

COMMISSION & COMMITTEE HANDBOOK



The City Council and staff look forward to working with you and receiving the benefit of your insight and guidance. As a Commission or Committee member, you serve in an advisory capacity to the City Council and help address community needs; you have the opportunity to share your vision and to help advise the City Council on the future of Los Altos.

This Handbook is designed to serve as a reference for the basic protocols that apply generally to all City advisory bodies. As a new member you may want to meet with the Chair of your advisory body to get a better sense of your role and the business of the body, as well as with the staff liaison assigned to the body. You may want to review agendas and minutes from recent meetings to see what current issues have been under consideration, as well as the advisory body's current goals.

Learning your role and developing an effective voice takes time and familiarity. We hope this Handbook will assist you towards a satisfying and productive experience. Your participation is deeply appreciated by the City Council, by City staff, and by the community. The vitality and strength of our community results from the willingness of people like you to serve.

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SECTION I: ROLES AND RESPONSIBILITIES

WORKING TOGETHER

As a Commission or Committee member, you are essential to the City's commitment to developing policies and services which reflect the needs and values of the community. In carrying out your responsibilities, you work closely with your fellow commission/committee members, staff and the City Council – all of which play a critical role in the City organization. The City Council may also appoint Task Forces to study particular, short-term issues.

- **CITY COUNCIL**

The City Council is the governing body of the City. It is vested with broad powers in areas of legislative policy, budgetary adoption and establishment of service levels. The City Council, elected at large, represents the entire community, and serves as the "Board of Directors" for the municipal corporation.

- **COMMISSIONS AND COMMITTEES**

Commissions and Committees are standing, advisory bodies established by City ordinance and appointed by the City Council to provide ongoing input to major policy areas. Commissions may not create standing Committees. Their responsibilities include:

- A. Providing ongoing recommendations to the City Council and staff regarding special program areas;
- B. Holding public hearings to solicit community input on current issues; and
- C. Identifying issues that the Commission or Committee believes should be addressed by the City Council or staff.

Each Commission except for the Design Review, and Youth Commissions consists of seven members, serving staggered, four-year terms. Committees are created by the Council to serve as needed.

The City Council benefits by using Commissions and Committees in their decision-making process by relying on these bodies to:

- A. Focus attention on specific issues;
- B. Encourage broad community participation through public hearings;
- C. Weigh community values in making recommendations to the City Council; and
- D. Thoroughly research and review alternatives to accompany formal recommendations to the Council.

Commissions and Committees may not request reconsideration of a City Council action until one year after a decision is made.

- TASK FORCES

Task Forces may be appointed by the City Council to study and make recommendations to the City Council on issues of a relatively short-term nature.

- STAFF

The City staff, under the direction of the City Manager, is responsible for carrying out the policy of the City Council and implementing the programs and services set out in the Budget. The City Manager and City Attorney are appointed by the City Council.

As the City's chief executive officer, the City Manager oversees responsibilities for the day-to-day administrative affairs of the City, including assigning staff liaisons to assist the various Commissions and Committees in carrying out their responsibilities. These staff liaisons, by virtue of their technical training and experience, are competent to provide such assistance. Commissions and Committees work closely with the staff liaisons; however, they do not have the authority to supervise or direct the work of staff. Special assignments to staff are made through the City Manager.

Role of Staff Liaison

- Keep apprised of new laws by attending the mandatory annual training session in the spring of each year.
- Attend all meetings of the Commission or Committee.
- Ensure that a work plan for the coming year and a summary of accomplishments in the prior year is submitted to the City Council or the appropriate Commission.
- Provide administrative support to the Commission or Committee, as a whole.
- Prepare agendas in collaboration with the Chair and in accordance with the approved work plan and/or Council direction.
- Research information and prepare reports for the Commission or Committee, as is consistent with the approved work plan and/or Council direction.
- Ensure agendas and reports are posted in compliance with State law and City protocol.
- Distribute meeting packets to members.
- Prepare action minutes for approval by the Commission/Committee. If an action is not unanimous, the minutes should reflect why individuals dissented.
- Coordinate posting Commission/Committee agendas, reports and minutes on the City website.
- Ensure that any report prepared for the City Council represents the views of the majority of the Commission/Committee. Staff may present a different recommendation.

- Serve as the liaison between the Commission/Committee and the rest of staff.
- Submit budget requests for Commission/Committee members to attend training sessions related to Commission/Committee areas of responsibility.
- Refer matters to the appropriate staff member for review.
- Submit an annual attendance and participation report to the City Clerk for City Council Personnel Committee review by the second week in January of each year.
- Communicate directions from the City Council to the Commission or Committee.

