



**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE MEETING AGENDA
SEPTEMBER 24, 2024
110 EAST MAIN STREET
TOWN COUNCIL CHAMBERS
5:00 PM**

*Maria Ristow, Chair
Matthew Hudes, Vice Chair*

HOW TO PARTICIPATE

The Town of Los Gatos strongly encourages your active participation in the public process. If you are interested in providing oral comments during the meeting, you must attend in-person, complete a speaker's card, and return it to the staff. If you wish to speak to an item on the agenda, please list the item number on the speaker card. The time allocated to speakers may change to better facilitate the meeting. If you are unable to attend the meeting in-person, you are welcome to submit written comments via email to clerk@losgatosca.gov.

Public Comment During the Meeting:

When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Town meeting.

Speakers at public meetings may be asked to provide their name and to state whether they are a resident of the Town of Los Gatos. Providing this information is not required.

Deadlines to Submit Written Comments:

If you are unable to participate in person, you may email clerk@losgatosca.gov with the subject line "Public Comment Item #_" (insert the item number relevant to your comment). Persons wishing to submit written comments to be included in the materials provided to the Commission must provide the comments as follows:

- For inclusion in the agenda packet: by 11:00 a.m. the Thursday before the Commission meeting.
- For inclusion in the agenda packet supplemental materials: by 11:00 a.m. the day before the Commission meeting.
- For inclusion in a desk item: by 11:00 a.m. the day of the Commission meeting.

Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email to clerk@losgatosca.gov by 3:00 p.m. the day of the meeting.

CALL MEETING TO ORDER

ROLL CALL

CONSENT ITEMS *(Items appearing on the Consent are considered routine Town business and may be approved by one motion. Members of the public may provide input on any Consent Item(s) when the Chair asks for public comment on the Consent Items.)*

1. Approve the Minutes of the August 27, 2024, Policy Committee Meeting.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Committee on any matter that is not listed on the agenda. To ensure all agenda items are heard and unless additional time is authorized by the Chair, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per speaker. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

2. Discuss and Make a Recommendation to the Town Council to Approve the Modifications to Town Council Policy 2-11 "Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum" Related to Attendance.

ADJOURNMENT

ADA NOTICE In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk's Office at (408) 354- 6834. Notification at least two (2) business days prior to the meeting date will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR §35.102-35.104]



DRAFT
Minutes of the Town Council Policy Committee Meeting
August 27, 2024

The Town Council Policy Committee of the Town of Los Gatos conducted a meeting on Tuesday, August 27, 2024, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:00 P.M.

ROLL CALL

Members Present: Chair/Council Member Maria Ristow and Vice Chair/Vice Mayor Matthew Hudes.

Staff Present: Laurel Prevetti, Town Manager; Katy Nomura, Assistant Town Manager; Gabrielle Whelan, Town Attorney; Wendy Wood, Town Clerk; Nicolle Burnham, Public Works Director; Jim Harbin, Public Works Superintendent; and Nick Turner, Supervising Equipment Mechanic.

VERBAL COMMUNICATIONS

There were no verbal communications.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approve Minutes of the April 29, 2024, Council Policy Committee Meeting.

There was no public comment.

MOTION: Motion by Vice Chair Hudes to approve the minutes item. **Seconded** by Chair Ristow.

VOTE: Motion passed by a unanimous vote.

OTHER BUSINESS

2. Discuss and Recommend to the Town Council a Commission Events Policy.

Katy Nomura, Assistant Town Manager, presented the staff report.

There was no public comment.

SUBJECT: Draft Minutes of the Council Policy Committee Meeting of August 27, 2024

DATE: August 30, 2024

The Committee asked questions, discussed the item, and recommended the Commission Budget Policy 5-03 be modified to align with the Commission Event Policy.

MOTION: Motion by Chair Ristow to recommend the [Commission Event] Policy be brought to the Council for consideration and approval with the Commission Budget Policy to make sure the two policies are aligned. **Seconded by Vice Chair Hudes.**

VOTE: Motion passed by a unanimous vote.

