



Matthew Hudes, Council Member
Rob Moore, Council Member

**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE AGENDA
JANUARY 23, 2023
TELECONFERENCE
5:00 PM**

IMPORTANT NOTICE

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, this meeting will not be physically open to the public and the Council will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below).

PARTICIPATION

To watch or provide oral comments real-time during the meeting, you must join the Zoom webinar. Join from a PC, Mac, iPad, iPhone or Android device or join by telephone:

- **Zoom webinar.** Please click this URL to join.
<https://losgatosca.gov.zoom.us/j/88629261873?pwd=b2FwQnk4VytReG9NUC9HTnlwMFIBZz09>. Passcode: 130213. You can also type in 886 2926 1873 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join> and use passcode: 130213.
- **Join by telephone.** Dial: USA 877 336 1839US Toll-free or 636 651 0008 US Toll. Conference code: 686100

When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.

When called to speak, you will be asked to provide your full name and your town/city of residence. This identifying information is optional and not a requirement for participation. 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 Council Policy Committee meeting.

If you wish to speak to an item or items on the Consent Calendar, please state which item number(s) you are commenting on at the beginning of your time.

If you are unable to participate in real-time, you may email to Clerk@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment) or “Verbal Communications – Non-Agenda Item.” Comments received by 11:00 a.m. the day of the meeting will be reviewed and distributed before the meeting. All comments received will become part of the record.

**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE AGENDA
JANUARY 23, 2023
TELECONFERENCE
5:00 PM**

REMOTE LOCATION PARTICIPANTS

The following Committee Members are listed to permit them to appear electronically or telephonically at the Policy Committee meeting: COMMITTEE MEMBER MATTHEW HUDES, COMMITTEE MEMBER ROB MOORE. All votes during the teleconferencing session will be conducted by roll call vote.

RULES OF DECORUM AND CIVILITY

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is not limited to:

- Addressing the Committee without first being recognized;
- Interrupting speakers, Committee Members, or Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the microphone when directed to do so;
- Repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code Section 403.

MEETING CALL TO ORDER

ROLL CALL

APPOINT CHAIR AND VICE CHAIR

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 2 of this agenda. If an item is removed, the Chair has the sole discretion to determine when the item will be heard.)*

1. Approve the Draft September 17, 2022 Meeting Minutes.
2. Approve the Town Council Policy Committee Meeting Schedule for 2023

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.*)

- [3.](#) Recommend to the Town Council Modifications to Town Council Policy 2-01: Town Agenda Format and Rules Regarding Remote Attendance for Town Boards, Commissions, and Committees
- [4.](#) Identify Future Work Plan Items for the Council Policy Committee

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]



**DRAFT
Minutes of the Town Council Policy Committee Meeting
September 27, 2022**

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, September 27, 2022, at 5:00 p.m.

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

ROLL CALL

Members Present: Mary Badame, Marico Sayoc.

Staff Present: Gabrielle Whelan, Town Attorney; Wendy Wood, Town Clerk; Joel Paulson, Community Development Department Director; Holly Young, Senior Management Analyst.

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

1. Approve Draft Minutes of the August 23, 2022 Council Policy Committee.

Approved.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

2. Discuss and Recommend Updates to the Social Media Policy to the Town Council.

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

Opened public comment.

None.

PAGE 2 OF 2

SUBJECT: Draft Minutes of the Council Policy Committee Meeting of September 27, 2022

DATE: January 23, 2023

Closed Public Comment.

After discussion, the Committee agreed to forward a recommendation to the Town Council to approve the proposed updates to the Social Media Policy.

3. Discuss and Provide Direction for Potential Modifications to the Town Council Code of Conduct, Town Council Policy 2-04.

Gabrielle Whelan, Town Attorney, presented the staff report.

Opened public comment.

None.

Closed Public Comment.

After discussion, the Committee agreed to forward a recommendation to the Town Council to approve the proposed updates to the Town Council Code of Conduct.

ADJOURNMENT

The meeting adjourned at 5:11 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the September 27, 2022 meeting as approved by the Town Council Policy Committee.

Holly Young, Senior Management Analyst



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

MEETING DATE: 01/23/2023

ITEM NO: 2

DATE: January 23, 2023
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve the Town Council Policy Committee Meeting Schedule for 2023

RECOMMENDATION:

Approve the Town Council Policy Committee meeting schedule for the 2023 calendar year.

