



DISCUSSION ITEMS

Agenda Item # 5

AGENDA REPORT SUMMARY

Meeting Date: May 28, 2019

Subject: Resolution No. 2019-17: Open Government Policy

Prepared by: Jon Maginot, Deputy City Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Resolution No. 2019-17
2. Council Norms and Procedures with recommended changes
3. Commission Handbook with recommended changes

Initiated by:

City Council

Previous Council Consideration:

August 26, 2014; September 9, 2014; December 9, 2014; January 13, 2015; March 24, 2015; May 26, 2015; May 23, 2017; August 22, 2017 and May 22, 2018

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council concur with the recommendations of the Open Government Standing Committee?

Summary:

- The Open Government Policy was adopted in 2015 and provides for additional governmental transparency measures
- The Open Government Standing Committee recommends additional measures to be included in the Open Government Policy and codified by Ordinance

Staff Recommendation:

Move to receive the report from the Open Government Standing Committee; adopt Resolution No. 2018-13 amending the Open Government Policy and consider changes to the Council Norms and Procedures and Commission Handbook

Reviewed By:

City Manager

CJ

City Attorney

CD

Finance Director

SE



Subject: Resolution No. 2019-17: Open Government Policy

Purpose

To conduct the annual review of the Open Government Policy and to consider the recommendations of the Open Government Standing Committee.

Background

On May 26, 2015, the City Council adopted Resolution No. 2015-12 establishing an Open Government Policy. This Policy calls for posting of regular Council meeting agendas and accompanying materials at least eight calendar days before the meeting, increased requirements for noticing of design review projects, including the construction of story poles for multiple-family, commercial and mixed-use projects, recording of Council and Commission meetings, publishing an index of records on the City's website, publishing a list of requests for records on the City's website, and establishment of an Open Government Standing Committee.

The Policy also states that the Council will review the Policy each year and will discuss the cost and impact on City staff of implementing the Policy, consideration of additional sections to the Policy, and a determination as to when it might be appropriate to adopt the Policy as an Ordinance.

Discussion/Analysis

The Open Government Standing Committee met on May 14, 2019 to review the policy. Changes recommended by the Committee are included for Council consideration in Attachment 1. In addition, the Committee recommended changes to the Council Norms and Procedures and Commission Handbook which are included as Attachments 2 and 3 respectively.

Options

- 1) Adopt Resolution No. 2019-17 amending the Open Government Policy

Advantages: Amends the Open Government Policy to provide additional clarification on certain requirements

Disadvantages: None identified

- 2) Do not implement the recommendations of the Open Government Standing Committee

Advantages: None identified

Disadvantages: Will not provide additional clarity on noticing requirements

Recommendation

The Open Government Standing Committee recommends Option 1.

RESOLUTION NO. 2019-17

**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 levels; 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 have 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 adopted Resolution Nos. 2015-12, 2017-33 and 2018-33 amending the Open Government Policy.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby adopts the "Policy of the City of Los Altos Regarding Openness in City Government" attached hereto as Exhibit A and incorporated by this reference, 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 ____ day of ____ 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lynette Lee Eng, 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 as well as allowed construction hours.

Notices for multiple-family, public and community facilities, office and administrative, 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 500-1,000 feet of the proposed development and to the media 14 days in advance of the meeting. Notices shall be mailed for Pre-application study session design review (14.78.040), if held, as well as the first

public hearing of the Planning Commission and the first public hearing of the City Council (14.78.030). 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 as well as allowed construction hours. Multiple-story multiple-family, commercial and mixed-use projects, and public facilities shall erect story poles which reflect the outline of the proposed building on the site. Story poles complying with the City's specifications must be erected at least 20 days in advance of the first public hearing for the project. No project shall have a hearing until proper story poles are installed. Story poles shall be removed within ~~60-30~~ days of the first public hearing of the City Council. If the project is withdrawn by the applicant for substantial revision, the poles may be removed immediately and re-installed 20 days prior to the public hearing on the revised proposal.~~final determination on the project.~~

Section 4

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 5

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 6

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 7 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 8 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.

CITY COUNCIL NORMS AND PROCEDURES



COUNCILMEMBERS

**Jeannie Bruins
Anita Enander
Neysa Fligor
Lynette Lee Eng
Jan Pepper**

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**CITY OF LOS ALTOS
CITY COUNCIL NORMS AND PROCEDURES**

SECTION 1. GENERAL

- 1.1 Purpose. The purpose of these Norms and Procedures is to promote communication, understanding, fairness, and trust among the members of the City Council and staff concerning their roles, responsibilities, and expectations for management of the business of the City of Los Altos.
- 1.2 Values. Councilmembers shall treat fellow Councilmembers, members of the public, Commission and Committee members, and staff and consultants with respect, civility and courtesy. All Councilmembers shall respect each other's individual points of view and right to disagree. When addressing the public in any way, all Councilmembers shall make certain their opinions are expressed solely as their own, and do not necessarily reflect the opinions of any other Councilmember. Councilmembers shall respect the decisions of the majority of the Council at all times.
- 1.3 Review. The City Council shall conduct a review of this document biennially, or whenever a new Councilmember has been seated or Council deems necessary, to assist Councilmembers in being more productive in management of the business of the City. A new Council will consider the document within three months of its first regular meeting.
- 1.4 Ralph M. Brown Act. All conduct of the City Council, Commissions, Committees and Subcommittees shall be in full compliance with State law, including the Ralph M. Brown Act.

