

**TOWN OF LOS GATOS  
COUNCIL POLICY COMMITTEE AGENDA  
NOVEMBER 28, 2023  
110 EAST MAIN STREET  
TOWN COUNCIL CHAMBERS  
LOS GATOS, CA  
5:00 PM**

*Rob Moore, Council Member  
Matthew Hudes, Council Member*

This meeting will be held in-person at the Town Council Chambers at 110 E. Main Street.

**PARTICIPATION IN THE PUBLIC PROCESS**

The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you are interested in providing oral comments during the meeting, you must attend in-person and complete a “speaker’s card” located on the back of the chamber benches and return it to the staff. If you wish to speak to an item on the agenda, please list the item number. The time allocated to speakers may change to better facilitate the Committee meeting. You are welcome to submit written comments via email to [Clerk@LosGatosCA.Gov](mailto: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 will be asked to provide their full name and to state whether they are a resident of the Town of Los Gatos. This information is optional and not required.

Deadlines for Public Comment and Presentations are as follows:

If you are unable to participate in person, you may email [Clerk@LosGatosCA.Gov](mailto: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 Board must provide the comments as follows:

- For inclusion in the regular packet: by 11:00 a.m. the Friday before the Committee meeting
- For inclusion in an Addendum: by 11:00 a.m. the Monday or Tuesday before the Committee meeting
- For inclusion in a Desk Item: by 11:00 a.m. on the day of the Committee 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](mailto:Clerk@LosGatosCA.Gov) to the by 3:00 p.m. the day of the meeting.

## MEETING CALLED TO ORDER

## ROLL CALL

**CONSENT ITEMS** *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Committee may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Chair asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 1 of this agenda. If an item is removed, the Chair has the sole discretion to determine when the item will be heard.)*

1. Approve Minutes of the October 24, 2023 Policy Committee Meeting.

**VERBAL COMMUNICATIONS** *(Members of the public are welcome to address the Policy 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.)*

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

2. Discuss the Draft Emergency Procurement Policy and Recommend that the Town Council Adopt the Policy.
3. Evaluate Remote Participation Guidelines as contained in the Agenda Format and Rules Policy and Consider a Recommendation to Council.

## ADJOURNMENT

**IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]**



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

MEETING DATE: 11/28/2023

ITEM NO: 1

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**DRAFT  
Minutes of the Town Council Policy Committee Meeting  
October 24, 2023**

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting on Tuesday, October 24, 2023, at 5:00 p.m.

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

**ROLL CALL**

Members Present: Rob Moore, Matthew Hudes

Staff Present: Laurel Prevetti, Town Manager; Gabrielle Whelan, Town Attorney; Katy Nomura, Assistant Town Manager; Wendy Wood, Town Clerk; Joel Paulson, Community Development Director; Gitta Ungvari, Finance Director (by phone); Ryan Baker, Library Director; Nicolle Burnham, Parks and Public Works Director; Holly Young, Senior Management Analyst.

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

**1. Approve Minutes of the September 26, 2023 Council Policy Committee Meeting.**

Opened public comment.

None.

Closed Public Comment.

**MOTION:** Motion by Vice Chair/Council Member Hudes to approve the minutes of the September 26, 2023 Council Policy Committee meeting. **Seconded** by Chair/Council Member Moore.

**VOTE:** Motion passed by a unanimous vote.

**VERBAL COMMUNICATIONS**

Opened public comment.

Lee Fagot

- Commented that he would like to see the development of a new policy regarding transparency, accountability, and Council oversight based on the Town's Housing Element submittal.

Closed Public Comment.

## **OTHER BUSINESS**

### **2. Review the Town Council Potential Modifications to Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum and Make Recommendations to the Town Council on Potential Modifications.**

Laurel Prevetti, Town Manager, presented the staff report.

Opened public comment.

Lee Quintana

- Commented that the General Plan Committee should be eliminated because it meets infrequently and its main functions are the General Plan and Housing Element Updates.

Closed Public Comment.

**MOTION:** Motion by Vice Chair/Council Member Hudes to forward a recommendation to the Town Council to approve the proposed modifications in Attachment 1 to Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum. **Seconded by Chair/Council Member Moore.**

**VOTE:** Motion passed by a unanimous vote.

### **3. Discuss the Core Municipal Services Provided by the Town of Los Gatos.**

Holly Young, Senior Management Analyst, presented the staff report.