3. Discuss and Recommend Modifications to Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy 2-11 Related to Attendance.

Wendy Wood, Town Clerk, presented the staff report.

There was no public comment.

The Committee asked questions and discussed the item. The Committee supported implementing excused and unexcused absences, a July recess for all Commissions, and a two-hour time limit for all Commission meetings with the exception of the Planning Commission and the Historic Preservation Committee.

The Committee discussed the Youth Commissioner participation on Adult Commissions and decided to table the discussion until they receive input from the Youth Commission.

4. Recommend to the Town Council Proposed Changes to Town Council Policy 4-05 “Town Vehicle and Equipment Acquisition Replacement Policy.”

Nicolle Burnham, Public Works Director, presented staff report.

There was no public comment.

The Committee asked questions and discussed the item.

MOTION: Motion by Chair Ristow to recommend the [Town Vehicle and Equipment Acquisition Replacement] Policy be brought to the Council for a larger discussion as soon as the Mayor can agendaize it. **Seconded by Vice Chair Hudes.**

Motion passed by unanimously.

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SUBJECT: Draft Minutes of the Council Policy Committee Meeting of August 27, 2024

DATE: August 30, 2024

ITEM NO. 1.

ADJOURNMENT

The meeting adjourned at 6:49 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the August 27, 2024, meeting as approved by the Town Council Policy Committee.

Wendy Wood, Town Clerk



**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT**

MEETING DATE: 09/24/2024

ITEM NO: 2

ITEM NO. 2.

DATE: September 17, 2024
TO: Council Policy Committee
FROM: Katy Nomura, Interim Town Manager
SUBJECT: Discuss and Make a Recommendation to the Town Council to Approve the Modifications to Town Council Policy 2-11 "Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum" Related to Attendance

RECOMMENDATION:

Discuss and make a recommendation to the Town Council to approve the modifications to Town Council Policy 2-11 "Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum" related to attendance.

BACKGROUND:

The Town Council Commission Appointment Policy sets forth procedures for consistent recruitment, appointment, residency, and attendance requirements for all Town Boards, Commissions, and Committees (hereafter Commissions). There have been several revisions to this Policy in the past years to ensure consistency.

At the August 27, meeting the Committee discussed Commissioner attendance and responded the following questions:

1. Does the Committee wish to amend the policy to implement excused and unexcused absences?
2. If so, should there be a limit on the number of excused absences?
3. Is the unexcused absence rate of 25 percent of the total number of regular meetings an acceptable limit?
4. Does the Committee wish to implement time limits on the duration of Commission meetings?
5. Does the Committee wish to implement a July summer recess for all Commissions?

PREPARED BY: Wendy Wood
Town Clerk

Reviewed by: Interim Town Manager and Town Attorney

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SUBJECT: Modification to the Commission Appointment Policy 2-11

DATE: September 17, 2024

The Committee directed staff to revise the policy to incorporate excused and unexcused absences, a July summer recess for all Commissions, and a two-hour time limit for all commission meetings, with the exception of the Planning Commission and Historic Preservation Committee. The Committee also asked staff to provide a recommendation for a limit on the number of excused and unexcused absences.

The Committee was also asked the following questions in regard to Youth Commissioner's participation in the adult commissions:

1. Should Youth Commissioners serve as voting members on an adult commission, which counts toward the Commission quorum, or should Youth Commissioners serve as non-voting members who do not make up the quorum of the adult commission?
2. Should expectations and requirements regarding Youth Commission participation at the adult commissions be adjusted?
3. Should Youth Commission requirements regarding attendance at the adult commissions be adjusted to account for the fact that Youth Commission is not in session during the summer?

The Committee discussed concerns and requested input from the Youth Commission.

