



**CONSENT CALENDAR**

**Agenda Item # 2**

**AGENDA REPORT SUMMARY**

**Meeting Date:** June 13, 2017

**Subject:** Commission Handbook

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

**Approved by:** Chris Jordan, City Manager

**Attachment(s):**

1. Draft Commission Handbook

**Initiated by:**

City Council

**Previous Council Consideration:**

September 13, 2016; January 28, 2017 and May 23, 2017

**Fiscal Impact:**

None

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- Does the Council wish to approve the draft Commission Handbook?

**Summary:**

- Commissions and Committees are advisory to the Council
- The Council has sole discretion for the management of Commissions and Committees
- The Commission Handbook guides the management and conduct of Commissions and Committees within the City

**Staff Recommendation:**

Move to adopt the Commission Handbook



**Subject:** Commission Handbook

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### **Purpose**

To adopt the Commission Handbook

### **Background**

The City Council uses Commissions and Committees to advise the Council and staff on certain topics and areas of interest. The City of Los Altos typically establishes Commissions as permanent, on-going bodies and Committees as ad hoc, temporary bodies.

On May 12, 2015, the Council adopted Resolution No. 2015-09 affirming that certain City-created ad hoc committees are subject to the Brown Act, just as City Commissions are.

Commissions and Committees are established and managed by the City Council and those bodies report to the Council. The Council has full discretion over how to recruit, appoint, dismiss, and manage Commissions. As well, the Council has the prerogative to set expectations and goals for each Commission.

The Commission Handbook (Handbook) guides Commissions and Committees (including temporary, ad hoc Committees) in their role as advisory bodies to the Council and is approved by the Council.

### **Discussion/Analysis**

In fall 2016, the Council reviewed a re-written Handbook. The new, draft Handbook is designed to be easier to read, especially for those who may have no experience with how City government operates. It includes those elements which are most necessary for successful service as a Commissioner. Based on Council feedback received in 2016, as well as Council discussion at its January 28, 2017 Retreat and May 23, 2017 Regular Meeting, the Handbook has been revised to reflect the desires of the Council.

Major changes from the first draft of the Handbook to the current include:

- The establishment of Council liaisons to each Commission
- Clarification that City staff members do not serve on ad hoc Committees
- Clarification that the City will conduct recruitments for vacancies between the two formal recruitment periods as they arise
- Additional information regarding what constitutes a serial meeting under the Brown Act



**Subject:** Commission Handbook

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### **Options**

1) Adopt the Commission Handbook

**Advantages:** Establishes guidelines for the management and conduct of City Commissions and Committees

**Disadvantages:** None identified

2) Do not adopt the Commission Handbook

**Advantages:** None identified

**Disadvantages:** Commissions and Committees will continue to be guided by the previously adopted Commission and Committee Handbook (dated February 10, 2015)

### **Recommendation**

The staff recommends Option 1.



# City of Los Altos

## Commission Handbook

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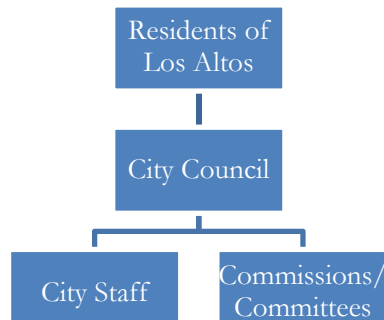
## INTRODUCTION

This manual functions as an introduction to service as a Commission or Committee member in Los Altos. For the purposes of this manual, the terms Commission member and Committee member are interchangeable. For those instances not covered in this manual, refer to the City Council Norms and Procedures and the Los Altos Municipal Code for additional guidance.

## THE BASICS

### Government in the City of Los Altos

The City of Los Altos operates under the Council-Manager form of government. The City Council sets policy for the City which is then carried out by the City Manager and staff.



**Figure 1: City of Los Altos organization**

Commissions are integral to the City’s commitment to developing policies which reflect the needs and values of the community. Commissions work closely with staff and the Council to carry out the duties and responsibilities assigned by Council.

### City Council

The City Council is elected by registered voters of the City of Los Altos and serves as the ‘Board of Directors’ for the City. The

Council establishes City policy, appoints the City Manager and City Attorney, and approves the appropriation of City funds.

To facilitate the exchange of information between the Council and its Commissions, one Councilmember will be assigned as a liaison to each Commission. These liaisons may attend meetings, but will not participate as a member of the Commission.

### Commissions/Committees

Residents are appointed by Council to serve on Commissions to advise and make recommendations to the Council and staff. Commissions focus on specific policy issues and provide additional opportunity for community participation in decision making.

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

As appointees of the City Council, members of Commissions are public officials and are appointed to represent all residents of the City, not individual organizations or special interest groups. Care should be taken to ensure that viewpoints expressed as public officials are consistent with City Council policy and the position of the majority of the Commission. Minority opinions are allowed but Commissioners should support actions taken by a majority of the Commission. Individuals should consult with their staff liaison regarding matters in which they may be construed as representing the City.

Each Commission is established by Chapter 2.08 of the Los Altos Municipal Code, which includes the powers and duties of each Commission. Committees, both standing and ad hoc, are created by Council action and typically are assigned to focus on a specific topic for a short duration. Ad hoc Committees (sometimes referred to as Task Forces) may include Commissioners.

## Staff

The City Manager serves as the 'Chief Executive Officer' for the City implements policy set by the City Council, manages the day-to-day affairs of the City, appoints and removes employees, prepares the budget, enforces laws and ordinances, and makes recommendations to the Council on the general welfare of the City. He/she hires professionally trained staff to assist in carrying out his/her responsibilities.

The City Manager assigns staff members to assist the various Commissions in carrying out their responsibilities. These staff liaisons, by virtue of their technical training and experience, are competent to provide such assistance.

Commissions work closely with the staff liaisons; however, they do not have the authority to supervise or direct the work of staff.

## Role of Staff Liaison

- Attend all meetings of the Commission
- Prepare agendas in collaboration with the Chair
- Work with the Commission in the development of a work plan for the coming year and a summary of accomplishments for the previous year
- Research and prepare reports for the Commission, as is consistent with the work plan and/or Council direction
- Ensure agendas and reports are posted in compliance with State law and City protocols
- Prepare action minutes for approval by the Commission
- Prepare reports from the Commission to the Council, ensuring that reports represent the majority view of the Commission
- Serve as the liaison between the Commission and City staff
- Submit all budget requests from Commissions to cover costs associated with accomplishing its mission as well as to attend training sessions related to accomplishing the work of the Commission
- Communicate directions from the City Council to the Commission
- Stay apprised of new laws and City protocols related to their assigned Commission or Commissions generally

**Figure 2: Role of Staff Liaison**

## MEMBERSHIP ON CITY COMMISSIONS

Unless otherwise directed, Commission members must be residents of the City of Los Altos. If, at any time during their term, a member moves to a principal residence outside the City, he/she shall become ineligible to continue as a member of that body.

Members are appointed by and serve at the pleasure of the City Council. With the exception of Senior and Youth Commissioners, members serve for a term of four years and may serve a total of two, four-year terms, plus any portion of an unexpired term for which they have been appointed. Senior Commissioners may serve four, two-year terms. Youth Commissioner may serve two-year terms through the conclusion of their final year in high school.

Ad hoc Committee members are appointed for the length of time the Committee is active or as established by the Council. These Committees are disbanded when the task has been completed or when deemed necessary by the City Council. Council members and Commissioners may serve on ad hoc Committees.

Two members of an immediate family, or persons residing in the same household, are not allowed to serve simultaneously on the same Commission or Committee, including ad hoc Committees. Immediate family members of City Council members are not eligible for appointment to any

Commission or Committee. Past Council members are not eligible to serve on any Commission, Committee (standing or ad hoc) or Task Force within two years of having served on the Council.

### **Appointment**

The City Council accepts applications for Commission positions year-round. Two times per year, formal recruitments are conducted for those positions which are or will become vacant (including those for which an incumbent is eligible for reappointment). With the exception of the Youth Commission, interviews are scheduled before the entire City Council at a special meeting. Between the two formal recruitments, the City will conduct recruitments for vacant positions as they arise. Interviews for these positions will be held either immediately before or during a regular Council meeting. Appointments are made by written ballot during a regular City Council meeting.

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

### **Reappointment**

Upon completion of the first four-year term, or an unexpired term, Commissioners must notify the City Clerk, in writing, indicating interest in continuing on the Commission for another four-year term. Commissioners requesting reappointment will be interviewed by the City Council. Reappointments will occur at the same time as appointments to the Commission.

### **Resignation/Removal**

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

Members of Commissions serve at the pleasure of the City Council. The City Council shall review members' performance and fulfillment of Commission member obligations and may remove a member from a Commission based upon that review.

#### **Commission Member Responsibilities**

- Attend at least 75% of regular meetings annually
- Prepare for and participate in all Commission meetings
- File Form 700 on time, if required
- Complete two hours of Ethics Training every two years
- Attend Annual Commission Training

#### **Attendance and Participation**

A majority of members is necessary to conduct business. As such, Commission members are expected to attend no less than 75% of the regularly scheduled meetings annually during their term of office. At the end of each year, the City Council reviews an annual attendance report for each Commission. A Commissioner may be removed for failing to attend the required minimum number of meetings or after a third consecutive absence. If a Commissioner must miss a meeting, he/she should advise the staff liaison as soon as possible.

**Figure 3: Commission Member Responsibilities**

Commissions benefit from the informed input of each member of the body. Each Commission member is expected to exercise judgment in formulating recommendations to the Council. Members are expected to be prepared for meetings and to participate and vote on every issue before the Commission, unless they are legally prohibited from participating. Lack of preparation and participation can be grounds for removal from a Commission.



## Statement of Economic Interest

The Statement of Economic Interest (Form 700) is a form on which designated employees and officials disclose certain financial interests. State law dictates that members of the Planning and Transportation Commission must file Form 700s. In addition, the City identifies those positions which are subject to the City's Biennial Conflict of Interest Code. Those individuals appointed to positions identified in the Conflict of Interest Code are required to file Form 700s. Commission members not identified in the Conflict of Interest Code are not subject to these regulations.

Commissioners are responsible for ensuring that statements are filed properly and on time. For assistance in completing the forms, contact the City Clerk's Office or the Fair Political Practices Commission (FPPC). Non-compliant Commissioners shall receive a letter from the City Clerk notifying them of their non-compliance and are subject to monetary fines. Continued non-compliance shall be grounds for removal from the Commission.

All statements filed are maintained in the City Clerk's Office and are available for public review.

Type of Filing	Occurrence
Assuming Office	Within 30 days of assuming office
Annual	Each year on or before April 1
Leaving Office	Within 30 days of leaving office

**Table 1: Deadlines for filing Form 700**

## Ethics Training

All those appointed by the Los Altos City Council to serve on Commissions shall complete at least two hours of public service ethics training every two years. New members must receive this training within their first year of service. Ethics training courses must have been reviewed and approved by the FPPC and the California Secretary of State. Members shall attend training sessions that are offered locally or by completing online training. Non-compliance shall be grounds for removal from the Commission.

It is the responsibility of a Commissioner to provide proof of completion of the ethics training program to the City Clerk. These documents are public records and are subject to public review.

The City Clerk provides periodic reports of Form 700 and Ethics Training compliance to the City Council. The Council may remove any non-compliant Commissioner.

## THE BROWN ACT

The Ralph M. Brown Act (Brown Act) is the State of California's open government law. Its purpose is to ensure that deliberations and actions of local agency bodies are open to the public and that there is meaningful public access to a local agency's decision-making process. All City Commissions are subject to the Brown Act. Staff liaisons to Commissions are versed in the elements of the Brown Act and will help Commissioners understand their obligations related to the Brown Act. In addition, certain subcommittees or ad hoc committees may be subject to the provisions of the Brown Act. Commissioners should consult with their staff liaison regarding questions of the Brown Act. Ultimately, it is up to the individual Commissioner to ensure that they are complying with the Brown Act.



**Figure 4: Ralph M. Brown**

A major element of the Brown Act relates to meetings of legislative bodies. A meeting is defined as the coming together of a majority or more of a particular body (also known as a quorum) where the business of that body is discussed. Meetings must be properly noticed and held in facilities that are open and accessible to all. All meetings must be held within the City of Los Altos. A discussion which occurs outside of a properly noticed meeting and which involves a majority or more of a body is a violation of the Brown Act. This includes serial discussions which involve only a portion of the Commission, but eventually involve a majority. The two most common serial discussions are daisy chain and hub and spoke.

#### Daisy Chain

A daisy chain is when Member A contacts Member B who then contacts Member C who then contacts Member D and so forth, until a majority of members has discussed an item within the Commission's subject matter jurisdiction.

#### Hub and Spoke

A hub and spoke meeting is when one individual (the hub) contacts members individually (the spokes) until a majority has been achieved. The hub could be a Commissioner, staff member or member of the public.

#### **Violations**

Penalties for Brown Act violations can range from invalidation of an action taken to prosecution as a misdemeanor offence. In addition, there may be fines and/or attorney's fees associated with a violation of the Brown Act. Commissioners who violate the Brown Act may be subject to removal.

Whenever a questionable area arises, it should be brought to the attention of the City Attorney or City Clerk so that corrective actions or "cures" may be taken. Advice from the City Attorney or City Clerk should be followed completely to ensure all actions of the City comply with the Brown Act.

#### **Types of meetings**

There are two types of meetings which Commissions hold. The first, and most common, are regular meetings. These meetings are where a Commission accomplishes the vast majority of its work. Regular meeting days, times and locations are established by formal action of the Commission.

The second type are special meetings. A special meeting is any meeting held outside of the normal meeting day, time or location. Action may be taken at special meetings and agendas for those meetings should indicate the action recommended to be taken.

Special meetings may include study sessions. Study sessions are held to provide Commission members the opportunity to discuss and better understand a particular item. Generally, no action is taken at study sessions.

#### **Agendas**

The staff liaison, in collaboration with the Chair, is responsible for preparing all agendas of a Commission. All items of business that will be considered or discussed at a meeting shall be briefly described on the agenda. The description should define the proposed action to be considered so that members of the public will know the nature of the action under review and consideration. No discussion or action may be taken by a Commission on any item not on the agenda.

The Chair, or a majority of the Commission, may decide to take matters listed on the agenda out of the prescribed order.

All agendas and meeting materials are posted to the City's website as set forth in the Brown Act and the City's Open Government Policy. All Commissioners should sign up to receive meeting notices and associated agenda materials for their specific Commission through the City's website.

### **Meeting Minutes**

Written minutes of all regular and special meetings are kept as the official record of business transacted and are taken by the staff liaison. Minutes are modeled after the City Council form of minutes known as "action minutes" and include a record of the legislative actions from the meeting. They do not include summaries of comments or discussion made by Commissioners or members of the public. The staff liaison will endeavor to distribute draft minutes within 10 days of the meeting.

Any document submitted at a meeting, whether by a member of the public or a Commissioner, becomes 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. The staff liaison is responsible for posting the materials received within 48 hours of the meeting to the City's website.

### **Adding items to a future agenda**

Commissioners may request that items be placed on a future agenda. This is done by requesting an item during the "Potential Future Agenda Items" portion of the meeting or by emailing a request to the staff liaison. Requests must be for items that are under the purview of the Commission. One less than a majority of members is required to place an item on an agenda. The staff liaison will work with the Chair to determine the best meeting to place an item on an agenda. Any background materials or information should be provided to the staff liaison for inclusion in the agenda packet. Future agenda items must be consistent with the Commission's work plan.

## **CONFLICT OF INTEREST**

Commission members are subject to all aspects of the Political Reform Act. Commission members 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.

It is ultimately the responsibility of the Commission member to identify whether they have a conflict of interest or not. The City Attorney should be consulted as early as possible on any matters which may be a conflict of interest.

A Commission member who has a conflict of interest shall, 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; and 3) leave the room until after the discussion, vote, and any other disposition of the matter is concluded. Notwithstanding this, a Commission member may speak on the issue during the time that the general public speaks on the issue.

## **COMMISSION ORGANIZATION**

Each Commission consists of between five and eleven members. Each member has an equal voice and vote on the Commission.

### **Chair and Vice Chair**

To facilitate meetings and the work of the Commission, each Commission appoints a Chair and Vice Chair from the members of the Commission. The positions of Chair and Vice Chair rotate annually. Election of Chair and Vice Chair occurs at the first meeting in April or October, depending on when

members are appointed to the Commission. In the event of either's resignation or removal, the Commission shall elect another member to fill the remainder of the year.

The role of the Chair is to preside at Commission meetings and to run a timely and orderly meeting. The Vice Chair is to preside in the absence of the Chair. If both the Chair and Vice Chair are absent, the Commission may elect a Chair Pro Tem to conduct the meeting. It is incumbent upon the Chair to limit discussion and recommendations to those items on the agenda.

### **Subcommittees**

A Commission may appoint special committees, consisting of less than a majority of the body, to work on specific tasks. Such committees should be focused on one specific topic and should last no more than one year. These committees are working bodies and may be responsible for generation of reports and analyses, which are reviewed by staff prior to distribution to the full Commission. Commissions may not create standing committees.

## **MEETING PROCEDURES**

All Commission meetings are open to the public and should be approached in a dignified, respectful manner. It is the responsibility of all Commissioners to treat their duties and obligations seriously and to ensure that all meetings are productive and further the mission of the City.

### **Rules of Order**

*Rosenberg's Rules of Order*, with addendums adopted by the City Council, govern the conduct of Commission meetings. Information regarding the *Rules of Order* can be obtained from the City Clerk's Office.

### **Consideration of agenda items**

The standard procedure for considering individual agenda items shall be as outlined in Figure 5. From time to time, the prescribed order may be changed.

Official action requires a majority vote of the entire Commission/Committee, not just those present.

### **Public Comment**

Persons present at Commission meetings may comment on any item on the agenda. To facilitate an orderly meeting, each speaker is requested, but not required, to complete a Request to Speak card for each item they wish to speak on before discussion on that item begins. To ensure that all are heard, speakers are typically given three minutes to speak on each item. If there are more than 10 requests to speak on an agenda item, the Chair may limit each speaker's time to two minutes.

#### **Consideration of an agenda item**

1. Presentation by Staff, Commissioner or subcommittee
2. Commissioners ask clarifying questions
3. Members of the public are given an opportunity to speak on the item
4. Commissioners discuss the item
5. If needed, a motion is made upon which the Commission votes on the matter

**Figure 5: Procedures for considering agenda items**

The Chair has the right to ask a member of the public to step down from speaking if over the allotted time or if comments are not related to the topic at hand.

During regular meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment. The Commission may not discuss nor take action on any item raised during the Public Comments on Items not on the Agenda portion of the meeting.

## **Teleconferencing**

Commission members shall not participate in meetings by teleconference.

## **DECORUM**

Commissioners shall render the utmost courtesy to each other, the City Council, staff and members of the public. Commissioners may be subject to dismissal for failure to observe these standards.

Members of the public attending Commission meetings shall observe the same rules of order and decorum applicable to Commission members. Los Altos Municipal Code Chapter 2.05 – Public Meetings Rules for Conduct shall apply to all meetings. To provide an environment in which all viewpoints may be expressed, noise emanating from the audience, whether in opposition or support, shall not be permitted. Continual disruption of meetings by members of the public may be grounds for removal from the meeting.

## **TRAINING**

Commissioners are expected to stay current on issues related to their service as a public official. Members are provided brief training following their appointment regarding their duties as a Commissioner and the Brown Act. Annual trainings are organized by the City Clerk and conducted by City staff to review roles and responsibilities and to provide information on any changes in laws or policies that may be relevant to conducting the work of the Commissions. Attendance at this training is required for all Commission members and staff liaisons.

Members of Commissions are encouraged, within budget limitations, to attend training related to their area of responsibility. 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 City may cover costs of registration and certain travel expenses in accordance with the City's Travel and Expense Policy. Requests for use of City funds must be approved in accordance with City Policy.

## **CONCLUSION**

The City Council and staff appreciate your service as a Los Altos Commission member. The time and energy you expend help to make Los Altos the wonderful community it is. If at any time during your service, you have questions or concerns, do not hesitate to contact your staff liaison who can help address any issue which may arise.

# Cheat sheet for Chair (and Vice Chair)

## (and anyone who may have to run a meeting)

The role of the Chair of a Commission is to preside at meetings and to help move the work of the Commission forward. The Chair (and Vice Chair) does not have any extra authority or power beyond that of his/her fellow Commissioners.

As Chair, you are responsible for conducting meetings of the Commission. It is important to limit discussion to those items on the agenda. For each agenda item, it is suggested that you follow this procedure:

1. Announce what the item being considered is
2. Ask if there is a report for the item – generally, this is provided by the staff liaison but occasionally may be provided by another Commissioner
3. Ask Commissioners if there are any clarifying questions
4. Take public comment – instructions for how to take public comment are included in the “Meeting Procedures” section of the Commission Handbook
5. Facilitate discussion among the Commission – it is important that each Commissioner is given equal chance to speak and express his/her opinion
6. After discussion of the item, ensure that a conclusion is reached – this can be in the form of a motion, direction provided to staff or a subcommittee, or to take no further action.

### **Applications**

On occasion, a Commission may receive an application from a resident or community group which the Commission is to consider. In these instances, applicants are given a total of ten minutes to present their position/input prior to hearing other public comments. This is done after the staff has presented its report. After the applicant(s) has presented, public comment is taken from the audience. Following public comment, the applicant is given five minutes to provide a rebuttal to any issue raised during public comments.

### **Announcing votes**

The Brown Act requires that all votes be clearly noted, both at the meeting and in the record. It is the Chair’s responsibility to ensure that the vote is noted during the meeting. This is done by announcing how each member voted on a particular issue. If the voting is unanimous, it is sufficient to state “passes unanimously.” The staff liaison will ensure that the minutes accurately reflect how each member voted on each issue.

### **Recess**

It is customary to have a short 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 consensus of the Commission/Committee.