BACKGROUND:

Since 2019, the Council Policy Committee has been regularly meeting monthly on the fourth Tuesday of the month at 5:00 p.m. Meetings took place in the Council Chambers prior to the initial Santa Clara County Shelter-in-Place Order going into effect on March 17, 2020 as a result of the COVID-19 pandemic. Subsequent meetings continue to be held remotely via teleconference until further notice.

DISCUSSION:

If the current regular meeting schedule is continued for the 2023 calendar year, the proposed dates are as follows. All meetings would be at 5 p.m., unless the Committee has a different preference. Meeting dates are subject to change based on the Committee members' scheduling needs.

February 28	August 22
March 28	September 26
April 25	October 24
May 23	November 28
June 27	December TBD
July 25	

PREPARED BY: Holly Young
Senior Management Analyst

Reviewed by: Town Manager and Town Attorney

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SUBJECT: 2023 Council Policy Committee Meeting Schedule

DATE: January 23, 2023

CONCLUSION:

Staff recommends that the Council Policy Committee approve the proposed meeting dates for 2023.

COORDINATION:

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

FISCAL IMPACT:

There is no associated fiscal impact.

ENVIRONMENTAL ASSESSMENT:

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



TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT

MEETING DATE: 01/23/2023

ITEM NO: 3

DATE: January 19, 2023
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Recommend to the Town Council Modifications to Town Council Policy 2-01:
Town Agenda Format and Rules Regarding Remote Attendance for Town
Boards, Commissions, and Committees

RECOMMENDATION:

Recommend to the Town Council modifications to Town Council Policy 2-01: Town Agenda Format and Rules regarding remote attendance for Town Boards, Commissions, and Committees.

BACKGROUND:

Effective December 29, 2022, the Santa Clara County Public Health Officer's recommendation regarding continued remote public meetings of governmental entities has been rescinded. In addition, Jurisdictions throughout California are preparing for the Governor to end the State of Emergency pertaining to COVID-19. It has been announced that this is scheduled to take place on Feb. 28. Among other implications, the flexibility for remote participation provided in Assembly Bill 361 will no longer be in effect.

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 currently provides an opportunity for Council Members and Commissioners to participate remotely under certain circumstances. The Policy also provides for the public to have the choice to participate either remotely or in-person at all Council and Commission meetings.

DISCUSSION:

The use of hybrid meetings, in which there is both the option of in-person and remote participation, has been and continues to be a topic of discussion amongst City Managers and Town Clerks throughout our County. Attachment 1 contains the most current information

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

DISCUSSION (continued):

regarding how the County and 14 other cities are handling this. Some jurisdictions have found that extra staff resources are needed to offer a remote option when in-person meetings resume.

While the Town of Los Gatos has been preparing for the return of in-person meetings for all Commissions beginning March 1, 2023, it has become clear that the Town only has the staff resources to provide a Zoom option for Town Council meetings. Unlike other Commissions, the Town Council is supported by the Town Clerk who manage the remote participants. Specifically, this involves ensuring speakers are moved to and from the panelist position, managing the recording, and troubleshooting issues as they arise.

For the other Commissions, there is only the staff who provide the subject expertise at the meetings. It would be infeasible for the subject matter experts to be simultaneously supporting the Commission in its work, answering questions, and supporting the Chair with meeting facilitation while also managing the Zoom participation of the public and/or Commissioners.

For this reason, staff is recommending modifications to the Policy to indicate that the remote public participation option will not be available to Commissions (see Attachment 2). Remote participation would remain an option for the public at Town Council meetings.

Council Members would have the ability to participate remotely (either via Zoom or telephone) under the provisions of this Policy and the Brown Act. For Commissioners, the Town would return to a telephone option only if a Commissioner could not attend in person consistent with this Policy and the Brown Act.

CONCLUSION:

Staff looks forward to the Committee's discussion and recommendation to the Town Council.

COORDINATION:

The preparation of this report was coordinated with all Town Departments.