DISCUSSION:

Based on the direction from the Committee, staff has prepared a redline Policy (Attachment 1). The main changes to the policy include adding a summer recess for all commissions in July, adding a two-hour time limit for the length of a regular Commission meeting with certain exceptions, and modifying the absence requirements to incorporate excused and unexcused absences. The proposed limits on excused and unexcused absences and the guidelines for defining an excused absence are listed as follows:

A Commissioner, shall be deemed to have automatically surrendered their office if they have either:

- a. Three consecutive unexcused absences from the regular meetings of the Commission; or
- b. Unexcused absences totaling more than twenty percent* of the total number of scheduled regular meetings in any calendar year;* or
- c. Absences, whether excused or unexcused, totaling more than thirty-five* of the total number of scheduled regular meetings in that calendar year.**

Excused absences shall be limited to those which meet both of the following requirements:

- a. The absent Commissioner must have informed the chair and the staff liaison to the Commission, of their intended absence prior to the scheduled meeting. (Failure to inform the chair and the staff liaison prior to the meeting shall result

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SUBJECT: Modification to the Commission Appointment Policy 2-11

DATE: September 17, 2024

in an unexcused absence, unless an unusual circumstance prevents advance notice.); and

- b. The following shall be considered an excused absence:
- i. An absence due to illness of the Commissioner; or
 - ii. An absence due to medical emergency of the Commissioner or the Commissioner's immediate family (spouse, domestic partner, parent, child, sibling, or dependent); or
 - iii. An absence due to the Commissioner's need to provide direct caregiving related to the illness of the Commissioner's immediate family (spouse, domestic partner, parent, child, sibling, or dependent); or
 - iv. An absence due to death of a Commissioner's immediate family (spouse, domestic partner, parent, child, sibling, or dependent); or
 - v. An absence because a Commissioner is away on authorized commission business; or
 - vi. An absence due to required military service; or
 - vii. An absence related to Federal and State Family Leave.

* Percentages will be rounded to the nearest whole number using standard rounding rules (less than .5 will round down and .5 or more will round up) and if the Commissioner was appointed to fill a vacancy, more than twenty percent of the total number of remaining scheduled regular meetings in that calendar year.

** A calendar year is defined as January 1 through December 31. Any absence that causes the cancellation of a meeting due to lack of a quorum shall be counted as an absence for the Commissioner.

Other minor clean-up changes in the policy language are proposed throughout the document.

The Committee had tabled the discussion to address concerns with the Youth Commission's attendance in Adult Commissions until they received input from the Youth Commission. However, staff has recently received advice from the Fair Political Practices Commission (FPPC) that if the Youth Commissioners participate in making decisions at Adult Commissions, they are required to file the Statement of Economic Interests (Form 700) regardless of their age. The FPPC defines participating in a decision as "providing information, an opinion, or a recommendation for the purpose of affecting the decision." The Youth Commissioners appointed to Adult Commissions will be required to file a Form 700 if no changes are made to how the Youth Commissioners participate in Adult Commissions.

Requiring a Youth Commissioner to file a Form 700 could cause some challenges, such as concerns from parents about disclosing information, requiring minors to accurately understand and file with risks of fines for late or inaccurate filings, and potential complications during a college application process if the student is applying for financial aid. These issues could be avoided by changing the role of the Youth Commissioner on an Adult Commission from a voting

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SUBJECT: Modification to the Commission Appointment Policy 2-11

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member to a non-voting liaison that attends Adult Commission meetings to learn as a member of the public, provides public comment from the youth perspective, and reports back to the Youth Commission.

The Youth Commission review their enabling resolution at their October meeting to make recommended changes to their responsibilities. Staff will prepare a report for Council to consider changing the role of the Youth Commissioner on an Adult Commission to a non-voting liaison.

CONCLUSION:

Staff looks forward to the Committee's discussion and direction. If the Committee recommends updating the Policy, staff will incorporate any necessary modifications prior to bringing the proposed draft to the full Town Council for consideration and approval.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office and the Town Attorney.