Opened public comment.

Kimberly Snyder, New Museum Los Gatos (NUMU) Executive Director

- Commented that the museum's services are core to the Los Gatos community and asked the Town to continue to invest in the museum.

Lee Quintana

- Commented that she was surprised that the Town and NUMU were not more officially connected given the working partnerships.

Lee Fagot

- Commented that he did not differentiate between the Town and NUMU.

Closed Public Comment.

The Committee received the report and provided feedback, including moving away from using the term “core services” and using “municipal services” instead and considering “value-added” services versus “non-value added” services through the eyes of community customers during the next budget cycle.

### **ADJOURNMENT**

The meeting adjourned at 6:06 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the October 24, 2023 meeting as approved by the Town Council Policy Committee.

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Holly Young, Senior Management Analyst



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

MEETING DATE: 11/28/2023

ITEM NO: 2

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DATE: November 20, 2023  
TO: Council Policy Committee  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Discuss the Draft Emergency Procurement Policy and Recommend that the Town Council Adopt the Policy

**RECOMMENDATION:**

Discuss the draft Emergency Procurement Policy (Attachment 1) and recommend that the Town Council adopt the Policy.

**BACKGROUND:**

At its August 22, 2023 meeting, the Policy Committee identified the Emergency Procurement Policy as one of its priority 2023 work plan items.

Public Contract Code Section 1102 defines “emergency” as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.” Town Council Policy 4-06: Purchasing Policy uses this definition and provides that the Director of Emergency Services/Town Manager or their designee determines when a situation meets this definition.

**DISCUSSION:**

The Emergency Procurement Policy has been drafted to allow the Town additional flexibility in procurement in the event of an emergency in alignment with State and Federal regulations. By ensuring that State and Federal regulations are followed, it also ensures that the Town’s procurements during an emergency will be eligible for State and/or Federal reimbursement when applicable.

**PREPARED BY:** Katy Nomura  
Assistant Town Manager

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Reviewed by: Town Manager, Town Attorney, and Finance Director

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PAGE 2 OF 2

SUBJECT: Emergency Procurement Policy

DATE: November 20, 2023

DISCUSSION (continued):

Should the Policy be adopted by Council, staff would then finalize an administrative procedure to ensure all applicable local, State, and Federal emergency procurement laws are followed in accordance with the Policy.

CONCLUSION:

Staff looks forward to the Committee's discussion and recommends that the Policy Committee forward a recommendation to the Town Council to adopt the proposed Policy.

COORDINATION:

This report was coordinated with the Town Manager's Office, Town Attorney, and Finance Department.

FISCAL IMPACT:

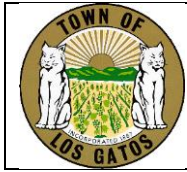
There is no direct fiscal impact associated with the adoption of this Policy. However, adoption would ensure that future emergency procurements are compliant and eligible for State and Federal reimbursement when applicable.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Draft Emergency Procurement Policy



**TITLE: Emergency Procurement Policy**

**POLICY NUMBER:**

**EFFECTIVE DATE:**

**PAGES: 2**

**ENABLING ACTIONS:**

**REVISED DATES:**

**APPROVED:**

## **I. PURPOSE**

To establish a Policy for purchasing goods and services in and following an emergency. Public Contract Code section 1102 defines “emergency” as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.” Town Council Policy 4-06: Purchasing Policy uses this definition and provides that the Director of Emergency Services/Town Manager or his/her designee determines when a situation meets this definition.

## **II. SCOPE AND AUTHORITY**

The Scope of this Policy shall apply to all Town of Los Gatos elected and appointed officials, employees, volunteers, and vendors seeking to do business with the Town, or other individuals performing work and/or engaged in procurement activities on the Town’s behalf in an emergency. The applicable legal authority exists in:

- 44 Code of Federal Regulations (C.F.R.) § 13.36(b)-(i);
- 2 Code of Federal Regulations Part 200;
- California Public Contract Code;
- Town of Los Gatos Town Code; and
- Town Council Policy 4-06: Purchasing Policy.

## **III. GENERAL POLICY**

It is the Town of Los Gatos Council Policy to assure that the Town adheres to all applicable local, State, and Federal emergency procurement laws during an emergency to ensure compliance and eligibility for applicable State and Federal funding.