AREAS OF RESPONSIBILITY

BICYCLE AND PEDESTRIAN ADVISORY COMMISSION

Powers and duties of the BICYCLE AND PEDESTRIAN ADVISORY COMMISSION (LAMC 2.08.160)

The Los Altos Bicycle and Pedestrian Advisory Commission (BPAC) advises the Council on bicycle and pedestrian issues, recommends updates to the City’s Bicycle Transportation Plan, identifies and prioritizes projects that will improve bicycle and pedestrian safety and access within Los Altos and shall submit an annual report to the Council.

DESIGN REVIEW COMMISSION

Powers and duties of the DESIGN REVIEW COMMISSION (LAMC 2.08.110)

The Design Review Commission makes decisions on proposed residential construction or exterior alterations of single-family dwellings and accessory structures under circumstances which include, but are not limited to, where such structures might constitute an unreasonable invasion of privacy, unreasonable interference with views, light, and air, or create adverse impacts upon the aesthetic character of neighboring residential structures. The Commission reviews all two-story, single-family dwellings and one-story, single-family dwellings as referred by staff. The Commission consists of five members and shall submit an annual report to the Council.

The purpose of the Commission is to insure that new development occurs in a manner which is consistent with the objectives of the Zoning Ordinance, the design criteria of the Single-Family Residential Design Guidelines and the goals and policies of the General Plan.

ENVIRONMENTAL COMMISSION

Powers and duties of the ENVIRONMENTAL COMMISSION (LAMC 2.08.120)

The Environmental Commission shall have those powers and duties entrusted to it by the Council from time to time, and shall submit an annual report to the Council. The Environmental Commission studies and makes recommendations to Council on issues that affect the natural and built environment in the City and the region. Additional duties include special projects as directed by Council.

FINANCIAL COMMISSION

Powers and duties of the FINANCIAL COMMISSION (LAMC 2.08.130)

The Financial Commission shall have those powers and duties entrusted to it by the Council including:

- A. Annual review of the investment policy;
- B. Annual review of independent financial audit;
- C. Review of auditor selection process;
- D. Review of financial projections and assumptions. This especially relates to review of revenue projections provided in the annual mid-year report which are used biennially as basis for the Service and Financial Plan;
- E. Special projects as directed by the Council, Manager or Finance Director; and
- F. Submission of an annual report to the Council.

The Financial Commission provides community input to the council and staff regarding financial policy issues, and promotes community participation and understanding regarding the financial condition of the City.

HISTORICAL COMMISSION

Powers and duties of the HISTORICAL COMMISSION (LAMC 2.12.030)

The Historical Commission shall...advise the City Council, the Planning [and Transportation] Commission and the agencies and departments of the City. The historical commission shall establish liaison and work in conjunction with such authorities to implement the purposes of this chapter. The Historical Commission shall have the following powers and duties:

- A. Conduct, or cause to be conducted, a comprehensive survey of properties within the boundaries of the City for the purpose of establishing the historic resources inventory...;
- B. Recommend to the City Council specific proposals for designation as an historic landmark or historic district;
- C. Recommend to the appropriate City agencies or departments, projects and action programs for the recognition, conservation, enhancement and use of the City's historic resources, including standards to be followed with respect to any applications for permits to construct, change, alter, remodel, remove or otherwise affect such resources;
- D. Review and comment upon existing or proposed ordinances, plans or policies of the City as they relate to historic resources;
- E. Review and comment upon all applications for building demolition or grading permits involving work to be performed upon or within a designated historic landmark or historic district, and all applications for tentative map approval, rezoning, building site approval, use permit, variance

approval, design review or other approval pertaining to or significantly affecting any historic resource. The commission's comments shall be forwarded to the City agency or department processing the application within thirty (30) days after receiving the request for such comments;

- F. Investigate and report to the City Council on the availability of federal, state, county, local or private funding sources or programs for the rehabilitation and preservation of historic resources;
- G. Cooperate with county, state and federal governments and with private organizations in the pursuit of the objectives of historical preservation, with the approval of and at the direction of the City Council;
- H. Provide resource information on the restoration, alteration, decoration, landscaping or maintenance of any cultural resource including the landmark, landmark site, historic district, or neighboring property within public view;
- I. Participate in, promote and conduct public information and educational programs pertaining to historic resources;
- J. Perform such other functions as may be delegated to it by resolution or motion of the City Council;
- K. Cooperate with the Association of the Los Altos Historical Museum;
- L. Submit an annual report to the City Council; and
- M. Review and make its recommendation to the planning director on all permit applications pursuant to Article 3, Section 12.44.100-12.44-170.

LIBRARY COMMISSION

Powers and duties of the LIBRARY COMMISSION (LAMC 2.08.070)

The Library Commission shall act in an advisory capacity to the Council in all matters pertaining to the City libraries, shall cooperate with other governmental agencies and civic groups in the promotion of adequate and efficient library service to the community, with the prior approval of and at the direction of the City Council, shall make budget recommendations to the Council with regard to the libraries and shall submit an annual report to the Council.

