Council. To facilitate and encourage public participation no commission meeting can be held during the same meeting time as a City Council meeting and commissions should strive to not have any overlapping commission meeting with another commission's regular meeting. Additionally, commission meeting times are typically scheduled for later in the day to not impede on normal city business hours effectively ensuring services are available until the close of business each day.

Commission special meetings shall be held in accordance with the provisions of regularly scheduled meetings to not impede city services and operations.

With majority support of commission members any commission can request a change in the approved day and time for a commission regularly occurring meeting. A request for a change in meeting day and time shall be respective of city business hours to ensure that staff and services are provided throughout the day. Such request shall be included in an agenda report prepared by the staff liaison and placed on the Commission's agenda as a Discussion Item.

A complete calendar of all regular commission meetings can be found on the City website.

COMMISSION WORKPLANS

When a commission workplan is necessary each commission shall discuss and prepare its annual work plan based upon the City Council annual priorities and budget, which shall be submitted and approved by the City Council. The work plan is a list of the anticipated topics, assignments and goals that the Commission will focus on over a 12-month period. From time to time the City Council may amend the approved commission work plan in order to achieve the goals of the city. Any requested modifications should be in line with the goals and objectives of the commission and the city.

MEMBERSHIP ON CITY COMMISSIONS

Unless otherwise directed, Commission members must be residents of the City of Los Altos. If, at any time during their term, a member moves to a principal residence outside the City, they shall become ineligible to continue as a member of that body and shall notify the Commission's assigned staff liaison as soon as possible. It is expected that when a Commissioner moves to a principal residence outside the City, they will submit a letter of resignation to the assigned staff liaison and the City Clerk..

Members are appointed by and serve at the pleasure of the City Council. With the exception of Senior and Youth Commissioners, members serve for a term of four years and may serve a total of two, four-year terms, plus any portion of an unexpired term for which they have been appointed. Senior Commissioners may serve four, two-year terms. Youth Commissioner may serve two-year terms through the conclusion of their final year in high school.

No Commissioner shall serve simultaneously on two, separate Commissions. When a Commissioner ends their service on one Commission, the individual can then be appointed to a different Commission.

Ad hoc Committee members are appointed and shall serve until the task of the ad hoc committee has been completed at which time the Committee shall be disbanded. Council members and Commissioners may serve on ad hoc committees.

Two members of an immediate family, or persons residing in the same household, are not allowed to serve simultaneously on the same Commission or Committee, including ad hoc Committees. Immediate family members of City Council members are not eligible for appointment to any Commission or Committee during the term of the elected Councilmember.

Appointment

The City Council accepts applications for Commission positions during the formal recruitment period. Once per year in September, formal recruitments are conducted for those positions which are or will become vacant (including those for which an incumbent is eligible for reappointment). The City may conduct a recruitment for specific vacancies between formal recruitments if there is a vacancy that causes a commission to fall below quorum or at the direction of City Council after a request from a commission chair or commission liaison.

With the exception of the Youth Commission, all other commission recruitments will follow the same process. Youth Commission applicants are interviewed by the City Council Youth Commission Interview Committee which then makes appointment recommendations to the full City Council at a regular Council meeting.

The City Clerk announces that formal recruitment for commissioners is currently open so interested individuals should submit their application to the City for review. The City Clerk works with other City staff, City Council, and community groups to conduct as much public outreach as possible. This public outreach will include, but is not limited to posting on the City website, City social media, local newspapers, and email notifications to previous commissioners or applicants.

City Council may only review applications for appointment once the application period ends.

Interested applicants submit their complete application to City staff, where they will indicate their desired commission(s). City staff verifies that the individual lives within the City of Los Altos and may serve on the desired commission(s).

City Council holds one special meeting that will include interviews and voting on commissioners. All applicants are allotted the same amount of time to ensure that all candidates are given equal treatment.

After all interviews are completed, the City Council submits a ballot with their appointees.

Incumbent applicants will have their attendance record included as part of their application packet for review by the City Council.

Reappointment

Upon completion of the first four-year term, or an unexpired term, Commissioners shall notify the City Clerk that they have an interest in continuing on the commission and complete a new application for re-appointment to the Commission for another four-year term. In order to qualify for reappointment a Commissioner shall have met the minimum attendance requirements during the duration of their previous term. Commissioners requesting reappointment will be interviewed by the City Council. Reappointments will occur at the same time as new appointments to the Commission. Upon completion of their service, Commissioners are encouraged to meet, either in person or via telephone, with the Council Liaison assigned to their respective Commission or another Councilmember. The purpose of this meeting is to provide Commissioners with a chance to offer feedback to the Council regarding their time on the Commission.