FISCAL IMPACT:

This item has no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Redline Commission Appointment Policy 2-11



TITLE: Residency and Attendance Requirements, and Establishing a Quorum		POLICY NUMBER: 2-11
EFFECTIVE DATE: 2/28/1990		PAGES: 7
ENABLING ACTIONS:	REVISED DATES: 6/13/1994; 6/16/2014; 4/7/2015; 10/18/2016; 2/21/2017; 2/6/2018; 3/19/19; 9/3/2019; 6/1/2021; 12/7/21, 3/15/22, 8/2/22; 9/20/22; 10/03/23; 11/21/23; 3/5/2024	
APPROVED:		

PURPOSE

To establish a policy to encourage participation by the Town’s residents on Town Boards, Commissions and Committees (hereinafter referred to as "Commissions"). The Town of Los Gatos is committed to inclusivity. We value all our community members, regardless of religion, immigration status, ethnicity, race, disability, gender, sexual orientation, or gender identity. The Town will encourage residents to participate on Commissions by advertising vacancies on Commissions for at least 30 days, preparing easily understood applications, maintaining clear descriptions of the role of each Board, Commission, and Committee and its respective members, providing current meeting schedules, and conducting public interviews of all Commission applicants, except as provided by this Policy.

SCOPE

This Policy applies to all applicants to Town Boards, Commissions and Committees.

POLICY

The Town Council encourages public participation in all decision-making and to be successful residents must be assured both that the participation is meaningful and that their input will be valued. The widest representation from the community can only be achieved if vacancies are well advertised so that anyone interested will have the opportunity to apply. Interviews of the applicants conducted in public by the Town Council demonstrates that it values these appointments and that all have an equal opportunity to be appointed. Applicants may apply to more than one Commission, and shall rank their choices in their preferred order, during each recruitment cycle.

To ensure the greatest possible participation by the public, it is the Town's policy that no person shall be appointed to more than one Commission except in those cases where they are ex-officio members of other Boards, Commissions and Committees. This Policy does not apply to Commission members (hereinafter referred to as "Commissioners") serving as representatives of their Commission who have been appointed by the Town Council.

RESIDENCY REQUIREMENTS

Residency within the incorporated municipal limits of the Town of Los Gatos, California is required for appointment and continued membership on all Town of Los Gatos Boards, Commissions, and Committees, with the exception of the Youth Commission and the Diversity, Equity, and Inclusion Commission.

Youth Commission:

The members shall be students who are entering grades 8 through 12 in the fall. Membership for the students requires either residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

Diversity, Equity, and Inclusion Commission:

Membership composition shall be as outlined in the Commission’s enabling resolution and includes a Los Gatos business owner/employee, faith leader who leads a congregation in Los Gatos, and Los Gatos non-profit employee who may or may not reside in Los Gatos.

ATTENDANCE REQUIREMENTS

1. All members of all appointive ~~Town Advisory Bodies~~Commissions should attend all regular and special meetings of said ~~Advisory Bodies~~Commissions.
2. Consistent with Town Council summer recess, Commissions will not schedule a regular meeting in the month of July to allow time for vacations.
- ~~2.3.~~Any member not in attendance at a regular meeting of said ~~Advisory Body~~Commissions for at least 70% of the meeting shall be considered absent. To allow Commissioners to plan ahead to meet the 70% requirement, there will be a two-hour time limit for a regular Commission meeting with the exception of the Planning Commission and the Historic Preservation Committee and meetings containing discussion regarding the Town’s annual budget.
- ~~3.~~Any member of an appointive ~~Town Advisory Body~~ who is absent from the number of regular meetings listed below appropriate to his or her ~~Advisory Body~~ shall, as a result, surrender his or her office on the ~~Advisory Body~~ and the office shall be considered vacant.
 - ~~a.~~For an ~~Advisory Body~~ which holds six (6) or more regular meetings per a consecutive twelve (12) month period: three (3) regular meetings.