The Library Commission is an advisory body charged with the responsibility of being a liaison group between the City Councils of Los Altos and the Town of Los Altos Hills. The Library Commission is also advisory to the North County Library Authority and advises the administrative staff of the County Library. The Commission consists of seven members (three of whom need not be Los Altos residents).

PARKS AND RECREATION COMMISSION

Powers and duties of the PARKS AND RECREATION COMMISSION (LAMC 2.08.080)

The Parks and Recreation Commission shall act in an advisory capacity to the Council in all matters pertaining to parks and public recreation, and shall cooperate with all other governmental agencies and civic groups in the advancement of sound parks and recreational planning and programming,

shall make budget recommendations to the Council with regard to parks and recreation, and shall submit an annual report to the Council.

PLANNING AND TRANSPORTATION COMMISSION

Powers and duties of the PLANNING AND TRANSPORTATION COMMISSION (LAMC 2.08.060)

The Planning and Transportation Commission shall have those powers and duties given it by the State Planning Act, and such other powers as granted it by the other provisions of the Municipal Code, or as may be entrusted to it by the Council from time to time, and shall submit an annual report to the Council.

The Planning and Transportation Commission advises the City Council on matters relating to land use and land development in Los Altos. This includes the development and implementation of the General Plan, Zoning Ordinance, and other land use regulations and recommendations on development applications. Its purpose is to:

- Assess current and future needs of Los Altos and provide the mechanisms through land use regulations to see that the identified needs are met.
- Protect and enhance the distinctive physical character of the City.
- Submit an annual report to the City Council.

The Planning and Transportation Commission holds public hearings on certain requests for land use and development before making recommendations to the City Council.

Further, the Planning and Transportation Commission shall also act in an advisory capacity to the Council on traffic issues. Traffic issues shall include automobile circulation, pedestrian, bicycle and handicapped access and public transportation on all public streets, roadways and paths within the city limits of the City of Los Altos.

The Planning and Transportation Commission advises the Council on transportation issues, existing and proposed City policies related to traffic calming and traffic enforcement, and projects and budget priorities for traffic-related capital improvements.

PUBLIC ARTS COMMISSION

Powers and duties of the PUBLIC ARTS COMMISSION (LAMC 2.08.150)

The Public Arts Commission shall act in an advisory capacity to the Council in all matters pertaining to public arts programs sponsored by the City. It shall take an active role in bringing about public awareness of the visual arts as well as in the definition, execution and promotion of those programs which include, but are not limited to, exhibition of sculpture, paintings, photography, video and other visual arts. The Commission shall submit an annual report to the Council.

The primary focus of the Commission is the public outdoor sculpture loan program. The Commission will conduct sculpture searches, evaluate and recommend sculptures, identify sculpture locations and work with City staff on placement and maintenance of sculptures. The Commission

will also assist the City with ensuring that all conditions and agreements are being met. In addition, the Commission will promote artists' works through media exposure of the sculpture program.

SENIOR COMMISSION

Powers and duties of the SENIOR COMMISSION (LAMC 2.08.140)

The joint Los Altos/Los Altos Hills Senior Commission shall act in an advisory capacity to the Council in all matters pertaining to seniors. Its purpose is to:

- A. Advise both City Councils on senior needs and issues;
- B. Gather information from the senior community;
- C. Invite stakeholders currently serving seniors to collaborate and share information;
- D. Assist in recommending, planning and promoting programs, services and resources for seniors;
- E. Investigate and report to the City Council on the availability of federal, state, county, local or private funding agencies, sources or programs for the betterment of the senior community;
- F. Assist in applying for grants with the approval of and at the direction of the City Council;
- G. Create opportunities for seniors to make significant contributions to the community;
- H. Recommend a Silicon Valley Advisory Council of the Council on Aging representative to be appointed by City Council;
- I. Undertake special projects as directed by the Council, City Manager or Finance Director; and
- J. Submit an annual report to the City Council.

The Senior Commission consists of nine members, three of which are appointed by the Los Altos Hills City Council. All members must be at least 55 years of age.

YOUTH COMMISSION

Powers and duties of the YOUTH COMMISSION (LAMC 2.08.100)

The Youth Commission shall act in an advisory capacity to the City Council on matters relating to youth interests, youth concerns, and the need for outreach services. The City Council's Personnel Committee shall interview Commission applicants and recommend applicants for appointment by the City Council.

The Youth Commission advises the City Council on matters relating to teen and youth issues, including recreation interests, personal concerns and the need for outreach services. Its purpose is to:

- Work as a team with the staff liaison and staff to address issues relating to teens in the community.
- Assist in recommending, planning, promoting, and implementing programs and services for teens.
- Recommend, plan and participate in community service activities which benefit the community of Los Altos.
- Submit an annual report to the City Council.

Eleven Youth Commissioners are appointed in the spring of each year from school grades six through eleven and serve two-year terms. Incumbents are eligible to reapply for appointment for terms through and including their senior year of high school. Terms expire at the end of June.