Resignation/Removal

In the event a member is unable to continue serving because of change of residence, health, business requirements or other personal reasons, a letter of resignation must be submitted to the City Clerk.

Members of Commissions serve at the pleasure of the City Council. The City Council shall review members' performance and fulfillment of Commission member obligations and may remove a member from a Commission based upon that review. The City Council may discipline or remove a Commissioner at any time solely at the discretion of the Council. Any proposed removal can be with or without cause. A Councilmember who wishes to discipline or remove a Commissioner shall indicate their desire to place the discipline or removal on a future agenda at the end of a regular Council meeting. If three or more Councilmembers wish to agendize the discipline or removal of a certain Commissioner, the item will be placed on a future Council agenda.

Commission Member Responsibilities

- Prepare for and participate in Commission meetings
- Attend at least 75% of regular meetings annually
- File Form 700 on time, if required
- Complete Brown Act Training within 60 days of beginning service
- Complete two hours of Ethics Training within 30 days of assuming office and every two years thereafter
- Attend Annual Commission Training upon appointment and every two years while seated as a Commissioner

Figure 3: Commission Member Responsibilities

Attendance and Participation

A majority of members is necessary to conduct business. As such, Commission members are expected to attend no less than 75% of the regularly scheduled meetings annually during their term of office. At the end of each year, the City Council reviews an annual attendance report for each Commission. A Commissioner may be removed for failing to attend the required minimum number of meetings or after a third consecutive absence. If a Commissioner must miss a meeting, they shall inform the staff liaison a minimum of two weeks notice prior to the regularly-scheduled commission meeting whenever possible. If a Commission meeting is cancelled due to a lack of quorum, that meeting will still be considered a regularly scheduled meeting for purposes of calculating attendance, and those members whose absence caused the cancellation shall be charged with an absence for that meeting.

Commissions benefit from the informed input of each member of the body. Each Commission member is expected to exercise judgment in formulating recommendations to the City Council. Members are expected to be prepared for meetings and to participate and vote on every issue before the Commission, unless they are legally prohibited from participating. Lack of preparation and participation can be grounds for removal from a Commission. Each commission is to keep a rotation schedule for representation at City Council meetings by one of its members. Attendance is required when a commission has an item of interest on the Council agenda, so as to be available to answer Council questions.

Statement of Economic Interest

The Statement of Economic Interest (Form 700) is a form on which designated employees and officials disclose certain financial interests. State law dictates that members of the Planning Commission must file Form 700s. In addition, the City identifies those positions which are subject to the City's Biennial Conflict of Interest Code. Those individuals appointed to positions identified in the Conflict of Interest Code are required to file Form 700s. Commission members not identified in the Conflict of Interest Code are not subject to these regulations.

Commissioners are responsible for ensuring that statements are filed properly and on time. assistance in completing the forms, contact the City Clerk’s Office or the Fair Political Practices Commission (FPPC). Non-compliant Commissioners shall receive a letter from the City Clerk notifying them of their non-compliance and are subject to monetary fines. Continued non-compliance shall be grounds for removal from the Commission.

All statements filed are maintained in the City Clerk’s Office and are available for public review.

Type of Filing	Occurrence
Assuming Office	Within 30 days of assuming office
Annual	Each year on or before April 1
Leaving Office	Within 30 days of leaving office

Table 1: Deadlines for filing Form 700

Ethics Training

All those appointed by the Los Altos City Council to serve on Commissions shall complete at least two hours of public service ethics training every two years. New members must receive this training within 30 days of assuming office. Ethics training courses must have been reviewed and approved by the FPPC and the California Secretary of State. Members shall attend training sessions that are offered locally or by completing online training. Non-compliance shall be grounds for removal from the Commission.

It is the responsibility of a Commissioner to provide proof of completion of the ethics training program to the City Clerk. These documents are public records and are subject to public review.

The City Clerk provides periodic reports of Form 700 and Ethics Training compliance to the City Council. The Council may remove any non-compliant Commissioner.