During an emergency, the Town of Los Gatos will follow its procurement policies identified in Town Council Policy 4-06: Purchasing Policy, State requirements in the Public Contract Code,



<b>TITLE: Emergency Procurement Policy</b>	<b>PAGE:</b> 2 of 2	<b>POLICY NUMBER:</b>
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and the Federal requirements for procurement such as those set forth in 44 C.F.R. § 13.36(b)-(i) and 2 C.F.R. Part 200 when applicable.

In an emergency, essential goods and services may need to be obtained outside the processes and authorities established in the Town's Purchasing Policy and any such procurements shall adhere to Federal procurement requirements for an exigency/emergency exemption as set forth in 44 C.F.R. § 13.36(b)-(i). The exigency/emergency exemption to Federal Emergency Management Agency's competitive bidding requirements provides public agencies with the flexibility to procure goods and services in times of crisis. If utilizing the exigency/emergency exception, the justification should explain the nature of the public exigency or emergency, including specific conditions and circumstances that clearly illustrate why procurement other than through noncompetitive proposals would cause unacceptable delay in addressing a serious threat to the public, property, or environment.

APPROVED AS TO FORM:

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Gabrielle Whelan, Town Attorney



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

MEETING DATE: 11/28/2023

ITEM NO: 3

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DATE: November 22, 2023  
TO: Council Policy Committee  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Evaluate Remote Participation Guidelines as contained in the Agenda Format and Rules Policy and Consider a Recommendation to Council

**RECOMMENDATION:**

Evaluate remote participation guidelines as contained in the Agenda Format and Rules Policy and consider a recommendation to Council.

**BACKGROUND:**

On March 17, 2020, the Governor issued an Executive Order suspending certain provisions of the Brown Act to allow local legislative bodies to conduct their meetings completely telephonically or by other electronic means. After that time, the Town conducted all meetings remotely utilizing the Zoom platform.

In September 2022, the Town Council modified Town Council Policy 2-01: Town Agenda Format and Rules regarding remote attendance for Town Boards, Commissions, and Committees (hereafter referred to as Commissions). The Policy, at that time, provided an opportunity for Council Members and Commissioners to participate remotely under certain circumstances and allows the public to have the choice to participate either remotely or in person at all Council and Commission meetings.

In October 2022, the Governor announced that the COVID-19 State of Emergency would end on February 28, 2023, and this action would rescind the suspension of the Brown Act provision.

To prepare for the change back to the standard Brown Act requirements, the Policy Committee met on January 23, 2023, to discuss possible modifications to the Town Agenda Format and Rules regarding remote attendance for Town Boards, Commissions, and Committees Policy. The Committee discussed removing video participation for all Commissions, and Council

**PREPARED BY:** Wendy Wood  
Town Clerk

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Reviewed by: Town Manager, Assistant Town Manager, and Town Attorney

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SUBJECT: Evaluate Remote Participation for Town Boards, Commission, and Committees  
as contained in the Agenda Format and Rules Policy

DATE: November 22, 2023

BACKGROUND (continued):

Members requested conducting hybrid meetings for the Planning Commission and Finance Commission in addition to the Council meetings.

On February 7, 2023, the Town Council considered modifications to Town Council Policy 2-01: Town Agenda Format and Rules regarding remote attendance for Town Boards, Commissions, and Committees. Council adopted changes to allow hybrid meetings for the Planning and the Finance Commission and include the remote attendance language that matched the Brown Act regulations. The Council requested the Policy Committee and potentially the Council revisit this Policy before the end of the year.

On November 21, 2023, the Town Council adopted changes to Town Council Policy 2-01: Town Agenda Format and Rules regarding behavior expectations at Town Council meetings, notice to Americans with Disabilities, and agenda order (Attachment 1).

DISCUSSION:

In March 2023, all Commissions transitioned to in-person only meetings with the exception of the Planning Commission and Finance Commission. After the transition, all Commissioners were able to participate remotely by telephone as was done prior to the COVID-19 pandemic in accordance with Brown Act and Town Council Policy 2-01. From March 1, 2023, to November 17, 2023, only two Commissions have utilized remote participation in compliance with the Brown Act: the Community Health and Senior Services Commission (one meeting) and the Complete Streets and Transportation Commission (two meetings). There were no reported issues with the phone remote participation, and there were no Commissioner resignations after the transition to in-person meetings.