LOS ALTOS/LOS ALTOS HILLS JOINT COMMUNITY VOLUNTEER SERVICE AWARDS COMMITTEE

This Committee selects community members to be recognized for their volunteer service and organizes a luncheon in their honor each December. Six Committee members each are appointed by the Los Altos City Council and the Los Altos Hills City Council. They serve for a term of four years and may be reappointed to an additional four-year term. Terms expire at the end of February.

SECTION II: OPERATIONAL GUIDELINES

CITY COUNCIL PHILOSOPHY

Governmental policy for the City is decided by the City Council. However, there are particular areas of decision-making which benefit from the advice and counsel of qualified residents. For these reasons the City Council has established Commissions and Committees. Members are appointed from the community at large. Members are not selected to represent a business, district, or organization. Each member, and the Commission or Committee as a whole, is concerned with the general public good. Where personal interest conflicts with the general welfare of the public, the latter must prevail.

It is incumbent upon the Chair of the Commission to limit discussion and recommendations to the scope of these assigned responsibilities. When a member's interest reaches beyond these parameters, the Chair and staff liaison to the Commission should discuss the matter with the City Manager. It may be necessary to request authority from the Council to consider and make recommendations in that particular area.

Representing the City

Commissions and Committees may have occasion to recommend that the City Council take a position on various bills before the State Legislature. It is valuable to the City Council to be kept informed of such legislative activity affecting Los Altos. However, under policy set by the City Council, any communication to another legislative body shall first be authorized by the City Council.

Representing the Commission at Council Meetings

A member should be assigned to represent each of the City Council-appointed Commissions at every regular City Council Meeting. The representative should attend the meeting when the Commission has an item of interest on the Council agenda. The purpose of this practice is to respond to questions from City Council members as necessary.

When addressing the City Council as the representative of a Commission, it is important to speak as a member of the Commission as a whole, rather than as an individual member. Should you be communicating your individual viewpoint on an issue, it is imperative that you first state that for the record (i.e. "I am a member of the Commission, however, I am speaking as a resident"). At all times Commissioners in the minority on an issue shall respect the decision and authority of the majority.

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

MEMBERSHIP

ELIGIBILITY

Persons appointed to Commissions and Committees must maintain their principal residence within the City for the duration of their term, unless otherwise noted. If, at any time during the term, a member moves to a principal residence outside the City, he/she shall become ineligible to continue as a member of that body.

Two members of an immediate family, or persons residing in the same household, shall not be allowed to serve simultaneously on the same commission or committee. Immediate family members of City Council members are not eligible for appointment to any commission or committee.

There are limited exceptions to the residency requirement for certain bodies (i.e., Historical Commission, Library Commission and Senior Commission.) These exceptions are specified by ordinance or by direction of the City Council.

APPOINTMENT

Members are appointed by the City Council and serve at the pleasure of the City Council.

Terms

1. Commissioners/Committee members
 - A. With the exception of Youth Commissioners, members serve for a term of four years and may be reappointed to one additional four-year term. A member is appointed by a

majority vote of the City Council and may be removed prior to the expiration of his or her term by a majority vote of the City Council, and such removal may be with or without cause. Terms for the Youth Commission expire on June 30th annually and all other terms expire at the end of February.

- B. A commissioner appointed to fill an unexpired term is eligible to be reappointed to an additional two full terms.
- C. Appointments to each commission are made during the month of February each year. Additional appointments may be made throughout the year if a vacancy arises. Appointments to the Youth Commission are made in April and/or May of each year.
- D. Vacancies on any commission are filled by a majority vote of the City Council, except that the town of Los Altos Hills may fill two vacancies on the Library Commission, two on the Senior Commission and six on the Los Altos-Los Altos Hills Joint Community Volunteer Service Awards Committee. An individual appointed to fill a vacancy prior to the expiration of the term for which his or her predecessor was appointed serves for the unexpired term.

2. Ad Hoc Committees

Ad hoc members are appointed for the length of time the ad hoc committee remains active or as established by City Council. Ad hoc committees are usually created to address a particular issue and are disbanded when the task has been completed. City Council members, Commissioners, or City staff members may also serve on ad hoc committees.

APPOINTMENT PROCESS

When a vacancy occurs, the City Clerk advertises the vacancy and processes applications. In the case of Commissions (except the Youth Commission), interviews are scheduled before the entire City Council at a study session. Formal voting takes place at the next regular City Council meeting.

Youth Commission applicants are interviewed by the City Council Personnel Committee. The Personnel Committee then makes appointment recommendations to the City Council at a regular City Council meeting.

REAPPOINTMENT

Upon completion of the first four-year term, Commissioners and Committee members must submit letters of intention to the City Clerk indicating interest in continuing on the Commission/Committee for a second four-year term. Commissioners/Committee members are required to attend 75% of the regularly scheduled meetings annually during their term of office plus the annual training session to be eligible for reappointment. All members, whether or not they wish to continue serving on the Commission/Committee, may be interviewed by the City Council Personnel Committee at this time. The Committee may choose to make a recommendation without interviewing applicants who are seeking reappointment. The Personnel Committee will make reappointment recommendations to the City Council and voting takes place at a regular City Council meeting.