THE BROWN ACT

The Ralph M. Brown Act (Brown Act) is the State of California’s open government law. Its purpose is to ensure that deliberations and actions of local agency bodies are open to the public and that there is meaningful public access to a local agency’s decision-making process. All City Commissions are subject to the Brown Act. Staff liaisons to Commissions are versed in the elements of the Brown Act and will help Commissioners understand their obligations related to the Brown Act. In addition, certain subcommittees or ad hoc committees may be subject to the provisions of the Brown Act. Commissioners should consult with their staff liaison regarding questions of the Brown Act. Ultimately, it is up to the individual Commissioner to ensure that they are complying with the Brown Act.



Figure 4: Ralph M. Brown

A major element of the Brown Act relates to meetings of legislative bodies. A meeting is defined as the coming together of a majority or more of a particular body (also known as a quorum) where the business of that body is discussed. Meetings must be properly noticed and held in facilities that are open and accessible to all. All meetings must be held within the City of Los Altos. A discussion which occurs outside of a properly noticed meeting and which involves a majority or more of a body is a violation of the Brown Act. This includes serial discussions which involve only a portion of the Commission, but eventually involve a majority. The two most common serial discussions are daisy chain and hub and spoke.

Daisy Chain

A daisy chain is when Member A contacts Member B who then contacts Member C who then contacts Member D and so forth, until a majority of members has discussed an item within the Commission's subject matter jurisdiction.

Hub and Spoke

A hub and spoke meeting is when one individual (the hub) contacts members individually (the spokes) until a majority has been achieved. The hub could be a Commissioner, staff member or member of the public.

To attempt to avoid serial meetings, emails from Commissioners that are intended for fellow Commissioners should be sent through the staff liaison. Commissioners should take care to not 'reply all' on emails.

Violations

Penalties for Brown Act violations can range from invalidation of an action taken to prosecution as a misdemeanor offense. In addition, there may be fines and/or attorney's fees associated with a violation of the Brown Act. Commissioners who violate the Brown Act may be subject to removal.

Whenever a questionable area arises, it should be brought to the attention of the City Attorney or City Clerk so that corrective actions or "cures" may be taken. Advice from the City Attorney or City Clerk should be followed completely to ensure all actions of the City comply with the Brown Act.

Types of meetings

There are two types of meetings which Commissions hold. The first, and most common, are regular meetings. These meetings are where a Commission accomplishes the vast majority of its work. Regular meeting days, times and locations are established by formal action of the Commission.

The second type are special meetings. A special meeting is any meeting held outside of the normal meeting day, time or location. Action may be taken at special meetings and agendas for those meetings should indicate the action recommended to be taken.

Special meetings may include study sessions. Study sessions are held to provide Commission members the opportunity to discuss and better understand a particular item. Generally, no action is taken at study sessions.

Agendas

The staff liaison, in collaboration with the Chair, is responsible for preparing all agendas of a Commission. All items of business that will be considered or discussed at a meeting shall be briefly described on the agenda. The description should define the proposed action to be considered so that members of the public will know the nature of the action under review and consideration. No discussion or action may be taken by a Commission on any item not on the agenda.

The Chair, or a majority of the Commission, may decide to take matters listed on the agenda out of the prescribed order.

All agendas and meeting materials are posted to the City's website as set forth in the Brown Act and the City's Open Government Policy. All Commissioners should sign up to receive meeting notices and associated agenda materials for their specific Commission through the City's website.

Meeting Minutes

Written minutes of all regular and special meetings are kept as the official record of business transacted and are taken by the staff liaison. Minutes are modeled after the City Council form of minutes known as “action minutes” and include a record of the legislative actions from the meeting. They do not include summaries of comments or discussion made by Commissioners or members of the public. The staff liaison will endeavor to distribute draft minutes within 10 days of the meeting. Action minutes will state the text of a motion voted on by the Commission, the result of the vote, identify which Commissioners voted “aye”, “no”, abstained, recused, or were absent. Action minutes will also identify whether motion passed or failed.

Any document submitted at a meeting, whether by a member of the public or a Commissioner, becomes part of the public record. The staff liaison should make a notation on the document of the date it was submitted and file it with the meeting packet. The staff liaison is responsible for posting the materials received within 48 hours of the meeting to the City’s website and forwarding the material to the members of the commission.

Adding items to a future agenda

Commissioners may request that items be placed on a future agenda. This is done by requesting an item during the “Potential Future Agenda Items” portion of the meeting or by emailing a request to the staff liaison. Requests must be for items that are under the purview of the Commission. One less than a majority of members is required to place an item on an agenda. The staff liaison will work with the Chair to determine the best meeting to place an item on an agenda. Any background materials or information should be provided to the staff liaison for inclusion in the agenda packet. Future agenda items must be consistent with the Commission’s Approved Work Plan.