The Planning Commission and Finance Commission have conducted their meetings using a hybrid format (in-person and via Zoom) since March of this year. Since the implementation of the hybrid meetings, the Planning Commission has held 14 hybrid meetings and had one meeting with remote participation by a Commissioner in compliance with the Brown Act. The cumulative total of attendees on Zoom for the Planning Commission meetings beginning in March was 142 (number includes staff, consultants, and members of the public). Of that number, approximately 35 members of the public participated in the meetings by providing public comment. Currently, the Community Development Director is supporting the Zoom portion of the meeting. Members of the public also have the option to watch the Planning Commission meeting in real time without participating by watching the broadcast live on YouTube or cablecast channel 15.

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SUBJECT: Evaluate Remote Participation for Town Boards, Commission, and Committees  
as contained in the Agenda Format and Rules Policy

DATE: November 22, 2023

DISCUSSION (continued):

The Finance Commission has held five hybrid meetings with three meetings conducted utilizing remote Commissioner participation in compliance with the Brown Act. The cumulative total of attendees on Zoom from March to November was 58 (number includes staff, consultants, and members of the public). Of that number, 7 attendees participated in meetings by providing public comment. Zoom is the only remote option for real time observation or participation in the meeting. Several Finance Commission meetings were cancelled in 2023 due to a lack of quorum and the cancellations were unrelated to the remote participation requirements.

The audio recordings of all Commission meetings are posted to the website after the meeting, except for the Planning Commission because a video recording is available on YouTube and the Town website.

The Town Clerk is currently supporting the Zoom portion of the Finance Commission meetings, which has accounted for approximately 11 staff hours to date. The Community Development Director's Executive Assistant provides support for the Zoom meeting setup which accounts for approximately five and a half hours of staff time to date. The Community Development Director is currently supporting the Zoom portion of the meeting. This is possible because the Planning Manager provides additional support to the Commission.

Typically for the other Commissions, only the staff who provides the subject expertise attends the meetings. It would be challenging for the subject matter experts to support the Commission in its work, answer questions, and support the Chair with meeting facilitation while also managing the Zoom participation of the public and/or Commissioners.

CONCLUSION:

Staff looks forward to the Committee's discussion related to remote participation for Town Boards, Commissions, and Committees as well as any potential suggestions for Town Council.

COORDINATION:

This report was coordinated with the Town Manager's Office, Clerk Department, Town Attorney's Office, and Community Development Department.

FISCAL IMPACT:

There is no fiscal impact related to the discussion.

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SUBJECT: Evaluate Remote Participation for Town Boards, Commission, and Committees  
as contained in the Agenda Format and Rules Policy

DATE: November 22, 2023

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Town Council Policy 2-01: Town Agenda Format and Rules Policy (Approved by Town Council 11-21-2023).

<b>TITLE:</b> Town Agenda Format and Rules	<b>POLICY NUMBER:</b> 2-01
<b>EFFECTIVE DATE:</b> 12/15/1986	<b>PAGES:</b> 7
<b>ENABLING ACTIONS:</b> 1986-183; 1987-024; 1988-124; 1993-181; 1994-057; 1996-108; 2001-077; 2004-033; 2009-002; 2021-047	<b>REVISED DATES:</b> 12/15/1986; 3/2/1987; 6/6/1988; 6/15/1992; 12/6/1993; 4/4/1994; 8/5/1996; 7/2/2001; 4/5/2004; 1/20/2009; 3/16/2009; 12/6/2010; 8/5/2013; 3/3/2015; 9/20/2016; 6/20/2017; 8/1/2017; 12/4/18/; 8/20/19; 12/3/19; 6/1/2021; 11/2/2021; 9/20/22; 2/7/2023; 11/21/2023

**APPROVED:**

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**PURPOSE**

To establish procedures which standardize Town agendas and insure an orderly meeting. This Policy applies to Town Council and all Town Boards, Commissions, and Committees.