- ~~b. For an Advisory Body which holds five (5) or fewer regular meetings per a consecutive twelve (12) month period: two (2) regular meetings.~~
- ~~c. For an Advisory Body which holds sixteen (16) or more regular meetings per a consecutive twelve (12) month period: eight (8) regular meetings.~~
- ~~4. Consistent with the Family Medical Leave Act and the California Family Rights Act, absences of up to 12 weeks due to parental leave constitute excused absences.~~
4. A Commissioner, shall be deemed to have automatically surrendered their office if they have either:
- a. Three consecutive unexcused absences from the regular meetings of the Commission; or
 - b. Unexcused absences totaling more than twenty percent* of the total number of scheduled regular meetings in any calendar year;* or
 - c. Absences, whether excused or unexcused, totaling more than thirty-five* of the total number of scheduled regular meetings in that calendar year.**
5. Excused absences shall be limited to those which meet both of the following requirements:
- a. The absent Commissioner must have informed the chair and the staff liaison to the Commission, of their intended absence prior to the scheduled meeting. (Failure to inform the chair and the staff liaison prior to the meeting shall result in an unexcused absence, unless an unusual circumstance prevents advance notice.); and
 - b. The following shall be considered an excused absence:
 - i. An absence due to illness of the Commissioner; or
 - ii. An absence due to medical emergency of the Commissioner or the Commissioner's immediate family (spouse, domestic partner, parent, child, sibling, or dependent); or
 - iii. An absence due to the Commissioner's need to provide direct caregiving related to the illness of the Commissioner's immediate family (spouse, domestic partner, parent, child, sibling, or dependent); or
 - iv. An absence due to death of a Commissioner's immediate family (spouse, domestic partner, parent, child, sibling, or dependent); or
 - v. An absence because a Commissioner is away on authorized commission business; or
 - vi. An absence due to required military service; or
 - vii. An absence related to Federal and State Family Leave.
- ~~5.6.~~ The vacant position shall be filled by appointment by a majority vote of the Town Council, for a term equal to the unexpired portion of the office vacated. Any member removed from office due to non-attendance may re-apply to serve on a Town ~~Advisory Body~~Commission but will not be treated as an incumbent in any subsequent application to the same ~~Advisory Body~~Commission.
- ~~6.7.~~ If a Youth Commissioner liaison misses three meetings of a liaison Commission ~~during a consecutive twelve (12) month period*~~, the Youth Commission shall appoint a different Youth Commissioner as liaison.

* Percentages will be rounded to the nearest whole number using standard rounding rules (less than .5 will round down and .5 or more will round up) and if the Commissioner was appointed to fill a vacancy, more than twenty percent of the total number of remaining scheduled regular meetings in that calendar year.

** Consecutive twelve (12) month period is defined as any consecutive twelve-month period beginning with the first absence. A calendar year is defined as January 1 through December 31. Any absence that causes the cancellation of a regular meeting due to lack of a quorum shall be counted as an absence for the Commissioner. A regular meeting shall not be cancelled and replaced with a special meeting in order to alleviate an absence by an advisory body Commissions member.

QUORUM REQUIREMENTS

The number of members needed to constitute a quorum on any Town Advisory Body Commission shall be a majority of the total number of filled seats Commission.

PROCEDURES

The following procedures will be followed by the applicant, the Town Clerk, and the Town Council for the appointment of applicants to Town Commissions:

Responsibility and Actions: Town Clerk

A. Annual Recruitments

Adult Commission member Commissioner's terms begin on January 1st and end December 31st, Youth Commissioners' terms follow the academic year and begin on August September 1st and end on June 30th. The Town Clerk shall perform the following duties in conducting an annual recruitment for Commission member Commissioners:

1. Notify Town Council of vacancies on Commissions by indicating the names of the Commissions, the number of terms expiring or being vacated, names of individual(s) with expiring terms or vacating seats, advertising periods (at least 30 days) and the date of interview.
2. Advertise the vacancies, including the application deadline and the interview date. Interviews and appointments for Adult Commissioners shall occur after annual Mayor and Vice Mayor selection, and in the case of election years, after new Council Members have been seated. Interviews and appointments for Youth Commissioners shall occur by the fourth Wednesday in May, no earlier than 4:00 p.m.
3. Prepare and maintain easily understood applications for appointment to Commissions. Applications shall include the following policy information:

- a. Prior to initial appointment to any Commission, non-incumbent applicants must be interviewed by the Town Council. The applications of those not ~~appearing interviewed~~ will be held for the next recruitment.
 - b. If an incumbent Commissioner is requesting reappointment to the same Commission ~~and is not available to be interviewed~~, the incumbent may ~~submit a request to be interviewed by telephone, with their application, instead of attending the interview or must~~ submit a letter prior to the interviews, describing the reason why the applicant cannot be present ~~telephonically via teleconference~~ or in person for the interview, and why the applicant should be reappointed to the Commission.
 - c. Submissions deadlines are mandatory; no exceptions are permitted.
4. Applications:
- a. *For adult applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council prior to the interviews for appointment.
 - b. *For student applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council Selection Committee, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), prior to the interviews for appointment.
5. Notify the applicant by letter or email as to the date and time of the interview and provide the option for an in person or teleconference interview.
6. Facilitate the Council voting process set forth below by informing Council as to how many votes are possible on each Commission, calling out applicants' names, and identifying the applicants receiving sufficient votes for appointment. This process does not apply to student applicants.
7. Applicants:
- a. *For adult applicants* — After the interviews and Council vote are completed, notify all applicants of the Council's action, and explain Town policy of keeping application active for one year with notification of subsequent openings on that Commission to the interested applicants.
 - b. *For student applicants* — After the interviews are completed, notify all applicants of the Council Committee's action, and prepare a staff report for the Town Council to ratify the Committee's appointment at the first Town Council meeting in June.

Interview Process

To ensure the interview process is consistent, fair, and equitable, each applicant shall be asked the same standard questions, as provided below. Notwithstanding, no Council Member shall be prevented from asking appropriate questions of applicants.

1. If appointed, what ideas would you like to see the Commission explore?
2. Please expand beyond the written response on your application: your experience, interest, and/or expertise that you feel would be most useful to the Commission.

3. Please elaborate on any written response provided in the application to assist the Council learn more about you.
4. If you did not answer any of the questions on the application, please explain why.

The standard questions are limited in number to allow an applicant sufficient time to respond. While the intent is for each Council Member to be able to ask one question of each applicant, the Council may decide not to ask all of the provided questions, change the order of the questions, or rotate which Council member asks a specific question. Applicants will be given a two-minute time limit to answer each question.

Balloting Process

Unless determined otherwise, the Council shall conduct a ballot vote for the appointment of individuals to fill the vacancies for each Commission. Such ballot vote may be conducted at either a regular, adjourned, or special meeting of the Town Council. The ballot vote process shall be conducted as follows:

1. The Town Clerk shall provide a ballot to each Town Council member listing the names of all applicants and “None of the above” for each respective Commission. Prior to the vote, the Town Clerk shall publicly announce the position vacancy and all applicant names that are listed on the ballot.
2. Each Council member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case, can a Council Member cast more votes than there are vacancies; or vote for the same candidate more than once on each ballot (i.e. cumulative voting -- e.g. where there are three vacancies, a Council member may not give all three votes to the same candidate). A Council Member is not required to vote for any of the candidates or for the total number of vacancies available.
3. The Town Clerk shall collect all ballots and shall publicly announce the name of each Town Council member and how that Council member cast his or her vote. In the case of a tie vote, the Town Clerk will announce that there is a tie and that a run-off vote shall be conducted but will not announce the names of the applicants in the run-off. Once all voting is concluded and a decision made, the votes will be made public. The run-off ballot will also include a “None of the above” option.
4. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the event of a tie, a run-off vote shall be conducted among the applicants receiving the highest number of votes from the previous round. This shall continue until a majority consensus on an applicant(s) is reached for the number of vacancies to be filled. In the event of an unbreakable tie, the Council may determine an alternative method for selecting the appointee(s) or direct the Town Clerk to re-advertise the vacancy.
5. If an applicant(s) is appointed to a ~~an Advisory Body~~Commission which has vacancies for both full and partial, unexpired terms, the length of the appointee’s term will be determined by the Mayor.