ATTENDANCE & PARTICIPATION

A quorum (or majority) of the members is necessary to conduct business. Commissioners/Committee members are required to attend 75% of the regularly scheduled meetings annually during their term of office plus the annual training session. Annual attendance reports are submitted by the Staff Liaison of each Commission/Committee to the City Clerk by the second week of January of each year. Individual commissioner/committee members may be removed from a Commission/Committee after the third consecutive absence from a meeting, or for other causes determined by the Council.

The Commissions and Committees need the benefit of every member's expertise and judgment in formulating recommendations to the City Council. Members are expected to be prepared and to vote on every issue before the Commission/Committee if they are legally allowed to do so. If a member must miss a meeting because of an extended business trip, vacation, or illness, he/she should so advise the Chair and staff liaison. Repeated absences or lack of preparation, participation, and voting can be grounds for City Council consideration to terminate or replace a member.

REMOVAL

The City Council Personnel Committee shall review Commission and Committee members' performance and shall take disciplinary action, as needed, including recommending removal from a Commission or Committee to the City Council.

RESIGNATION

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

ORGANIZATION OF APPOINTED BODIES

CHAIRPERSON

On an annual basis, each Commission/Committee is required to elect officers. While not formalized, typically Commissions/Committees reorganize in March after new members have been seated. A Chair and Vice Chair are to be elected from the members to serve as presiding officers. In the event of either's disability, resignation, or removal, the Commission/Committee shall elect another member to fill the unexpired term. During a temporary absence of the Chair, the Vice Chair shall preside. If he or she is absent, the Commission/Committee may elect a Chair pro tem to conduct the meeting.

COMMITTEES

The Chair of a Commission or Committee may appoint special committees, consisting of less than a quorum of the body, to work on specific tasks. Council approval is required in advance if the work of such committees is expected to deviate from the Council-approved annual work plan for the Commission/Committee. Because of their ad hoc nature and limitations on staff/manpower, it is expected that committees are working bodies and will often be responsible for the generation of reports, analyses, and meeting minutes/summaries, rather than relying on staff for these functions.

STAFF LIAISON

The City Manager assigns a staff liaison to each Commission/Committee. The role of the staff liaison is to provide assistance in carrying out the assigned responsibilities of the Commission/Committee they support. This role may vary considerably given the nature of the Commission/Committee and its duties.

MEETING CLASSIFICATIONS

REGULAR MEETINGS

Commissions/Committees accomplish work in regularly scheduled meetings. Commissions/Committees hold regular meetings as established by ordinance or resolution of the City Council. All meetings are open to the public. If it is not possible to obtain a quorum on a regular meeting date, consideration may be given to rescheduling the meeting. Care should be taken to notify all parties with business on the agenda of the meeting change. A quorum at any regular meeting may, by formal action, substitute another day or time for the regular meetings.

ADJOURNED MEETINGS

If, for any reason, the agenda for a regular meeting cannot be completed, the Commission/Committee may designate a time and place for an adjourned meeting to consider any unfinished business. This action will serve as notice to the members present; members not present shall be notified of the adjourned meeting by the Chair or staff liaison. In addition, a notice of the adjourned meeting must be posted at City Hall and the press must be notified pursuant to Brown Act regulations. (GC 54955)

SPECIAL MEETINGS

The Chair, or a majority of the members, or staff liaison may call special meetings of the Commission/Committee for items that cannot wait until the next regular meeting, pursuant to Brown Act regulations. (GC 54956)

HEARINGS

Commissions/Committees may hold public hearings as needed or as required by law. These hearings are to be fair and impartial. Members receive public testimony and decisions are not to be made until the conclusion of the hearings. Persons who are interested or affected by the subject of the hearings are to be notified and given an opportunity to speak before the Commission/Committee. They may also present written documentary information to the Commission/Committee.

Applicants bringing to the Commission/Committee a request for approval shall be given a total of up to ten (10) minutes to present their positions/input prior to hearing other public comments. Following public comments, the applicant/s may have five (5) minutes to present rebuttal arguments. An extension can only be granted by consent of a majority of the Commissioners/Committee members.

The Chair must ensure that everyone who wishes to speak has an opportunity to be heard before the hearing is closed. When applicable, and at the Chair's discretion, time limits of a reasonable nature may be imposed on all speakers in the interest of timely and orderly proceedings.

MEETING PROCEDURES AND CONFLICT OF INTEREST

RULES OF ORDER

Rosenberg's Rules of Order, with addendums adopted by the City Council, governs the conduct of meetings of City Commissions and Committees. Information regarding the rules of order is available through the City Clerk's Office.