SECTION 2. MAYOR AND VICE MAYOR SELECTION PROCESS

- 2.1 Reorganization. The reorganization of the Council shall occur at a special meeting held on the first Tuesday of December. The seating of new Councilmembers shall occur at the same meeting that the Council reorganizes, which will be held on the earliest available Tuesday following the certification of election results.

Seating preferences on the dais shall be made by the Mayor, Vice Mayor and then by seniority of the rest of the members, in that order. If two members have equal seniority based on year elected, then the member with the higher vote count in their most recent election is considered to have higher seniority.

A community reception honoring the incoming and outgoing Mayor and Councilmembers will be held immediately following the reorganization meeting.

- 2.2 Election of Mayor. Only Councilmembers elected by the voters may serve as Mayor. Those persons who are appointed to the City Council due to the cancellation of an election may also serve as Mayor.

The term of office shall be one year. The Councilmember must have served at least 23 months to be eligible for Mayor. A majority vote of the Council is necessary to designate the Mayor. If there is at least one elected Councilmember with a minimum of 23 months of service who has not served as Mayor, he or she shall be designated Mayor before those who have already served as Mayor.

If there are two or more such members who have served more than 23 months and have never served as Mayor, the one having served the longest time on the Council shall be designated as Mayor.

In the event there are two or more members, who have never served as Mayor and have served the same length of time, the one who received the greatest number of votes at his/her election or re-election to the Council shall become Mayor.

In the event there are two or more members, ~~both of whom~~ who have served as Mayor, who have served the same continuous length of time, and who have been re-elected to the Council, the one who received the greatest number of votes at his/her re-election to the Council shall become Mayor.

In the event three new members are elected to the Council, then an exception to Sections 2.2 and 2.3 will apply, allowing the immediate appointment of a Vice Mayor without the normal 11 months of prior service, and the following year such person may be appointed as the Mayor without the normal 23 months of prior service. Any member re-elected to the Council after a break in service will be treated in the normal sequence for appointment as Vice Mayor and Mayor, without regard to such person's service prior to the break in service.

The Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. The person is to be advised of the proposed cause for removal at least 72 hours before the action is taken. Requests for an agenda item to consider removal of the Mayor should be made to the City Manager.

- 2.3 Election of Vice Mayor. Only Councilmembers elected by the voters may serve as Vice Mayor. Those persons who are appointed to the City Council due to the cancellation of an election may also serve as Vice Mayor.

The selection process for determining who shall serve as Vice Mayor will follow that of Mayor, except the Councilmember must have served at least 11 months to be eligible to serve as Vice Mayor.

The Vice Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. The person is to be advised of the proposed cause for removal at least 72 hours before the action is taken. Requests for an agenda item to consider removal of the Vice Mayor should be made to the City Manager.

- 2.4 Councilmembers Serving After a Break in Service. The time of continuous service for any elected member of the Council who previously served on the Council prior to a break in service shall be considered to have started at his/her election after their break in service.

- 2.5 Appointment of Vacancy. In the event of a vacancy of office by the death or resignation of any Councilmember, the Council shall appoint a new Councilmember within sixty (60) days after a vacancy becomes effective in compliance with the California Elections Code, unless the Council, by resolution, decides to instead call a special election. In the event of appointment, the Council shall determine the process for appointment prior to the application process and in accordance with State law.

SECTION 3. COUNCIL SUBCOMMITTEES

- 3.1 Responsibility. The Mayor shall appoint Councilmembers to standing and ad hoc subcommittees as required to accomplish the work of the Council, subject to affirmation by

the Council at its next regular meeting. It will be the responsibility of these subcommittees to inform and make recommendations to the Council and submit them to the Council for a vote. Staff shall work with, and support, Council subcommittees as required.

- 3.2 Instructions and Expectations. The Council shall make certain that all Council subcommittees are properly instructed in their assigned scope of work and responsibilities. The expected outcome of the committee's efforts shall be defined in writing and approved by a majority of the City Council.
- 3.3 Reporting. Council subcommittee members are to keep the Council informed of the work and progress of their subcommittee. These reports or minutes shall be made in writing whenever a recommendation is made to the Council.
- 3.4 Standing Subcommittees. Four standing subcommittees of the Council exist: the Council Youth Commission Interview Committee, the City/Los Altos School District Schools Issues Committee, the City/Cupertino Union School District Schools Issues Committee and the Open Government Committee.

The Council Youth Commission Interview Committee consists of two members of the City Council and is responsible for conducting interviews of applicants for the Youth Commission and making recommendations to the City Council regarding the appointments. The Committee meets as needed.

The City/Los Altos School District Schools Issues Committee consists of two members of the City Council and two members of the Board of Trustees of the Los Altos School District. The purpose of the subcommittee is to facilitate communication between the two bodies on issues of mutual concern by both legislative bodies, as directed by the City Council and/or School Board. Meetings are open to the public and are generally held at least bi-annually.

The City/Cupertino Union School District Schools Issues Committee consists of two members of the City Council and two members of the Board of Trustees of the Cupertino Union School District. The purpose of the subcommittee is to facilitate communication between the two bodies on issues of mutual concern. Meetings are open to the public.