**POLICY**

The following policies have been established:

- A. Order of the Agenda  
 Subject to the Mayor's, or Chair's, discretion to change the order of consideration of any agenda item during any individual meeting:

- Call Meeting to Order
- Roll Call
- Pledge of Allegiance
- Appointments
- Presentations
- Closed Session Report
- Council Matters
- Manager Matters
- Consent Calendar
- Verbal Communications
- Public Hearings
- Other Business
- Adjournment (No later than midnight without vote)

ATTACHMENT 1

<b>TITLE:</b> Town Agenda Format and Rules	<b>PAGE:</b> 2 of 8	<b>POLICY NUMBER:</b> 2-01
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**B. Closed Session Report**

At the first Council meeting following any Closed Session, the Town Attorney will report on the Closed Session describing what occurred, but without reporting any information which could damage the Town's position on a) potential or existing litigation, b) the acquisition or disposition of property, or c) any employee's privacy interests. In addition, the Closed Session agenda shall clearly identify the subject of each agenda item consistent with the requirements of the *Brown Act*.

**C. Communications by Members of the Public**

Speakers at public meetings will be asked to provide their full name and to state whether they are a resident of the Town of Los Gatos. This information is optional but not required.

1. *Verbal Communications.* Comments by members of the public during the initial Verbal Communications portion of the agenda on items not on the Council agenda shall be limited to 30 minutes and no more than three (3) minutes per speaker. As an item not listed on the agenda, no response is required from Town staff or the Council and no action can be taken. However, the Council may instruct the Town Manager to place the item on a future agenda. At the conclusion of the first Verbal Communications, the agenda will proceed onto the Public Hearings and Other Business sections of the agenda. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications section can be opened prior to Adjournment.
2. *Public Hearings.* Presentations during the Public Hearings portion of the agenda by appellants and applicants, including any expert or consultant assisting with the presentation, shall be limited to a total of no more than five (5) minutes for all speakers. Appellants and applicants shall be provided no more than three (3) minutes to rebut at the end of the public hearing. Other members of the public testifying at public hearings shall be limited to no more than three (3) minutes.
3. *Submittal of written materials by Applicant and Appellant.* To allow Town Council, Boards, Commissions, Committees, Town Staff, and the public the opportunity to review material in advance of a hearing, all materials submitted by the Applicant or Appellant must be received by the Town Clerk fourteen (14) days prior to the scheduled public hearing. Documents and materials received from the Applicant or Appellant after the deadline will be accepted; however, the Town Staff may not have the time to analyze the documents and material, and Town Council may not have the time to consider materials submitted after the deadline. The submittal of any additional material by the Applicant or Appellant shall not be considered prima facie evidence (sufficient to establish a fact or raise a presumption) under Town Code Section 29.20.300.
4. *Other Agenda Items.* Comments by members of the public concerning any other item on an agenda shall be limited to no more than three (3) minutes per item.

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5. *Mayor's Discretion.* All time limits noted above shall be subject to change at the Mayor's discretion. If a member of the public speaks on the wrong item, the time used would be deducted from the speaker's overall public comment time allowance on the correct item.

D. Consent Calendar

Items on the Council agenda that are considered to be of a routine and non-controversial nature are placed on the Consent Calendar. Typical items include meeting minutes, final reading and adoption of ordinances, resolutions approving agreements, awards of contracts, status staff reports, etc.

Consent items shall be approved by a single Council motion unless a member of the Council requests that an item be removed for separate Council action. Members of the public may speak on an item on the Consent Calendar during the public comment portion before the Council votes on the Consent Calendar. Items removed from the Consent Calendar may be considered at that meeting at the Mayor's discretion. If an item is removed for discussion, members of the public may speak to that item even if they previously spoke on the item during public comment.

E. Presentations

The Presentations portion of the agenda is intended to allow organized groups to make formal presentations to the Council and to recognize and honor deserving individuals and organizations. All matters included on the Presentations portion of the agenda require the prior approval of the Mayor and shall be limited to no more than ten (10) minutes, unless the Mayor grants additional time.

F. Council Matters

Members of Council may report on the activities of the committees to which they belong or the meetings they attend, question staff briefly on matters upon which the Council has taken action or given direction, make brief announcements, or discuss whether to place particular items on future agendas for action by the Council. Future agenda items to be briefly discussed here shall be identified consistent with Section G of this Policy, or may be raised for the first time under this item.

G. Adjournment

Council meetings will be adjourned at midnight unless a majority of the Council Members present vote to extend the adjournment time.

H. Americans with Disabilities Notice on Town Agendas

As part of the requirements under the Americans with Disabilities Act, the Town is required to provide notice of whom to contact in advance of a public meeting for assistance to disabled individuals who might wish to participate. The following notice shall be provided in at least one location on each Town agenda for Council, Boards, Commissions, or Committees.