VOTING

Quorum. A majority of the members of the Commission/Committee constitutes a quorum for the conduct of routine business. Official action requires a majority vote of the quorum.

Conflict of Interest. No Commission, Committee or the City Council may enter into a contract of any type with private persons or businesses if any member of the Commission, Committee or City Council has any type of financial interest in it, whether disclosed or not, and whether or not the member disqualifies him/herself.

This rule does not apply to landlords, attorneys, bankers, stockbrokers, insurance and real estate agents or brokers, suppliers of goods and services for at least five years prior to assumption of office, some engineers, geologists and architects, and companies employing at least ten other employees. Each of these exceptions requires disclosure and non-voting, and there are other conditions, as well.

In addition, on non-contractual matters, a member must not make, participate in making, or attempt to influence in any manner a governmental decision which he/she knows, or should know, may have a material effect on a financial interest. This rule extends to interests held by spouses, children, and, under some circumstances, other relatives. The types of financial interests covered and what is reasonably foreseeable as having a material effect are extremely complex, and involve the application of statutory law, court and administrative agency rulings and regulations.

Political Reform Act §87105: Manner of Disqualification.

(a) A public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

- (1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address is not required.
- (2) Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.
- (3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.
- (4) Notwithstanding paragraph (3), a public official described in subdivision (a) may speak on the issue during the time that the general public speaks on the issue.

The City Attorney should be consulted as early as possible on any such matters which might be a problem. The staff liaison will interface with the City Attorney.

Public Comment

- A. Persons present at Commission/Committee meetings may comment on individual items on the agenda at the time the items are scheduled to be heard. During Regular Meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment.
- B. The limit for a speaker will typically be 1 to 3 minutes, depending on the number of speakers. The Chair of the meeting will indicate the time limit for each item prior to the first speaker. Speakers are not allowed to delegate their time to another speaker. The Chair may limit the time to be spent on an item and may continue the item, with the approval of the majority of the Commission/Committee, to a future meeting at his/her discretion.
- C. In order to facilitate an orderly meeting schedule, each speaker is requested, but not required, to fill out a Request to Speak card before discussion on the agenda item begins, with the name and address of the speaker, and the subject upon which the speaker wishes to address the Commission/Committee. The request to speak cards shall be turned into the Staff Liaison before the item is heard by the Commission/Committee.
- D. The Chair has the right to ask a member of the public to step down if over the allotted time or comments are irrelevant.

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

Recording of meetings. Meetings of the Planning and Transportation Commission held in the Community Meeting Chambers shall be broadcasted and the video and audio recorded. All other Commission meetings held in the Community Meeting Chambers shall have the audio of the meeting recorded.

MEETING MINUTES

Written minutes of all regular and special meetings of Commissions/Committees must be kept as the official record of business transacted and are taken by a staff member or the Secretary to the advisory body. Minutes are modeled after the City Council form of minutes and are known as "action minutes." That form includes a record of the legislative actions from the meeting. They should not include what is said by individual commission members, or members of the public. Minutes of a Public Hearing list only the names of the individuals who spoke.

Minutes are approved by the body and become the official record of its business. Any corrections to the minutes may be made in public meetings, with approval of the majority of the body.

If a member of the public submits a document to the body during a meeting, he/she should be encouraged to provide the staff liaison with 10 copies. Such documents become part of the public

record. The staff liaison should make a notation on the document of the date it was submitted and file it with the meeting packet.

AGENDAS AND CONTENT

The Chair is responsible for running a timely and orderly meeting.

Posting of Notice and Agenda. For every regular, special, or study session meeting, the City Clerk or other authorized person shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document. According to State law, also known as the Brown Act, posting shall be done 72 hours in advance of regular meetings and 24 hours in advance of special meetings.

Location of Posting. The notice and agenda shall be posted at City Hall, and at the meeting location, if located away from City Hall, in a place to which the public has unrestricted access and where the notice and agenda are not likely to be removed or obscured by other posted material. In addition, all agendas are to be posted to the City's website.

Description of Matters. All items of business to be discussed at a meeting of the Commission or Committee shall be briefly described on the agenda. The description should set forth the proposed action to be considered so that members of the public will know the nature of the action under review and consideration.

Limitation to Act on Only Items on the Agenda. No action shall be taken by the Commission or Committee on any item not on the posted agenda.

"Timing" of Agenda. Staff and/or the Chair will "time" the agenda as a way for the Commission/Committee to maintain a sense of how much time can be committed to any one item without going past an established ending time for the meeting. This is not intended to limit Commission/Committee member discussion.

Order of Agenda. The prescribed order of the agenda for Regular Meetings of the Commission or Committee will be as follows: Establish Quorum, Pledge of Allegiance, Public Comment, Items for Consideration/Action, Informational Items, Commissioners' Reports and Comments (limited to one minute per member), Potential Future Agenda Items (limited to one minute per member), and Adjournment.