The Open Government Committee consists of two members of the City Council and advises the City Council and provides information to the City Manager on potential ways to implement the Open Government Policy. The Committee develops appropriate goals to ensure practical and timely implementation of the Open Government Policy and proposes any amendments to the Policy.

SECTION 4. COMMISSIONS AND COMMITTEES

- 4.1 Responsibility. The Council will appoint residents of the community to the City's standing commissions and committees. Commission and committee members shall represent the interests of the community when serving on these bodies. These commissions and committees will respect the public and staff and shall take seriously their responsibility for reporting to the Council. Each commission is to keep a rotation schedule for representation at City Council meetings by one of its members. Attendance is required when a commission has an item of interest on the Council agenda, so as to be available to answer Council questions.
- 4.2 Governing. The City's Commissions and Committees are governed by the Commission Handbook as adopted and amended by the City Council.

- 4.3 Commission Liaisons. To facilitate the exchange of information between the Council and its Commissions, the Mayor will at least annually make liaison appointments to the Commissions. These appointments shall be ratified by the Council. Councilmembers shall respect the separation between policy making and advisory Commissions by: A) not attempting to lobby or influence Commissions on any item under their consideration; B) attending meetings of assigned Commissions, as needed, but not taking a position on an item before the Commission; C) not voting at the Commission's meeting on any item; and D) assisting the Commission in scheduling recommendations to be heard by the Council.

If an issue arises regarding a member of any Commission, staff may work with the assigned Council Liaison to resolve the issue.

- 4.4 Commissioners serve at the pleasure of the City Council. The City Council may discipline or remove a Commissioner at any time solely at the discretion of the Council. Any proposed removal can be with or without cause. A Councilmember who wishes to discipline or remove a Commissioner shall indicate their desire to place the discipline or removal on a future agenda at the end of a regular Council meeting. If three or more Councilmembers wish to agendaize the discipline or removal of a certain Commissioner, the item will be placed on a Council agenda.

SECTION 5. AD HOC COMMITTEES AND TASK FORCES

- 5.1 Instructions and Expectations. The Council shall make certain that all Council-appointed Ad Hoc Committees and Task Forces are properly instructed in their assigned scope of work and responsibilities. The expected outcome of the Committee's or Task Force's efforts shall be defined in writing and formally approved by a majority of the City Council.
- 5.2 Reports. Ad Hoc Committees and Task Forces are responsible for keeping the Council informed about issues being considered, and their progress. This is to be accomplished by meeting minutes distributed in the Council meeting packets or through oral reports to Council. Ad Hoc Committees and Task Forces are responsible for advising the Council of any need for information or more specific instructions.
- 5.3 Redirection. Ad Hoc Committees and Task Forces shall obtain Council concurrence before they proceed in any direction different from the original instructions of the Council.
- 5.4 Noticing. Per Resolution No. 2015-09, Ad Hoc Committees and Task Forces that are created by the City Council and are composed of less than a quorum of the Council and have members of City Commissions and/or members of the public on the committee are subject to the provisions of the Ralph M. Brown Act.

SECTION 6. ADMINISTRATIVE MATTERS

- 6.1 Attendance. City Councilmembers acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Councilmembers shall make a good faith effort to attend all such meetings unless unable. Councilmembers will notify the Mayor or the City Clerk if they will be absent from a meeting.

- 6.2 Correspondence. With some exceptions, proposed correspondence (including electronic) from individual Councilmembers/Mayor on City stationery shall be reviewed by the Council in draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. Assuming there is agreement between the Mayor and City Manager that the League's position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council review.

City letterhead will be made available for routine, discretionary correspondence (i.e., thank you notes, etc.), or such correspondence will be prepared by staff for signature, without prior consent of the Council. E-mails from Councilmembers should be respectful, professional and consistent with the City's Electronic Use Policy.

- 6.3 Regional Boards. The Mayor shall appoint Councilmembers to Regional Committees/Commissions/Boards as required by the governing bodies. These appointments are subject to affirmation by the Council. The role of the Council on regional boards will vary depending on the nature of the appointment. Representing the interests of Los Altos is appropriate on some boards; this is generally the case when other local governments have their own representation.

The positions taken by the appointed representatives are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Los Altos. If an issue should arise that is specific to Los Altos, and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board meeting, to assure that it is in alignment with the Council's position.

Council representatives to such boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council.

Councilmembers shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. If a Councilmember is unable to attend, he/she should notify his/her alternate as far in advance of the meeting as possible so as to allow the alternate to attend.

- 6.4 Response to Public. It will be the responsibility of the City Manager to ensure a response is provided to all public correspondence for informational requests addressed to the Council. Staff shall respond to all requests for services and provide a copy of such correspondence to the City Council, as appropriate.
- 6.5 Proclamations. Proclamations are discretionary public announcements directing attention to a local resident, organization or event. The Mayor, without formal action of the Council, may issue proclamations. Requests for proclamations should be submitted at least one week in advance. This allows the Mayor to decide if a proclamation should be issued. Alternatively, the Mayor, at his/her discretion, may refer a request to Council.
- 6.6 Reimbursement. City Councilmembers may be reimbursed for personal expenses for travel to and lodging at conferences or meetings related to their role as a Councilmember. Reimbursements shall be subject to the City's Travel and Expense Policy.