CONFLICT OF INTEREST

Commission members are subject to all aspects of the Political Reform Act. Commission members must not make, participate in making, or attempt to influence in any manner a governmental decision which he/she knows, or should know, may have a material effect on a financial interest.

It is ultimately the responsibility of the Commission member to identify whether they have a conflict of interest or not. The City Attorney should be consulted as early as possible on any matters which may be a conflict of interest.

A Commission member who has a conflict of interest shall, immediately prior to the consideration of the matter, do all of the following: 1) publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address is not required; 2) recuse himself or herself from discussing and voting on the matter; and 3) leave the room until after the discussion, vote, and any other disposition of the matter is concluded. Notwithstanding this, a Commission member, not in the member’s capacity as a Commissioner, may speak on the issue during the time that the general public speaks on the issue.

If a Commission member has obtained a letter or other documentation from the FPPC to discuss and vote on an item, then the member shall provide the letter to the staff liaison and the City Clerk upon receipt of the letter and disclose at the next Commission meeting the existence of the letter or other authorization, briefly describe the circumstances of why the member sought clarification, the basis for the FPPC’s conclusion, and the file number or other unique identifier so that members of the public can request a copy from the FPPC. In addition, the member shall provide to the staff liaison a copy of the letter or other authorization no later than 24 hours after the meeting at which

the letter or other authorization is disclosed, so that a copy may be forwarded to any member of the public who requests a copy.

COMMISSION ORGANIZATION

Each Commission consists of between five and seven members, except the Youth Commission which consists of eleven members. Each member has an equal voice and vote on the Commission.

Chair and Vice Chair

To facilitate meetings and the work of the Commission, each Commission appoints a Chair and Vice Chair from the members of the Commission. The positions of Chair and Vice Chair shall rotate annually. Selection of Chair and Vice Chair occurs at the first meeting in October. In the event of either’s resignation or removal, the Commission shall elect another member to fill the remainder of the year. No member of a commission may serve consecutive terms as the chair, meaning that the chair must change annually.

The role of the Chair is to preside at Commission meetings and to run a timely and orderly meeting. The Vice Chair is to preside in the absence of the Chair. If both the Chair and Vice Chair are absent, the Commission may elect a Chair Pro Tem to conduct the meeting. It is incumbent upon the Chair to limit discussion and recommendations to those items on the agenda.

Subcommittees

A Commission may appoint special subcommittees, consisting of less than a majority of the body, to work on specific tasks. Subcommittees should be focused on one specific topic and should last no more than one year. These subcommittees are working bodies and may be responsible for generation of reports and analyses, which are reviewed by staff prior to distribution to the full Commission. Commissions may not create standing committees.

MEETING PROCEDURES

All Commission meetings are open to the public and should be approached in a dignified, respectful manner. It is the responsibility of all Commissioners to treat their duties and obligations seriously and to ensure that all meetings are productive and further the mission of the City.

Rules of Order

Rosenberg’s Rules of Order, with addendums adopted by the City Council, govern the conduct of Commission meetings. Information regarding the *Rules of Order* can be obtained from the City Clerk’s Office.

Consideration of agenda items

The standard procedure for considering individual agenda items shall be as outlined in Figure 5. From time to time, the prescribed order may be changed.

Official action requires a majority vote of the entire Commission/Committee, not just those present.

Consideration of an agenda item

1. Presentation by Staff, Commissioner or subcommittee
2. Commissioners ask clarifying questions
3. Members of the public are given an opportunity to speak on the item
4. Commissioners discuss the item
5. If needed, a motion is made upon which the Commission votes on the matter

Figure 5: Procedures for considering agenda items

Public Comment

Persons present at Commission meetings may comment on any item on the agenda. To facilitate an orderly meeting, each speaker is requested, but not required, to complete a Request to Speak card for each item they wish to speak on before discussion on that item begins. To ensure that all are heard, speakers are typically given three minutes to speak on each item. If there are more than 10 requests to speak on an agenda item, the Chair may limit each speaker’s time to two minutes.

The Chair has the right to ask a member of the public to step down from speaking if over the allotted time or if comments are not related to the topic at hand.

During regular meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment. The Commission may not discuss nor take action on any item raised during the Public Comments on Items not on the Agenda portion of the meeting.