B. Mid-Term Recruitments

During the year, Commissions may experience vacancies that drop the number of filled seats to a number of members that is not sufficient to conduct Commission business. The Commission may request the Council to conduct a mid-term recruitment to fill seats. To the extent possible, the Town Clerk will consolidate mid-term recruitments to minimize the number of recruitments occurring throughout the year. In the event of a vacancy on the Planning Commission, the Town will automatically conduct a mid-term recruitment. Mid-term recruitments will not be conducted for Youth Commissioners. The Town Clerk shall advertise mid-term vacancies on Commissions for at least 15 days.

Responsibility and Action: Applicant

1. Read the Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy, complete and submit to the Town Clerk the application for appointment to a Town Commission by the advertised deadline date and time.
2. *For adult applicants:* Attend the Council meeting to be interviewed for Commission appointment. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
3. *For student applicants:* Attend the Council Selection Committee interview session. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the Friday before the scheduled interview date whether they will attend in person or via teleconference.
4. If an incumbent ~~Commission member~~Commissioner is requesting reappointment to the same Commission and is not available on the date of the interview, the incumbent must submit a letter by 4:00 p.m. the Friday prior to the interviews, describing the reason why the applicant cannot be present telephonically or in person for the interview, and why the applicant should be reappointed to the Commission.
5. If appointed, prior to starting the Commission term, appointees are required to attend a Commissioner Orientation and take the "Oath of Office."
6. Attend ~~Advisory Body~~Commission meetings once term begins.
7. Read the Commissioners' Handbook. Hard copies of the Handbook are to be returned to the Town Clerk when the term is complete.

Responsibility and Action: Town Council

1. Review applications.
2. *For adult applicants* – Interview applicants individually by Commission at a public meeting with all applicants present.
For student applicants – Town Council Selection Committee interviews applicants.
3. Determine if the incumbents not in attendance and having submitted a letter pursuant to this Policy should be considered for reappointment.
4. If there are limited applications for any vacancy to a Commission, the Mayor, on behalf of the Council, may request that the Town Clerk re-advertise the vacancy, reschedule the interviews, and notify all applicants of the new interview date.

COMPLIANCE - GROUNDS FOR DISMISSAL

A member may be removed from the ~~Advisory Body~~Commission prior to the end of his or her term by a three-fifths (3/5) vote of the Town Council and may not be reappointed for the following reasons:

~~1. Failure to attend Advisory Body meetings.~~

~~2.1.~~ Failure to file the following documents required by the Fair Political Practices Commission (Adult Commissioners):

- a. Form 700 – Assuming Office, Annual, and Leaving Office when term is complete.
- b. Planning Commissioners are also required to complete AB 1234 Ethics Training and file the original certificate with the Town Clerk every two years.

~~3.2.~~ Failure to comply with all Town Policies, Guidelines, and Handbooks.

CONFLICT OF INTEREST

Under the Fair Political Practice Act, an advisory board member has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public’s interest in favor of the official’s private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision.

The Fair Political Practice Act does not prohibit an advisory board member from participating in a decision simply by virtue of holding a position as a board member, director, officer, or employment with a nonprofit corporation. However, the Town strongly encourages that in the event that a decision concerns a nonprofit corporation for which an advisory board member is a board member, director, officer, or employed with that nonprofit corporation, the person should recuse him or herself and at a minimum shall disclose the potential conflict of interest before any discussion and decision.

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney