



**CITY OF LOS ALTOS  
CITY COUNCIL MEETING  
May 12, 2015**

**DISCUSSION ITEM**

**Agenda Item # 15**

**SUBJECT:** Review the implementation of the Open Government Policy; adopt Resolution No. 2015-09, amending the Open Government Policy; and affirm the appointment of Mayor Pepper and Councilmember Prochnow to the Open Government Standing Committee

---

**BACKGROUND**

On January 13, 2015, the City Council adopted Resolution No. 2015-02, establishing an Open Government Policy. This policy establishes certain practices which go beyond the California Brown Act and Public Record Act, including posting and providing to the media Council agendas at least eight days in advance of a meeting, posting of staff responses to questions from Council members as well as statements or comments by members of the public on Council agenda items, recording of Council and Commission meetings, maintenance of an index of records on the City's website, maintenance of an index of requests for records on the City's website, and the establishment of an ad hoc Open Government Committee.

**EXISTING POLICY**

Open Government Policy

**PREVIOUS COUNCIL CONSIDERATION**

August 26, 2014; September 9, 2014; December 9, 2014; January 13, 2015 and March 24, 2015

**DISCUSSION**

The Open Government Policy states that the Council shall review the Policy at its first meeting in May of each year. This agenda item provides for that review as well as provides a revised Policy to reflect Council actions previously taken. In addition, this item allows for the Council to affirm the Mayor's appointments to the Open Government Standing Committee.

**Proposed revisions to Open Government Policy**

Revisions to two sections of the Open Government Policy are being recommended. The first is to Section 2 where the ad hoc committee for the Open Government Policy recommends adding language to clarify that agendas for Special Meetings (including Study Sessions and Closed Sessions) shall be posted in accordance with requirements of the Brown Act. Section 3 is also recommended to be revised to reflect actions previously taken by the City Council.

On March 24, 2015, the City Council received recommendations from the Design Review Commission (DRC) and Planning and Transportation Commission (PTC) regarding project noticing requirements. At that meeting, the Council accepted the DRC recommendation to maintain current noticing requirements and to require the posting of an 11" x 17" notice on all single-family project sites. Such notices are to include graphics representing the project.

Also on March 24, 2015, the City Council accepted the PTC recommendations regarding maintaining the current project notification boundary at 500 feet, mailing notices at least 14 days in

advance and requiring the posting of a 4' x 6' notice on all commercial, multiple-family, and mixed-use project sites. Such notices are to include graphics representing the project. The Council also approved requiring the use of story poles for commercial, multiple-family, and mixed-use projects.

The Los Altos Municipal Code states that applications for design review shall be filed with in accordance with requirements set by the City Planner (or the Community Development Director). As such, the Community Development Department is working to revise all submittal requirement documents to include the changes approved by the City Council.

### **Implementation of Open Government Policy**

Since adoption of the Open Government Policy, the City has implemented the various measures of the policy. A detailed accounting of each measure can be found as Attachment 2. Staff will continue to monitor the implementation of the sections of the Open Government Policy. The next review of the policy will be scheduled in May 2016.

It is recommended that Resolution No. 2015-09 be adopted to amend the Open Government Policy to include a revised Section 3: Public Noticing.

### **Open Government Standing Committee**

In accordance with the City Council Norms and Procedures, Mayor Pepper has appointed herself and Councilmember Prochnow to serve of the Open Government Standing Committee. The appointments shall be for two years.

### **PUBLIC CONTACT**

Posting of the meeting agenda serves as notice to the general public.

### **FISCAL/RESOURCE IMPACT**

None

### **ENVIRONMENTAL REVIEW**

Not applicable

### **RECOMMENDATION**

- A. Review the implementation of the Open Government Policy
- B. Adopt Resolution No. 2015-09, amending the Open Government Policy
- C. Affirm the appointment of Mayor Pepper and Councilmember Prochnow to the Open Government Standing Committee

### **ALTERNATIVES**

Identify other sections of the Open Government Policy to revise and direct staff accordingly

Prepared by: Jon Maginot, City Clerk/Assistant to the City Manager

### **ATTACHMENTS:**

1. Resolution No. 2015-09
2. Open Government Policy Implementation

May 12, 2015

Page 2

Review the implementation of the Open Government Policy; adopt Resolution No. 2015-09, amending the Open Government Policy; and affirm the appointment of Mayor Pepper and Councilmember Prochnow to the Open Government Standing Committee

**RESOLUTION NO. 2015-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
AMENDING THE OPEN GOVERNMENT POLICY**

**WHEREAS**, transparency in decision making is a cornerstone of democracy; and

**WHEREAS**, elected officials, commissions, and other policy bodies of the City undertake the people's business and in so doing commit themselves to the highest principles of transparency so that every citizen can know and participate in democracy at the local level; and

**WHEREAS**, California has a long tradition of laws designed to protect the public's access to the workings of government, and each generation of elected officials and municipal employees should commit themselves to the principles of transparency and seek to implement new approaches that keep the public informed about policy decisions. Experience teaches that as government evolves, so must the laws designed to ensure that the workings of local government remain visible to all; and

**WHEREAS**, transparency in governmental policy decisions is paramount and only in rare and unusual circumstances should decisions made on behalf of the people take place out of public view. Those circumstances should be carefully and narrowly defined; and

**WHEREAS**, openness in government is the basis for accountability, improved decision-making, public trust and informed participation; and

**WHEREAS**, the City Council enacts this Policy to affirm and expand on a culture of open, transparent and collaborative government in the City of Los Altos; and

**WHEREAS**, private entities, individuals, employees and officials of the City have rights to privacy that must be respected. However, when a person or entity is before a policy body, that person, and the public, has the right to an open and public process; and

**WHEREAS**, on January 13, 2015, the City Council adopted Resolution No. 2015-02 establishing the Open Government Policy and directed the Design Review Commission and Planning and Transportation Commission provide recommendations regarding certain aspects of the Open Government Policy.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby authorizes the following:

1. That the "Policy of the City of Los Altos Regarding Openness in City Government" attached hereto as Exhibit A and incorporated by this reference be adopted, as amended.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 12<sup>th</sup> day of May, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Janis C. Pepper, MAYOR

Attest:

---

Jon Maginot, CMC, CITY CLERK

# **A POLICY OF THE CITY OF LOS ALTOS REGARDING OPENNESS IN CITY GOVERNMENT**

## **Section 1 The Brown Act**

All meetings of city policy bodies (City Council, Commissions, and Committees) shall be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et. seq.). The Brown Act serves as a floor, not a ceiling, for transparency and openness. Policies are provided here that go beyond the minimum requirements of law to instill public confidence and increase transparency.

The City will maintain an “Open Government” page on the City website. This policy will be available on that site as well as a brief summary of the Brown Act.

## **Section 2 Posting of Agendas**

At least eight (8) calendar days before a regular City Council meeting, a final agenda and accompanying materials shall be posted on the City’s website. The agenda will be provided to the media. This final agenda shall contain a meaningful description of each item of business to be transacted or discussed at the meeting and all related items, including staff reports, proposals and contracts that will be considered for action. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. The agenda shall also be made available for public inspection and copying at both public libraries and City Hall during normal business hours.

Agendas for Special Meetings, including Study Sessions and Closed Sessions, shall be posted in accordance with the Brown Act.

## **Section 3 Public Noticing**

Notices for single-family residential design reviews shall be provided in accordance with Los Altos Municipal Code Section 14.76. In addition, notices posted on the project site shall be no smaller than 11” x 17” and shall include a graphic representing the proposed project.

Notices for multiple-family, commercial and mixed-use design reviews shall be provided in accordance with Los Altos Municipal Code Section 14.78 and shall be sent to all properties within 500 feet of the proposed development 14 days in advance of the meeting. In addition, notices posted on the project site shall be no smaller than 4’ x 6’ and shall include a graphic representing the proposed project. Multiple-family, commercial and mixed-use projects shall erect story poles on the site.

#### **Section 4**

### **Comments on Agenda Items**

Members of the public may submit statements and/or comments regarding any item on City Council, Commission, and/or Committee meeting agendas.

Staff responses to questions from Council members as well as statements or comments by members of the public on City Council agenda items will be posted on the City's website as soon as practical, and no later than noon on the day of the Council meeting, provided the questions have been received by 9 am on the day prior to the Council meeting. Questions and responses received after this time period will be posted on the City's website as soon as practical. Questions and comments will be posted in a manner that will attempt to protect the privacy of the submitter.

#### **Section 5**

### **Recording of Meetings and Retention of Recordings**

All Regular and Special Meetings of the City Council and Planning and Transportation Commission that are held in the Community Chambers shall be video recorded. All regular meetings of Commissions and Committees shall be audio recorded. All other public meetings of the City Council and other Commissions and Committees meetings shall be audio recorded as practical. Each such video and audio recording shall be a public record subject to inspection pursuant to the California Public Records Act. The video recording of meetings of the City Council and Planning and Transportation Commission shall be made available within one week of the meeting by webcast on the City's website and shall remain on the City's website permanently. The audio and video record of all meetings under this section shall be kept permanently.

#### **Section 6**

### **Index of City Records**

The City shall maintain a public records index that identifies the types of information and documents maintained by the City and its departments, agencies, task forces, commissions and elected officers. The index shall be for the use of City officials, staff and the general public, and shall be organized to permit a general understanding of the types of information maintained, by which officials and departments, for which purposes and for what periods of retention. The City Clerk shall be responsible for the preparation and maintenance of this records index. The index shall be continuously maintained on the City's website and the two Los Altos libraries.

**Section 7**  
**Public Records Requests**

Requests for public records, including a brief description of the request, identification of the requester, the date requested, whether the request was granted, partially granted or denied, and the date the request was fulfilled, shall be posted on the City's website. This list shall be updated at least quarterly.

**Section 8**  
**Open Government Standing Committee**

The Mayor shall appoint two City Council members to serve on an ad hoc Open Government Committee during the piloting of this Open Government policy. Upon adoption of a final policy or an ordinance, the Mayor shall appoint two City Council members to serve on a standing Open Government Committee. The term of each appointed member shall be two years. The Committee shall advise the City Council and provide information to the City Manager on potential ways in which to implement the Open Government Policy. The Committee shall develop appropriate goals to ensure practical and timely implementation of this Policy. The Committee shall propose to the City Council amendments to this Policy. The Committee shall report to the City Council at least once annually on any practical or policy problems encountered in the administration of this Policy.

**Section 9**  
**Open Government Policy Annual Review**

This Open Government Policy will be reviewed by the City Council at the first meeting in May each year. The review may also be called earlier at the request of the Open Government Committee. The review will include discussion about the cost and impact on City staff of implementing this policy, consideration of additional open government and transparency sections to the policy, and a determination as to when it might be appropriate to adopt the policy as a City ordinance.

# Open Government Policy Implementation

Implementation Calendar	Target date	Comments	Completed
<b>Section 1</b>			
Open Government page on web	-	Page includes links to stay connected, primers on Brown Act and PRA, links to financial documents, links to Resolutions and Ordinances, and links to meeting pages	March 4, 2015
<b>Section 2</b>			
Council agenda posted eight days in advance	-	Agendas and reports are now prepared and distributed at least eight days in advance. Process is working well to ensure items are prepared for posting	March 2, 2015
Agenda provided to media	-	Ad space is reserved in TC prior to each regular Council meetings. Ads were run for both April 2015 Council meetings	April 6, 2015
<b>Section 3</b>			
Public Noticing	May 12, 2015	Council received recommendations from the PTC and DRC regarding noticing. This section will be updated accordingly	-
<b>Section 4</b>			
Responses to Council questions and statements or comments by members of the public on Council agenda items posted on web	Summer 2015	Staff is working to develop a process and system for implementing this practice	-
<b>Section 5</b>			
All Commission meetings audio recorded	-		April 6, 2015
<b>Section 6</b>			
Index of records on web	-	The City's Records Retention Schedule is posted on the web and includes those types of records maintained by the City	Prior to adoption of policy
<b>Section 7</b>			
Public Records Requests index posted on web	-	Index is posted on web and will be updated quarterly	April 3, 2015
<b>Section 8</b>			
Open Govt Standing Committee	TBD	Mayor Pepper and Councilmember Prochnow are the members of the ad hoc Committee	-
<b>Section 9</b>			
Policy reviewed in May	May 12, 2015	Scheduled for review on May 12th	-