Teleconferencing

Commission members may participate in meetings via teleconference in accordance with State law (Gov. Code sec. 54953 and AB 2449). Members participating via teleconferencing under AB 2449 (Just Cause or Emergency Circumstances) must participate via audio and visual methods. In all other circumstances, members participating via teleconferencing shall participate via audio and visual methods, when practical. Members may participate via teleconference in no more than 20% of meetings in a calendar year (January to December), whether utilizing provisions of the traditional Brown Act or Just Cause or Emergency Circumstances. All meetings of the Commission must have a majority of members present in the physical meeting location within the City.

At the beginning of a meeting in which a member is participating via teleconference, the Chair, or the Vice Chair if the Chair is participating remotely, will ask the member(s) participating via teleconference to confirm the teleconference location was properly noticed according to State Law, the teleconference location is accessible to members of the public and whether anyone is present in the teleconference location besides the member.

DECORUM

Commissioners shall render the utmost courtesy to each other, the City Council, staff and members of the public. Commissioners may be subject to dismissal for failure to observe these standards.

Members of the public attending Commission meetings shall observe the same rules of order and decorum applicable to Commission members. Los Altos Municipal Code Chapter 2.05 – Public Meetings Rules for Conduct shall apply to all meetings. To provide an environment in which all viewpoints may be expressed, noise emanating from the audience, whether in opposition or support, shall not be permitted. Continual disruption of meetings by members of the public may be grounds for removal from the meeting.

TRAINING

Commissioners are expected to stay current on issues related to their service as a public official. Members are provided brief training following their appointment regarding their duties as a Commissioner and the Brown Act. Annual trainings are organized by the City Clerk and conducted by City staff to review roles and responsibilities and to provide information on any changes in laws or policies that may be relevant to conducting the work of the Commissions. Attendance at this training is required for all Commission members and staff liaisons. Individuals who are unable to attend the training session will be required to watch the video of the training and certify that they have completed the training.

Members of Commissions are encouraged, within budget limitations, to attend training related to their area of responsibility. It is intended that such attendance will broaden a member's knowledge and increase awareness of current developments relating to relevant areas of responsibility. The City may cover costs of registration and certain travel expenses in accordance with the City's Travel and Expense Policy. Requests for use of City funds must be approved in accordance with City Policy.

CONCLUSION

The City Council and staff appreciate your service as a Los Altos Commission member. The time and energy you expend help to make Los Altos the wonderful community it is. If at any time during your service, you have questions or concerns, do not hesitate to contact your staff liaison who can help address any issue which may arise.

Tips for Chair (and Vice Chair)

(and anyone who may have to run a meeting)

The role of the Chair of a Commission is to preside at meetings and to help move the work of the Commission forward. The Chair (and Vice Chair) does not have any extra authority or power beyond that of his/her fellow Commissioners.

As Chair, you are responsible for conducting meetings of the Commission. It is important to limit discussion to those items on the agenda. For each agenda item, it is suggested that you follow this procedure:

1. Announce what the item being considered is
2. Ask if there is a report for the item – generally, this is provided by the staff liaison but occasionally may be provided by another Commissioner
3. Ask Commissioners if there are any clarifying questions
4. Take public comment – instructions for how to take public comment are included in the “Meeting Procedures” section of the Commission Handbook
5. Facilitate discussion among the Commission – it is important that each Commissioner is given equal chance to speak and express his/her opinion
6. After discussion of the item, ensure that a conclusion is reached – this can be in the form of a motion, direction provided to staff or a subcommittee, decision to continue the item to a date certain or not certain, or to take no further action.

Applications

On occasion, a Commission may receive an application from a resident or community group which the Commission is to consider. In these instances, applicants are given a total of up to ten minutes to present their position/input prior to hearing other public comments. This is done after the staff has presented its report. After the applicant(s) has presented, public comment is taken from the audience. Following public comment, the applicant is given five minutes to provide a rebuttal to any issue raised during public comments.

Announcing votes

The Brown Act requires that all votes be clearly noted, both at the meeting and in the record. It is the Chair’s responsibility to ensure that the vote is noted during the meeting. This is done by announcing how each member voted on a particular issue. If the voting is unanimous, it is sufficient to state “passes unanimously.” The staff liaison will ensure that the minutes accurately reflect how each member voted on each issue.

Recess

It is customary to have a short recess two hours after the beginning of a meeting. The established hour after which no new items will be started is four hours after the beginning of the meeting. Remaining items, however, may be considered by consensus of the Commission/Committee.