Change in Order of Business. The Chair, or the majority of the members, may decide to take matters listed on the agenda out of the prescribed order. All items removed from the consent calendar should be considered prior to the last item of the meeting.

Agenda Items. One less than a majority of Commission/Committee members may have any matter that can be legally agendaized placed on the agenda by requesting the same of the staff liaison or his/her designee by 5:00 p.m. the day before distribution of the meeting packet. Any background materials or information relating to this matter should be provided to the staff liaison for distribution to the Commission/Committee as part of the agenda packets for the meeting. Also, one less than a majority of Commission/Committee is required to place an item on the agenda by indicating their desire to do so under that portion of the agenda designated "Potential Future Agenda Items." It is not required that the Chair and/or staff liaison approve agendaizing an item.

DECORUM

Commission and Committee Members. Members of the City's Commissions and Committees value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Members shall accord the utmost courtesy to each other, to the City Council, to City employees, and to the public appearing before the Commissions and Committees. Formal business attire is required when meetings, workshops, or study sessions are televised.

City Employees. Members of the City staff shall observe the same rules of order and decorum applicable to Commissioners and Committee members. City staff shall act at all times in a businesslike and professional manner towards members of advisory bodies and members of the public.

Public. Members of the public attending Commission and Committee meetings shall observe the same rules of order and decorum applicable to the City Council. City Code Chapter 2.05, *Public Meeting Rules for Conduct*, shall apply to all meetings.

Noise in the Chambers and Other Meeting Places. Noise emanating from the audience, whether expressing opposition or support, within the Community Meeting Chambers, lobby area, or other meeting locations, which disrupts meetings, shall not be permitted. All cellular phones and other consumer electronic devices shall be muted while in the Community Meeting Chambers or other meeting locations. Refusal is grounds for removal.

CONFERENCES AND WORKSHOPS

Members of Commissions and Committees are encouraged, within budget limitations, to attend growth and development seminars related to their area of responsibility. Attendance at the annual meeting of the California or National professional association most directly related to the member's function may be recommended by the Commission or Committee for approval by the City Council during the budget process. It is intended that such attendance will broaden a member's knowledge and increase awareness of current developments relating to relevant areas of responsibility. The necessary funds for each member to attend such meetings are designated in the Financial and Services Plan. Reimbursement for expenses should be handled through the Staff liaison who will ensure the proper forms are submitted to the Finance Department in a timely manner.

REIMBURSEMENT POLICY

The reimbursement of expenses is limited in the following manner: Lodging costs in conjunction with a conference or other official activity may not exceed the maximum group rate published by the conference or activity sponsor, if lodging at the group rate is available at the time of booking. If not, the member shall be reimbursed for lodging at up to the maximum of the group rates, or rates established by the Internal Revenue Service.

Meals may be reimbursed at either reasonable and actual expenses or standard rates as established by the Internal Revenue Service (IRS).

Members shall use government group rates for travel, when available. If not available, members may be reimbursed according to the standard rates established by the IRS.

Any other actual or reasonable expenses shall be reimbursed at IRS rates, or as set forth in IRS Publication 463, or at such other rates as specified in the policy. Any additional expenses that fall outside the scope of this policy may be reimbursed only if approved by the City Council, at a public meeting, before the expenses are incurred.

Any request for the reimbursement of expenses shall be accompanied by an expense form and receipts to document the expenditure. These documents are public records subject to disclosure under the California Public Records Act.

Brief reports must be given on any outside meeting attended at the expense of the City at the next regular meeting. Reimbursement is conditioned on the submission of this report to the Commission/Committee.

ETHICS TRAINING

Members appointed to commissions and committees shall receive at least two hours of ethics training in general ethics principles and ethics laws relevant to his or her public service every two years. New members must receive this training within their first year of service. Members shall attend training sessions that are offered locally in the immediate vicinity of Santa Clara County or by completing online a State-approved public service ethics education program.

The City will use an ethics training course that has been reviewed and approved by the Fair Political Practices Commission and the California Secretary of State.

The City Clerk is required to keep ethics training records for five years to document and prove that these continuing education requirements have been satisfied. These documents are public records subject to disclosure under the California Public Records Act.

All non-compliant commissioners and committee members who do not provide a proof of participation certificate to the City Clerk by the prescribed deadline shall be subject to removal by the City Council from the commission or committee and, if removed, their seat will be declared vacant.

ANNUAL TRAINING

All continuing and newly-appointed Commissioners and Committee members and Staff liaisons are required to attend an annual training session conducted by the City Staff and Personnel Committee. The purpose of this training session is to review Commissioner and Committee member roles and responsibilities and to provide information on any changes in laws or policies that are relevant to conducting the work of the Commissions and Committees. The annual training session is organized by the City Clerk and conducted by the City Attorney and Personnel Committee. It is customarily scheduled in May following the appointment of new Commissioners in April (Youth Commission) and February (all other Commissions except Youth).