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

6.7 Training.

Ethics: Members of the City Council and commissions shall receive at least two hours of ethics training in general ethics principles and ethics laws relevant to his/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.

An individual who serves on multiple legislative bodies need only receive two hours of ethics training every two years to satisfy this requirement for all applicable public service positions.

Sexual Harassment: In addition, Councilmembers shall receive two hours of sexual harassment prevention training every two years, per State law. New members must receive this training within their first six months of service.

Brown Act: Those individuals appointed by the City Council to serve on a commission or advisory committee will receive training on the requirements of the Brown Act ~~at the time~~within 60 days of them~~they~~ beginning their service.

The City Clerk is required to keep 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.

- 6.8. Use of Electronic Devices during Council Meetings. City Councilmembers shall not use electronic devices to send or receive communications regarding agenda items or to access information which other Councilmembers do not have equal access to during a meeting of the City Council at which he or she is in attendance. This does not apply to receipt of telephone calls or text messages from family members in the event of an urgent family matter. Councilmembers responding to such a message during the meeting shall do so in a manner that does not disrupt the meeting.

- 6.9 City Mission and City Seal. The Mission of the City of Los Altos is a ~~document~~strategie statement that reflects the values of our residents. The City Seal is an important symbol of the City of Los Altos. No change to the City Mission and/or City Seal shall be made without Council approval.

- 6.10 Use of email. City Councilmembers shall strive to use only their City email account for City business.

SECTION 7. COUNCIL RELATIONSHIP WITH STAFF

- 7.1 City Manager. City Councilmembers are always free to go to the City Manager to discuss any subject. Issues concerning the performance of a Department or any employee must be directed to the City Manager. City Councilmembers shall not meet with groups of management employees for the purpose of discussing terms of employment or establishing employee policy. Direction to City employees, other than the City Manager or City Attorney, is the prerogative of the City Manager. In passing along critical information, the City Manager will be responsible for contacting all Councilmembers. The City Manager may delegate this responsibility to Department Heads.

- 7.2 Agenda Item Questions. The Council shall not abuse staff, nor embarrass staff in public. If a Councilmember has a question on a subject, the Councilmember should contact the City Manager prior to any meeting at which the subject may be discussed. This does not restrict Councilmembers from asking questions during a Council meeting.

- 7.3 Complaints. Councilmembers shall encourage people to file all complaints directly with the appropriate staff member. Staff shall ensure that all people receive a response.
- 7.4 Staff. Councilmembers may ask Department Heads for information. This informal system of direct communication is not to be abused.

SECTION 8. MEETINGS

- 8.1 Open to Public. All meetings of the City Council whether regular, special, or study sessions, shall be open to the public, unless a closed session is held as authorized by law. All meetings shall be noticed as required to allow action to be taken by the Council.
- 8.2 Broadcasting of City Council Meetings. All regular Council meetings and study sessions shall be scheduled in the Community Meeting Chambers to allow for web streaming and simulcast on the City's Government Access Channel, unless the number of participants exceeds room capacity. The final decision shall be the responsibility of the Mayor. All Council meetings held in the Community Meeting Chambers shall be video-recorded.
- 8.3 Regular Meetings. The City Council shall conduct its regular meetings at the time and place established by ordinance. At the first regular meeting in December, the City Council will approve the schedule of meetings for the next calendar year, which in addition to the regular meeting schedule, may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to Section 8.5, if necessary.

It will be the custom to have a recess at approximately 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.

- 8.4 Cancelling Meetings. Any meeting of the City Council may be cancelled in advance by majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed in writing to the City Manager their unavailability to attend a meeting or agreement to cancel a meeting.
- 8.5 Special Meetings. A special meeting may be called at any time by the Mayor or by a majority of the City Council in accordance with the Brown Act. Written notice of any such meeting must specify the purpose of the meeting and the identities of members making the call. Notice of the meeting must be given in accordance with law. Public comments at special meetings shall be limited to only those items described on the special meeting notice/agenda.

The City Council may hold study sessions or joint meetings with other boards, commissions, committees, or agencies as deemed necessary to ~~resolve~~ attend to City business. These meetings will be coordinated by the City Clerk. Study sessions are scheduled to provide Councilmembers the opportunity to better understand a particular item. While Council may legally take action at any noticed meeting, generally no formal action is taken at study sessions. If action is to be taken at a study session, then the agenda will state that action may be taken.

- 8.6 Closed Sessions. The City Council may hold closed sessions at any time authorized by law (and in consultation with the City Attorney), to consider or hear any matter, which is

authorized by law. The Mayor or a majority of the City Council may call closed session meetings at any time. Requests for a closed session should be made to the City Manager.

8.7 Annual Retreat. The City Council shall hold an annual retreat following the reorganization of the Council (typically in December or January). The purpose of the retreat shall be to review accomplishments for the past year and to discuss and set priorities for the City Council for the following year.

8.8 Quorum. Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three Councilmembers appear at a regular meeting, the Mayor, Vice Mayor in the absence of the Mayor, any Councilmember in the absence of the Mayor and Vice Mayor, or in the absence of all Councilmembers, the City Clerk or Deputy City Clerk, shall adjourn the meeting to a stated day and hour.

Business of the City Council may be conducted with a minimum of three members being present; however, pursuant to the California Government Code, matters requiring the expenditure of City funds and all resolutions and non-urgency ordinances must receive three affirmative votes for approval.

8.9 Minutes. Staff shall prepare minutes of all public meetings of the City Council. Copies shall be distributed to each Councilmember. Closed session minutes, if any, shall be approved by all Councilmembers and kept in strict confidence.

8.10 Adjourned Meetings. The City Council may adjourn any regular, adjourned regular, special or closed session meeting to a time and place specified in the order of adjournment and permitted by law.

SECTION 9. POSTING NOTICE AND AGENDA

9.1 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. Posting is to be according to the City's Open Government Policy and State law.

9.2 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, and to the City website.

SECTION 10. AGENDA CONTENTS

10.1 Mayor's Responsibility. The Mayor is responsible for running a timely and orderly meeting. If the Mayor is unavailable to run a Council meeting, the Vice Mayor shall run the meeting. The Mayor, in consultation with the City Manager or his/her designee, and the City Clerk shall organize the agenda.

10.2 Description of Matters. All items of business to be discussed at a meeting of the City Council 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.

- 10.3 Availability to the Public. The agenda for any regular, special, or study session meeting, shall be made available to the general public as required by law.
- 10.4 Limitation to Act Only on Items on the Agenda. No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:
- A. Upon a majority determination that an “emergency situation” (as defined by State Law) exists; or
 - B. Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.
- 10.5 "Timing" of Agenda. Staff and/or the Mayor will "time" the agenda as a way for the Council 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.
- 10.6 Order of Agenda. The prescribed order of the agenda for Regular Meetings of the Council will be as follows: Establish Quorum, Pledge of Allegiance, Closed Session Announcement (if needed), Changes to the Order of the Agenda, Special Items, Public Comments on Items not on the Agenda, Consent Calendar, Public Hearings, Discussion Items, Informational Items, City Council Reports (limited to one minute per Councilmember), Future Agenda Items (limited to one minute per Councilmember), and Adjournment.
- 10.7 Change in Order of Business. The Mayor, or the majority of the Council, may decide to take matters listed on the agenda out of the prescribed order. All items removed from the Consent Calendar may be considered immediately after approval of the Consent Calendar or elsewhere in the agenda at the Mayor’s discretion. Councilmembers shall be given the opportunity to ask questions about Consent Items for clarification without having them removed.
- 10.8 Tentative Council Calendar. The Tentative Council Calendar shall list items pending to come before Council within the next 12 months period.

Quarterly (first meeting in January, April, July and October), Council shall review the Tentative Council Calendar. At this time, Councilmembers may request new items be added. The Councilmember requesting the item shall state the topic and which Council priority the request aligns to. Council and staff shall agree as to where the new item shall be placed on the Tentative Council Calendar.

- 10.9 Placing items on a future agenda. Members of the City Council may have any matter that can be legally agendized placed on the agenda of the City Council by indicating their desire to do so under that portion of the City Council agenda designated, “Future City Council Agenda Items.” Placing an item on a future agenda requires two Councilmembers to support the item if no staff work is required and three Councilmembers if staff work is required.

10.10 Council questions. Councilmembers shall strive to provide questions to city staff on agenda items as early as possible before a council meeting to allow adequate time to respond to the questions. Staff will provide all questions and answers to Council questions to all Councilmembers and to the public. Councilmembers shall notify staff if they plan to raise a specific, asked and answered question at the Council meeting. If a Councilmember feels they need additional information to make a decision on an item, and the item is not time sensitive, the Councilmember shall request the item be continued at the beginning of the meeting.

SECTION 11. PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS

11.1 Role of Mayor.

- A. The Mayor shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Mayor to ensure that the rules of operation and decorum contained herein are observed. The Mayor shall maintain control of communication between Councilmembers and among Council, staff and public.
- B. Communication with Councilmembers
 - 1. Councilmembers shall request the floor from the Mayor before speaking.
 - 2. When one member of the Council has the floor and is speaking, other Councilmembers shall not interrupt or otherwise disturb the speaker.
- C. Communication with Members of the Public Addressing the Council
 - 1. The Mayor shall open the floor for public comment as appropriate.
 - 2. Councilmembers may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak.
 - 3. Any staff member with an item on the agenda will be available to the City Council to answer questions arising during discussions between Councilmembers and among Councilmembers and members of the public.
 - 4. Members of the public shall direct their questions and comments to the Council.

11.2 Rules of Order. The City Council adopts no specific rules of order except those listed herein. The City Council shall refer to *Rosenberg's Rules of Order*, as a guide for the conduct of meetings, with the following modifications:

- A. A motion is not required prior to a general discussion on an agenda item. A pre-motion discussion allows the members to share their thoughts on the agenda item so that a motion can more easily be made that takes into account what appears to be the majority position.
- B. All motions, except nominations, require a second.
- C. A motion may be amended at the request of the maker and the consent of the person who seconded the motion. Such a procedure is often used to accommodate concerns expressed by other members.
- D. A motion to amend may still be used.

The Mayor has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the City Councilmembers present.

11.3 Appeal Procedures. Appellants shall be given the opportunity to speak first. Appellants and applicants responding to appeals may be given a total of up to 10 minutes each to present their positions to the City Council prior to hearing public comments. Appellants shall be given up to 5 minutes of rebuttal time after public comments are heard.