FISCAL IMPACT:

The proposed modification to the Policy has no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

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

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SUBJECT: Town Council Modifications to Town Council Policy 2-01: Town Agenda Format
and Rules Regarding Remote Attendance

DATE: January 19, 2023

Attachments:

1. Remote Participation in Cities within Santa Clara County
2. Town Council Policy 2-01: Town Agenda Format and Rules (redline)

Participation in Cities within Santa Clara County

<u>Jurisdiction</u>	<u>Hybrid</u>	<u>In-Person Only</u>	<u>Notes</u>
Campbell	Yes		
Cupertino			Not yet decided
Gilroy	Yes		
Los Altos			Not yet decided
Los Altos Hills	Yes		
Palo Alto	Yes		
Monte Sereno	Yes		
Milpitas		Yes	Only Council and Planning Commission are hybrid
Morgan Hill		Yes	Only Council and Planning Commission are hybrid
Mountain View		Yes	Only Council, Planning, and Rental Housing Committee (quasi-judicial bodies) are hybrid
San Jose	Yes		
Santa Clara		Yes	Only Council and Planning Commission hybrid
Santa Clara County hybrid		Yes	Only Board of Supervisors are
Saratoga	Yes		
Sunnyvale	Yes		

TITLE: Town Agenda Format and Rules	POLICY NUMBER: 2-01
EFFECTIVE DATE: 12/15/1986	PAGES: 7
ENABLING ACTIONS: 1986-183; 1987-024; 1988-124; 1993-181; 1994-057; 1996-108; 2001-077; 2004-033; 2009-002; 2021-047	REVISED DATES: 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

APPROVED:

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:
 - Meeting Call 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)

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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 Administrator 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]

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.

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N. Remote Attendance

~~The Town Council Rules provisions concerning remote attendance shall apply to all Boards, Commissions, and Committees as well as the Town Council as follows:~~ 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. Requests by Commissioners to attend a Commission meeting via ~~remote appearance~~ telephone should be allowed on a limited basis to mirror the existing attendance requirements, ~~and~~ with no more than two remote participations in a row, ~~and in compliance with the Brown Act.~~
- ~~3. When a Council Member or Commissioner is participating remotely, they shall have their camera on and be visible for the duration of the meeting.~~
3. Remote Participation by the Public: The public may participate in ~~all public~~ Town Council 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 ~~and Commission~~ agendas. ~~There is not a remote public participation option for 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

The public is welcome 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. At each meeting, the Mayor should state:

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.
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.

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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.
 - c. Persons disrupting a Council meeting may be cited for violation of the California Penal Code Section 403.

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney



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

MEETING DATE: 01/23/2023

ITEM NO: 3

DESK ITEM

DATE: January 23, 2023
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Recommend to the Town Council Modifications to Town Council Policy 2-01:
Town Agenda Format and Rules Regarding Remote Attendance for Town
Boards, Commissions, and Committees

REMARKS:

Attachment 3 includes public comment received between 11:01 a.m., Friday, January 20, 2023, and 11:00 a.m., Monday, January 23, 2023.

ATTACHMENTS:

Attachments previously distributed with the Staff Report:

1. Remote Participation in Cities within Santa Clara County
2. Town Council Policy 2-01: Town Agenda Format and Rules (redline)

Attachment distributed with this Desk Item:

3. Public Comment received before 11:01 a.m. Monday January 23, 2023

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

Wendy Wood

Subject: FW: Town Council Policy Regarding Remote Attendance for Boards, Commissions and Committees

From: Rick Tinsley [REDACTED]

Sent: Saturday, January 21, 2023 5:28 PM

To: Council <Council@losgatosca.gov>

Subject: Town Council Policy Regarding Remote Attendance for Boards, Commissions and Committees

EXTERNAL SENDER

Councilmembers,

In the latest Council Policy Committee packet Staff proposes to eliminate remote public participation and the use of Zoom in the above referenced meetings.

I urge the Council to reject Staff's proposal and maintain the use of Zoom (or similar hybrid options) for these meetings.

Over the past two years of using Zoom, it has been clear that the use of this technology has provided several benefits:

1. Increased Public participation in and observation/attendance of meetings
2. Increased Staff observation of meetings that are of interest even if they are not Participants.
3. More Council members can observe meetings of interest (as Attendees not Participants)
4. Enhanced ability for Commissioners/Board Members/Committee Members to Participate remotely as necessary consistent with existing rules(video conferencing allows a more uniform ability than telephone-only participation).
5. Finally, and perhaps most importantly, archived recordings of these meeting are EXTREMELY valuable to all stakeholders for catching up with meetings they were unable to attend in real time or to simply review/verify content from a prior meeting. Many people have grown to rely on these recordings to become better informed on Town business.

Prior to using Zoom as prompted by the pandemic, Staff made audio recordings of some meetings but to my knowledge such audio files were never published or archived.

In the Council Policy Committee packet, Staff states "It would be infeasible for the subject matter experts to be simultaneously supporting the Commission.....while also managing the Zoom participation of public and/or Commissioners." On the contrary I observed our Staff doing a very good job of this and becoming more and more adept over time with increased experience as most people have during the pandemic. Perhaps it is more of a challenge for some people than others and if so there are some simple solutions such as having one of the Commissioners/Board Members serve as Zoom manager, or having a high school or college intern manage this function. I am sure there are many other workable solutions that would allow us to maintain the valuable transparency this technology enables.

The use of this technology is one of the silver linings of the pandemic as it allowed all stakeholders to better inform themselves and increase their level of engagement in our governance. We should value and embrace this, not eliminate it.

Thank you,

Rick Tinsley



TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT

MEETING DATE: 01/23/2023

ITEM NO: 4

DATE: January 23, 2023
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Identify Future Work Plan Items for the Council Policy Committee

RECOMMENDATION:

Identify future work plan items for the Council Policy Committee.

DISCUSSION:

On January 25, 2022, the Council Policy Committee identified work plan items for the 2022 calendar year. Since then, the Committee has made recommendations to the Town Council on many policy matters and the Council has adopted policy and ordinance modifications consistent with the work of the Committee.

Given the new year, staff looks forward to the Committee's discussion and identification of topics for the 2023 calendar year. Attachment 1 contains items completed in 2022, those currently in progress, and potential work plan items for 2023.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office (including Economic Vitality and the Clerk Department), Community Development Department, Parks and Public Works Department, and the Town Attorney's Office.

FISCAL IMPACT:

There is no associated fiscal impact.

PREPARED BY: Holly Young
Senior Management Analyst

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

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SUBJECT: 2023 Work Plan Items

DATE: January 23, 2023

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. 2023 Draft Work Plan

2023 Town Council Policy Committee Work Plan Items

Completed During 2022

- Discuss and Recommend to the Town Council Retaining the Current Style of Study Session Minutes.
- Discuss and Recommend to the Town Council Modifications to the Commission Appointment Policy 211 in Relation to the Adult Commissioner Appointments.
- Consider Amendments to the Town Council Late Night Entertainment Policy No. 1-03 to Clarify the Use of Public Right-of-Way and Semi-Permanent Parklets for Entertainment; and Forward the Council Policy Committee's Recommendation to the Town Council.
- Recommend to the Town Council Potential Modifications to Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum.
- Discussion and Direction for Potential Modifications to the Remote Participation Provisions Contained in Town Council Policy 2-01: Town Agenda Format and Rules.
- Consider Updates to the Town Core Goals and Guiding Principles to Align with the 2040 General Plan.
- Discuss and Recommend Updates to the Social Media Policy to the Town Council.
- Discuss and Provide Direction for Potential Modifications to the Town Council Code of Conduct, Town Council Policy 2-04.

In Progress

- Consider Modifications to Remote Participation for Boards, Committees, and Commissions.

Potential for 2023

- Consider the Creation of a Reorganization Policy.
- Potential Amendments to the Story Pole and Netting Policy.
- Consider a Los Gatos Election Policy.
- Consider Home Occupancy Permit Criteria and Limitations.
- Discuss Guidelines for Tree Planting In-Lieu Fees When Additional Trees Would Conflict with Maintaining Defensible Space.
- Discuss Transportation Impact Mitigation Policy and Fees.
- Consider an Emergency Procurement Policy.
- Consider Legislative Advocacy Priorities/Principles (Building from Existing Legislative Policy).
- Consider Finance Commission Recommendation to Create a Public Input and Outreach in Labor Negotiations Policy Modeled after Menlo Park.
- Consider Finance Commission Recommendation for Council Not to Engage in Confidential Agreements with Bargaining Units that Would Prevent Disclosure that Would Otherwise be Properly Disclosed under the Brown Act.
- Continue to Consider Land Use Streamlining Modifications and Review of Items in the Land Use Policies Binder.
- Consider the Definition of "Specialty Retail."
- Review Zoning Requirements for Banks in the Downtown District.