OPEN MEETING REQUIREMENTS

The Ralph M. Brown Act, Government Code Section 54950 *et seq.*, sets forth strict requirements for meetings, noticing of meetings, agendas and related subjects. It applies to all advisory bodies, Commissions, standing City Council committees and the City Council, when a quorum of that body is present at the meeting.

A meeting is defined as the coming together of a quorum or more of a particular body where public business is discussed and action is taken or an agreement is reached as to a course of action. Purely social events are not meetings.

Posting of Notices for Regular Meetings:

The agenda for a regular meeting must be posted at least 72 hours prior to the commencement of the meeting. The legislative body may not discuss and is prohibited from taking action on any items not appearing on the agenda, including items brought up by the public.

Special Meetings:

A legislative body (commission or committee) may need to call a meeting for a particular purpose so that action can be taken on items that cannot wait until the next regular meeting. State law requires that the meeting must be called by the chair with a minimum of 24-hour advance notification of all members. The agenda for the meeting must be delivered to the City Clerk to allow posting at City Hall 24 hours in advance of the meeting.

Meeting Locations:

All meetings must be held within Los Altos City limits. One additional provision of the Brown Act is a prohibition on conducting any meeting, conference or other function in any facility that prohibits admittance of any person or persons. Care should be taken to schedule events, particularly meals and social events, in facilities which are open to all.

Violations:

The penalties for Brown Act violation can now be significant. In addition to being a misdemeanor, the validity of actions taken can be challenged in court. The prevailing party will be entitled to set aside the action under some circumstances, and will receive, in addition, attorney's fees, which can be very costly.

Procedures to Comply with Brown Act:

In order to comply with the posting requirements of the Brown Act, agendas for Regular Meetings of Commissions/Committees must be sent to the City Clerk's Office 72 hours in advance of the meeting for posting at City Hall.

Posting of Special Meeting notices and agendas must comply with the 24-hour advance notice requirement.

Questionable areas should be brought to the attention of the City Clerk or the City Attorney, so that they can be dealt with before an inadvertent violation occurs. Compliance with the act is not difficult; it merely takes a little attention.

CONFLICT RESOLUTION

INDIVIDUALS:

Step 1: When two individuals have a conflict, they will try to resolve it between themselves.

- Step 2: If unable to resolve the conflict, the two parties will invite a mutually agreed-upon third party to assist in resolving the conflict.
- Step 3: If step two does not work, the parties shall go to the Chair, Mayor or City Manager.
- Step 4: If the conflict still cannot be resolved, an outside neutral facilitator will be brought in to help.

ENTITIES:

- Step 1: When there is a conflict between the bodies, there will be a meeting of the Chairs.
- Step 2: If they are unable to resolve the conflict, there will be a meeting scheduled as soon as possible to bring the bodies together to resolve the conflict.
- Step 3: If the conflict is still unresolved, an outside neutral facilitator will be brought in to help.

SECTION III: STATEMENTS OF ECONOMIC INTEREST & ETHICS TRAINING

INTRODUCTION

The Statement of Economic Interest (FPPC Form 700) is a form on which designated employees and officials annually disclose certain financial interests. Original copies of all statements filed will be maintained in the City Clerk's Office and are available for public review.

Residents appointed to those commissions identified in the City's Biennial Conflict of Interest Code must complete the form, as described below. Other City commissions and committees are not subject to these regulations.

The City Clerk will forward the necessary forms and instructions on completing statements to the appropriate individuals in advance of filing deadlines. For assistance in completing the forms, contact the City Clerk's Office or the Fair Political Practices Commission (1-866-275-3772).

All non-compliant commissioners shall receive a letter from the City Clerk immediately following the filing deadline, notifying them of the Form 700 filing requirements and informing them that if they do not file within 15 days of the date of the letter, the City Council will remove them from the Commission they are serving on and declare their position vacant.

TYPES OF STATEMENTS

The Form 700 is used for various purposes. The title page allows the selection of the type of statement.

- Assuming Office Statement: Filed within 30 days of being appointed
- Annual Statement of Economic Interest: Due every year on the 1st business day of April.

The City Clerk will distribute the Form 700 to the Commissioners by March 1 each year. The period will cover January 1 through December 31 of the previous calendar year.

Leaving Office Statement:

Filed within 30 days of leaving office.

ETHICS TRAINING & FORM 700 NON-COMPLIANCE POLICY

The City Council adopted the procedure detailed below regarding Commission and Committee members appointed by City Council who fail to complete the State-mandated AB1234 ethics training and/or file FPPC Form 700 (Statement of Economic Interests) by the mandatory deadlines.

The City Clerk is directed to provide reports of any commission or committee member not in compliance to the City Council Personnel Committee to consider whether or not to recommend that the City Council remove them and declare their positions vacant. Reports are due in mid-January for ethics training compliance and attendance and participation compliance, and mid-April for FPPC Form 700 (Statement of Economic Interests) compliance.