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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 to enable the Town to make reasonable arrangements to ensure accessibility to this meeting [28 CFR §35.102-35.104]

I. Preparation of the Agenda

The agenda is prepared by staff in consultation with the Mayor for the Mayor's final approval. If there is a disagreement between the Mayor and staff, the Mayor makes the ultimate call on the Agenda and its items. Any member of the Council may submit a request through the Town Manager or directly to the Mayor to make a change or addition to the agenda. In no event may the subject of whether to amend the agenda be discussed outside of a public meeting by more than two (2) members of the Council.

Items thus proposed to be added to the agenda require the Mayor's agreement to be added for action. If the Mayor does not agree, the item shall be listed on the agenda for discussion purposes only under the Council Matters section of the agenda. Council may then discuss whether to place the item on a future agenda for action. Two (2) or more members of the Council must vote in favor of placing an item on a future agenda for action. The Mayor in good faith will make every effort to place the item on the first available Council agenda in consultation with the Town Manager.

If the wish of the Council is to add an item on the agenda of the current meeting, then the *Brown Act* generally requires a two-thirds (2/3) vote or a unanimous vote of those present if less than five (5) Council Members are present, with a finding that there is a need to take immediate action and the need for action came to the attention of the Town after the agenda was posted.

J. Agenda Schedule and Preparation

In general, questions or inquiries from Council Members to the Town Manager and/or Town Attorney regarding agenda items should be responded to within 24 hours, and then placed into Addenda and/or Desk Items, as appropriate.

Thursday, prior to the meeting	Written agenda is finalized and printed. Agenda packets distributed to Town Council Members. Public comments on agenda items received by 11:00 a.m. will be included in the agenda packet.
Friday, prior to the meeting	Additional information from staff available after the Thursday distribution of the agenda packet, and public comments received prior to 11:00 a.m. on Friday will be distributed to Town Council members as an Addendum to a staff report.

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Monday, prior to the meeting      Additional information from staff available after the Friday Addendum and public comment received prior to 11:00 a.m. on Monday will be distributed to Town Council members as an Addendum to a staff report.

Day of Council Meeting      Council comments and questions received by 7:00 a.m. and public comments received by 11:00 a.m. on the morning of a Council meeting will be included in a Desk Item for distribution to Town Council members by 3:00 p.m. on the afternoon of a Council meeting. Council comments and questions received after 7:00 a.m. may be addressed during the Council meeting. Public comment received after 11:00 a.m. will not be distributed to the Council in the Desk Item; however, public comment may be submitted by individuals during the Council meeting.

In general, questions or inquiries from Council Members to the Town Manager and/or Town Attorney regarding agenda items should be responded to within 24 hours, and then placed into Addenda and/or Desk Items, as appropriate.

K. Agenda Posting

Council Agendas shall be posted at least 72 hours prior to a regular meeting, and at least 24 hours prior to a special meeting. Notice of any meeting of a formally appointed Committee where two Council Members could be present shall be posted at least 24 hours in advance of any such meeting with a note as to the time and location, and an invitation to the public to attend.

L. Conduct of Town Council Meetings

The Council shall adopt:

1. Robert's *Rules of Order* or
2. Some other rules of order, or
3. Allow the Mayor to conduct the meeting as deemed appropriate so long as all members of the Town Council concur.

M. Attendance at Meetings

The Town Council and Commissioners are expected to attend all meetings as part of their commitment to their positions. Attendance requirements for Commissioners are set forth in Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum. Consistent with the Family Medical Leave Act and the California Family Rights Act, absences of up to 12 weeks due to the birth of a child constitute excused absences.

N. Remote Attendance

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In addition to the requirements of the Brown Act, the following guidelines apply to Town meetings:

1. **Town Council Meetings:** Requests by Council Members to attend a regular Council meeting via remote appearance (either Zoom or telephone) are allowed on a limited basis and with no more than two remote participations in a row. Remote attendance shall be permitted for a medical, family or work event requiring a Council Member's absence or in the event the Council Member is out of the area on official Town business. In addition, at least a quorum of the Council must participate from a location within the Town and comply with other requirements of the Brown Act. When a Council Member is participating remotely, they shall have their camera on and be visible for the duration of the meeting.
  2. **Town Board, Committee, and Commission Meetings:** Board, Committee, and Commission members may participate remotely by telephone only, with the exception of the Finance and Planning Commissioners who have the choice of either Zoom or telephone. Requests by Commissioners to attend a Commission meeting via remote appearance should be allowed on a limited basis to mirror the existing attendance requirements, with no more than four remote participations annually, no more than two remote participations in a row, and in compliance with the Brown Act.
  3. **Remote Participation by the Public:** The public may participate in Town Council, Finance Commission, and Planning Commission meetings remotely by following the remote participation instructions that are provided on the agenda. The remote participation instructions shall be provided on all Town Council, Finance Commission, and Planning Commission agendas. There is not a remote public participation option for other Town Boards, Committees, or Commissions.
- O. **Proposed Reconsideration of Prior Council Actions**  
Reconsideration of prior Council actions is discouraged and may only occur in special circumstances subject to the procedural restrictions outlined herein. Reconsideration does not include, and this Policy does not prohibit, the repeal of a resolution or ordinance in response to a lawsuit or a referendum challenging that adoption.

**Step 1 – Motion to Place Reconsideration of a Prior Action on a Future Council Agenda**

- a) The motion must be made by a Council Member who previously voted on the prevailing side of the prior action;
- b) The maker of the motion shall specifically articulate the new information, analysis and/or circumstances that warrant(s) reconsideration of the prior action;
- c) The motion must be adopted by a majority of the full Council; and

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- d) The motion may only be made and considered at the next regularly scheduled meeting of the Council after the item was originally acted upon.

**Step 2 – Full Reconsideration of the Prior Action**, if a motion as outlined in Step 1 is approved.

- a) The full reconsideration of the prior action will be placed on the next available Council agenda following the agenda-setting and required public notification process.
- b) The agenda, public notification and staff report for the full reconsideration of the prior action shall clearly state that the item has been previously acted upon by the Council and is being reconsidered by the Council.
- c) Action on the reconsideration of the prior action shall adhere to regular Council policies and practices as if the item was being heard for the first time.
- d) The full reconsideration of the prior action (whether sustained, reversed or otherwise modified) will be the final action on that item, and no further reconsiderations will be considered.

**P. Motions by the Chairperson**

The Chairperson of the meeting may make or second motions. The Chairperson may also restate, or ask that the maker restate, all motions immediately prior to any vote.

**Q. Behavior Expectations and Consequences at Town Council Meetings**

At each meeting, the Mayor should welcome the public to participate in the meetings, understanding that the purpose of the meeting is to conduct the important business of the Town in an efficient and effective manner. The Mayor may promote constructive communication by asking Council members, staff, and community members to embrace and adhere to the following values:

- Be respectful, welcoming, inclusive, compassionate, and kind to each other,
- Appreciate the diversity of perspectives and views in our community,
- Express your views and share your perspectives in helpful ways,
- Listen to understand and empathize with each other, and
- Collaborate and work together to do what is best for Los Gatos.

As needed, the Mayor may need to remind the public about the Town's civility rules:

1. For the benefit of the entire community, the Town of Los Gatos asks that all speakers follow the Town's meeting guidelines by treating everyone with respect and dignity. This is done by following meeting guidelines set forth in State law, in the Town Code, and on the cover sheet of the Council agenda.

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2. The Town embraces diversity and strongly condemns hate speech and offensive, hateful language or racial intolerance of any kind at Council meetings.
3. Town Council and staff are well aware of the public's right to disagree with their professional opinion on various Town issues. However, anti-social behavior, slander, hatred, and bigotry statements are completely unacceptable and will not be tolerated in any way, shape, or form at Town Council meetings.
4. All public comments at the Town Council meeting must pertain to items within the subject matter jurisdiction of the Town and shall not contain slanderous statements, hatred, and bigotry against non-public officials.
5. The Town will go through the following steps if a disturbance results from a member of the public not following these rules:
  - a. If participating remotely, Town staff may mute the individual with an explanation for the record of why muting occurred consistent with this Policy.
  - b. If participating in-person, the Mayor may call a recess for violation of this Policy, resulting in the immediate cessation of the audio and video recording and the Council exiting the Chamber. Staff will determine if the individual should be removed or if all members of the public should leave depending on the extent of the disturbance. In the event that all public members exit, only the press would be allowed back in the meeting. Once the individual(s) leave, the Council would return to the Chamber and the Mayor would resume the meeting.

APPROVED AS TO FORM:

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Gabrielle Whelan, Town Attorney