11.4 Applicants. Persons bringing to the City Council a request for approval shall be given a total of up to 10 minutes to present their positions/input prior to hearing public comments. An extension can only be granted by consent of a majority of the Councilmembers. Applicants shall be given up to 5 minutes of rebuttal time after public comments are heard.

11.5 Public Hearing Procedures. All land use public hearing items shall follow the following procedures:

A. Staff presentation and/or report followed by clarifying questions from the Council

B. Disclosure of communications: Councilmembers shall disclose all personal communications with any individual, including, but not limited to, the project applicant, prospective project applicants, neighboring property owners, residents or any other party regarding development projects. These disclosures shall include a full description of the nature of the discussion, and in particular, any information not presented as part of the public record

C. The Mayor shall open the public hearing

a. Applicant presentation; the applicant shall be given a total of up to 10 minutes to the City Council

b. The Council shall take public comments

c. Applicant rebuttal period; the applicant shall be given a total of up to 5 minutes rebuttal time. If there are no public comments, the applicant shall not be given time for rebuttal

D. The Mayor shall close the public hearing

E. Council discussion, consideration and decision

11.5 Staff and Consultant Reports. Staff and consultant reports will be given a limit of up to 10 minutes. Staff is to assume that the Council has read all materials submitted. Council shall be given an opportunity to ask questions of staff prior to hearing public comments.

11.6 Public Comment.

A. Persons present at meetings of the City Council may comment on individual items on the agenda. During Regular City Council 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 speakers will be 1 to 3 minutes, depending on the number of speakers. If there are 10 or fewer requests to speak on any agenda item, the limit for each speaker will be 3 minutes. The Mayor may limit the time to be spent on an item and may continue the item, with the approval of the majority of the Council, to a future meeting at his/her discretion.

A group of speakers may designate a single speaker to represent the group. The designated speaker would be given the time which would have been allocated to others (to a maximum of 10 minutes) to speak. Individuals wanting to delegate time to another must be present at the meeting and must indicate their desire to cede time to a single individual by noting on a speaker card they are doing so. Persons who have ceded their time will not be permitted to speak on the topic at that meeting. ~~Ceding of time will not be allowed during noticed public hearings.~~

C. In order to facilitate an orderly meeting schedule, each speaker is requested 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 or subjects upon which the speaker wishes to

address the City Council. The request to speak cards shall be turned into the City Clerk before the item is heard by the City Council.

- D. Upon addressing the Council, each speaker is requested, but not required, to first state his/her name, whom they represent and/or city of residence.
- E. After the speaker has completed their remarks, Councilmembers may ask questions of the speaker after being acknowledged by the Mayor. Councilmembers shall be respectful of the speakers and shall not enter into a debate with any member of the public.
- F. Upon conclusion of the Public Comment section for any item, the Mayor may provide Councilmembers and/or staff with an opportunity to respond to statements made by the public.
- G. All Councilmembers shall listen to all public discussion as part of the Council's community responsibility. Individual Councilmembers should remain open-minded to comments made by the public.
- H. The Mayor has the right to ask a member of the public to step down if over the allotted time or if comments are not germane.

11.7 Motions. It will be the practice of the City Council for the Mayor to provide Councilmembers an opportunity to ask questions of staff, comment on, and discuss any agenda item in order to help form a consensus before a motion is offered. After such discussion, the Mayor or any Councilmember may make a motion. Before the motion can be considered or discussed, it must be seconded. Once a motion has been properly made and seconded, the Mayor shall open the matter to full discussion offering the first opportunity to speak to the moving party, and thereafter, to any Councilmember recognized by the Mayor. Customarily, the Mayor will take the floor after all other Councilmembers have been given the opportunity to speak.

If a motion clearly contains divisible parts, any Councilmember may request the Mayor or moving party divide the motion into separate motions to provide Councilmembers an opportunity for more specific consideration.

Tie Votes: Tie votes shall be lost motions. When all Councilmembers are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes other action to further consider the matter.

If a tie vote results at a time when less than all members of the Council, who may legally participate in the matter, are present, the matter shall be automatically continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council.

11.8 Reconsideration.

A. Request for Reconsideration.

1. Request by a member of the public.

Any member of the public may request that a member of the City Council that voted in the majority request reconsideration. In order for that member of Council to take action, such request must be received no later than 5:00 p.m. on the third

day following the decision. The requestor should specify in writing the reason for the request to reconsider.

2. Request by a member of the City Council.

Only a member of the City Council who voted on the prevailing side may request reconsideration. The request may be made at the same meeting or 24 hours in advance of the posting of the agenda for the next regular meeting. Meeting agenda postings are governed by the Open Government Policy or Brown Act, whichever requires the most notice.

3. The City Councilmember making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments.

B. Motion to Reconsider Any Council Action.

1. Reconsideration at the same meeting.

A motion to reconsider an action taken by the City Council may be made at the same meeting at which the action was taken (including an adjourned or continued meeting). A motion to reconsider an action may be made only by a Councilmember who voted on the prevailing side, but may be seconded by any Councilmember and is debatable.

The motion must be approved by a majority of the entire City Council.

2. Reconsideration at a subsequent meeting.

Requests for reconsideration not made at the same meeting must be made by a member of the prevailing party 24 hours to the City Manager prior to the posting of the next regular meeting agenda. If the request is supported by any two (2) other Councilmembers, then it shall be added to the agenda. A request added to an agenda shall be structured in a manner that the reconsideration may take place immediately following approval of the request for reconsideration.

At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.

C. Effect of Approval of Motion.

Upon approval of a motion to reconsider, and at such time as the matter is heard, the City Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Municipal Code and the *Council Norms and Procedures*. The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

11.9 Discussion.

- A. The discussion and deliberations at meetings of the City Council are to secure the mature judgment of Councilmembers on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

To the extent possible, Councilmembers should disclose any ex parte communication prior to discussion on an item.

Discussion and deliberation are regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

- B. Obtaining the Floor for Discussion.

After the Council has commented on an issue, and a motion has been stated to the Council and seconded, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by seeking recognition from the Mayor. A member who has been recognized should limit his/her time to 3 minutes.

- C. Speaking More Than Once.

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Councilmember has already spoken, other Councilmembers wishing to speak shall then be recognized. No Councilmember shall be allowed to speak a second time until after all other Councilmembers have had an opportunity to speak.

- D. Relevancy of Discussion.

All discussion must be relevant to the issue before the City Council. A Councilmember is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. Councilmembers shall avoid repetition and strive to move the discussion along. Arguments, for or against a measure, should be stated as concisely as possible.

A motion, its nature, or consequences, may be attacked vigorously. It is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor to instantly rule out of order any Councilmember who engages in personal attacks. It is the motion, not its proposer, that is subject to debate.

It is the responsibility of each Councilmember to maintain an open mind on all issues during discussion and deliberation. It is not necessary for all City Councilmembers to speak or give their viewpoints if another Councilmember has already addressed their concerns.

E. Mayor's Duties During Discussion.

The Mayor has the responsibility of controlling and expediting the discussion. A Councilmember who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

F. After the Vote.

Once a majority of the Council has approved a motion, no further discussion shall be made unless the item is brought for reconsideration as described previously. Councilmembers shall abide by the majority decision of the Council, even if in the minority. Councilmembers appointed to serve on regional boards and committees shall maintain the Council's position on an item even if the Councilmember disagrees with that position.

~~11.10 Councilmember Respect. At all times, Councilmembers in the minority on an issue shall respect the decision and authority of the majority.~~

11.11 Council and Staff Reports and Directions on Future Agenda Items. Council and staff reports at the end of Council meetings shall be limited to announcing Council, Regional Board activities on which Councilmembers serve, City and City-sponsored activities. Community groups may announce their activities during Public Comments at the beginning of Council meetings.

SECTION 12. CLOSED SESSIONS

12.1 Purpose. It is the policy of the City Council to conduct its business in public to the greatest extent possible. However, state law recognizes that, in certain circumstances, public discussion could potentially jeopardize the public interest, compromise the City's position, and could cost the taxpayers of Los Altos financially. Therefore, closed sessions shall be held from time to time as allowed by law. The procedures for the conduct of these meetings shall be the same as for public meetings, except that the public will be excluded.

Prior to convening the closed session meeting, the City Clerk shall publicly announce the closed session items and ask for public input regarding any items on the closed session agenda.

City Councilmembers shall keep all written materials and verbal information provided to them in closed session in complete confidence to insure that the City's position is not compromised. No mention of information in these materials shall be made to anyone other than Councilmembers, the City Attorney or City Manager, except where authorized by a majority of the City Council.

12.2 Rule of Confidentiality. The City Council recognizes that breaches in confidentiality can severely prejudice the City's position in litigation, labor relations and real estate negotiations. Further, breaches of confidentiality can create a climate of distrust among Councilmembers and can harm the Council's ability to communicate openly in closed sessions, thereby impairing the Council's ability to perform its official duties.

The City Council further recognizes that confidentiality of discussions and documents are at the core of a closed session. Confidentiality is essential if the closed session is to serve its purpose. Therefore, the City Council will adhere to a strict policy of confidentiality for closed sessions.

- 12.3 Breach of Rule of Confidentiality. No person who attends a closed session may disclose any statements, discussions, or documents used in a closed session except where specifically authorized by State law. Any authorized disclosure shall be in strict compliance with these rules and the Ralph M. Brown Act. Violation of this rule shall be considered a breach of this rule of confidentiality.
- 12.4 Agenda. The agenda for a closed session will contain that information required to be disclosed pursuant to the Ralph M. Brown Act.
- 12.5 Permissible Topics. All closed sessions will be held in strict compliance with the Ralph M. Brown Act. The City Attorney, or his/her designee, will advise in advance on topics that may be discussed in a closed session.
- 12.6 Rules of Decorum.
- A. The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect and tolerance for all viewpoints and for the right of Councilmembers to disagree. Councilmembers shall strive to make each other feel comfortable and safe to express their points of view. All Councilmembers have the right to insist upon strict adherence to this rule.
 - B. Prior to a vote, the Mayor shall ensure that the motion is clearly stated and clearly understood by all Councilmembers.
 - C. The Mayor shall keep the discussion moving forward so that debate and a vote can occur in the time allotted for the closed session. The Mayor will determine the order of debate in a fair manner.
- 12.7 Conduct of Meeting.
- A. The Mayor will call the closed session to order promptly at its scheduled time.
 - B. The Mayor will keep discussion focused on the permissible topics.
 - C. The use of handouts and visual aids such as charts is encouraged to focus debate and promote understanding of the topic. All such materials are strictly confidential.
 - D. If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations, whether it be related to property acquisitions or disposal, a proposed or pending claim or litigation, or employee negotiations, all contact with the other party will be through the designated City person(s) representing the City in the handling of the matter. A Councilmember, not so designated by the Council, will not under any circumstances have any contact or discussion with the other party or its representative concerning the matter which was discussed in the closed session, and will not communicate any discussions conducted in closed session to such party.
- 12.8 Public Disclosure After Final Action.
- A. The Ralph M. Brown Act requires that, as a body, the City Council make certain public disclosure of closed session decisions when those actions have become final.

Accordingly, the City Council shall publicly report any final action taken in closed session, and the vote, including abstentions, as directed by the Ralph M. Brown Act.

- B. The report may be oral or written. The report will state only the action taken and the vote. Unless authorized by the majority of the City Council, the report will not state the debate or discussion that occurred. Except for the action taken and the vote, all closed session discussions will remain confidential.

SECTION 13. DECORUM

- 13.1 Councilmembers. Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Councilmembers shall accord the utmost courtesy to each other, City employees, and the public appearing before the City Council. When speaking, a Councilmember's tone should remain neutral and non-verbal communication aspects should be considerate and polite. Formal business attire is required only when Council meetings, workshops, or study sessions are held in Community Meeting Chambers and/or televised.
- 13.2 City Employees. Members of the City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business and professional manner towards Councilmembers and members of the public.
- 13.3 Public. Members of the public attending City Council 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 City Council Meetings.
- 13.4 Noise in the Chambers. Noise emanating from the audience, whether expressing opposition or support within the Community Meeting Chambers or lobby area, which disrupts City Council meetings, shall not be permitted. All cellular phones and other consumer electronic devices shall be muted while in the chambers. Refusal is grounds for removal.

SECTION 14. VIOLATIONS OF PROCEDURES

Nothing in these Norms and Procedures shall invalidate a properly noticed and acted upon action of the City Council in accordance with State Law.

This document shall remain in effect until modified by the City Council.

AMENDED AND APPROVED: February 26, 2019.

APPENDIX A

ROSENBERG'S RULES OF ORDER





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.

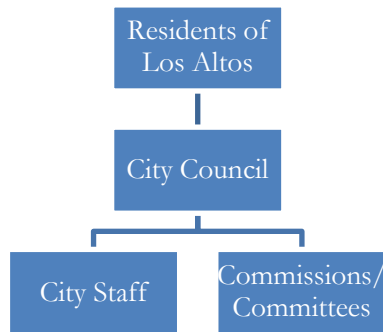


Figure 1: City of Los Altos organization

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 is the legislative body of the City. It sets policy and establishes the City’s overall priorities, direction and financial plan. The Council appoints the City Manager, who is responsible for the administration of City business, and the City Attorney.

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. While Council liaisons may offer general guidance, liaisons do not speak for the Council on matters not previously considered by the Council as a whole.

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 and 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.

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.

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, even if the majority view differs from staff opinion.
- 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

Figure 2: Role of Staff Liaison

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.

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 may conduct recruitments for vacant positions as they arise. Interviews for these positions may 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. Upon completion of their service, Commissioners shall meet, either in person or via telephone, with the Council Liaison assigned to their respective Commission. The purpose of this meeting is to provide Commissioners with a chance to offer feedback to the Council regarding their time on 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. The City Council may discipline or remove a Commissioner at any time solely at the discretion of the Council. Any proposed removal can be with or without cause. A Councilmember who wishes to discipline or remove a Commissioner shall indicate their desire to place the discipline or removal on a future agenda at the end of a regular Council meeting. If three or more Councilmembers wish to agendize the discipline or removal of a certain Commissioner, the item will be placed on a Council agenda.

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. If a Commission meeting is cancelled due to a lack of quorum, that meeting will still be considered a regularly scheduled meeting for purposes of calculating attendance, and those members whose absences caused the cancellation shall be charged with an absence for that meeting. e.

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. A commission member shall be designated to attend any City Council meeting when that Commission has an item of interest on the Council agenda so as to be available to answer Council questions.

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.

Commission Member Responsibilities

- ~~Attend at least 75% of regular meetings annually.~~
- Prepare for and participate in all Commission meetings
- Attend at least 75% of regular meetings annually
- File Form 700 on time, if required
- Complete Brown Act Training within 60 days of appointment as a new Commissioner
- Complete two hours of Ethics Training every two years
- Attend Annual Commission Training

Type of Occurrence Filing	
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

Figure 3: Commission Member Responsibilities

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.

To attempt to avoid serial meetings, emails from Commissioners that are intended for the entire Commission should be sent through the staff liaison. Commissioners should take care to not reply all on emails.

Violations

Penalties for Brown Act violations can range from invalidation of an action taken to prosecution as a misdemeanor offense. 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 subcommittees, consisting of less than a majority of the body, to work on specific tasks. Subcommittees should be focused on one specific topic and should last no more than one year. These subcommittees 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

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

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.

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. Individuals who are unable to attend the training session will be required to ~~complete~~ watch the video of the training and certify that they have completed the training.

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, decision to continue the item to a date certain or not certain, 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.