



AGENDA REPORT SUMMARY

Meeting Date: November 12, 2019

Subject: Ordinance No. 2019-465: Regular Council Meeting Start Times

Prepared by: Trevor Marsden, Management Analyst Fellow

Reviewed by: Jon Maginot, Deputy City Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Ordinance 2019-465

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

No fiscal impact

Environmental Review:

Not Applicable

Policy Question(s) for Council Consideration:

Does the City Council wish to approve the amended Council Meeting Ordinance (Chapter 2.04 LAMC)?

Summary:

- The current ordinance regarding regular Council meeting times does not allow for flexibility in the start time or the meeting date of regular Council meetings.
- This amendment would allow Council to change their start time or add additional regular council meetings. Meetings can still be at 7:00pm, but this ordinance allows for flexibility in scheduling certain items, such as closed meetings.
- Additional meetings would allow for the council to finish business that has been continued or that needs to be completed at a regular meeting. Currently, the City hosts special meeting in lieu of a regular meetings, which limits the business that can be accomplished.
- By majority decision, Council is allowed to move Council meetings if they fall onto a holiday. The definition of a holiday is not explicit; thus, Council can move meetings that fall on holidays that may not be considered legal California holidays.

Staff Recommendation:

Introduce and waive further reading of Ordinance No. 2019-465 amending Chapter 2.04 of the Los Altos Municipal Code regarding regular Council meetings.



Subject: Ordinance No. 2019-465 Regular Council Meeting Start Times

Purpose

The City Council is requested to approve the amended City Council Meeting Ordinance, Chapter 2.04 of the Los Altos Municipal Code.

Background

The City of Los Altos is authorized to change or amend their regular meeting time ordinance. Chapter 2.04 of the Los Altos Municipal Code describes the manner in which meetings are organized and the requirements that must be fulfilled. These amendments will allow the City Council more flexibility in their regular meeting dates and times, as well as allow for more efficient use of time.

Certain Council actions, such as adoption of ordinances and discussion of executive compensation, are required to take place during regular City Council meetings. The City's Municipal Code is exact about when regular meetings can be held, thus the Council is at times restricted in what can and cannot be discussed or decided upon.

Discussion/Analysis

To ensure the revisions to the Los Altos City Council Meeting Ordinance are aligned with current California state law, specifically the Brown Act, the City Manager's office worked closely with the City Attorney's office to update the ordinance. All of these changes occur with a majority vote from Council. The most significant amendments are outlined below:

- **Updated Meeting Time**

This amendment allows for regular City Council meetings to start at 6:00pm instead of 7:00pm. This does not mean that meetings have to start at 6pm; rather it allows for that to happen.

Because certain closed session items can only be discussed at a regular meeting under the City's current ordinance, the Council would need to schedule the closed session at 7:00pm or immediately following the regular council meeting. By changing the start time to 6:00pm, Council can conduct business in a regular closed meeting and start the public meeting at 7:00pm. The city clerk shall provide written notice of any time change consistent with the Brown act.

- **Adding and Moving Meeting Dates**

This amendment allows Council, by a majority vote, to add or move regular Council meetings. In December, Council will approve a list of regular meetings for the next year. At any other regular meeting, Council can add additional meetings or can move meetings and these new meetings will be considered regular meetings. Since certain decisions can only be made during regular meetings, this amendment allows for decisions to be made faster and more efficiently since Council can add new regular meetings instead of waiting for the next regular meeting. This means that Council is now able to turn special council meetings (where limited items can be covered and passed) into regular council meetings as needed. This will allow for more items to be decided on in a more timely manner.



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- **Holidays**

This ordinance allows for the Council to move their regular council meeting if it lands on a holiday. The definition of a holiday is not explicit; thus, Council is allowed to move the meeting even if it falls on a holiday that is not considered a “legal” holiday by the State of California. This change is done by a majority vote of the Council.

Options

- 1) Approve the amendments to the ordinance.

Advantages: Council will be more efficient during their regular Council meetings and will be able to make decisions on urgent topics in a more time-appropriate manner. All changes will be announced consistent with the Brown act.

Disadvantages: None identified.

- 2) Do not approve the amendments to the ordinance

Advantages: Regular Meeting times and dates will remain unchanged.

Disadvantages: Any topics that need to be voted on at a regular meeting will have to be done according to the calendar set in December.

Recommendation

The staff recommends Option 1

ORDINANCE NO. 2019-465

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING SECTION 2.04.010 OF THE LOS ALTOS MUNICIPAL CODE
PERTAINING TO THE CITY COUNCIL REGULAR MEETINGS START TIME**

WHEREAS, the Section 2.04.010 of the City of Los Altos (“City”) Municipal Code establishes City Council meeting times, days, and regularity; and

WHEREAS, the City desires to reduce the duration of meetings and prevent them from continuing late into the night; and

WHEREAS, by allowing for flexibility in the start time of City Council Meetings, agenda items can be voted on and discussed in regular meetings instead of moved to special meetings; and

WHEREAS, moving the start time from 7:00 pm to 6:00 pm would allow the City Council to have closed session meetings prior to open sessions without interrupting or extending the duration of the open session meeting; and

WHEREAS, the City Council also desires to allow increased flexibility as to the start time of City Council regular meetings to allow the City Manager to call the regular meeting earlier to allow for closed sessions, study sessions, joint meetings, ceremonial type events or any other City Council purpose.

NOW, THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Section 2.04.010 of the Los Altos Municipal Code, “Meetings” is hereby amended as follows:

“2.04.010 – Meetings

- A. The council shall hold its regular meetings in the community meeting chambers located at One North San Antonio Road, Los Altos, California, or if necessary, in another location that is properly noticed, on the second and fourth Tuesday of each month no earlier than 4:00 p.m. Each year in December, council shall adopt its annual calendar of regular meetings for the following 12 months. Council may, by majority vote at a regular council meeting, amend the council meeting calendar. Any additional or altered meeting shall be a regular meeting for all purposes, as determined by a majority of the City Council. The city clerk shall provide written notice of any adjusted start time consistent with Ralph M. Brown Act.
- B. A special meeting of the city council may be called at any time by the mayor, or by a majority of the members of the city council, in accordance with state law. 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 their unavailability to attend a meeting. The Council shall schedule properly noticed closed session

meetings, as necessary. Unless otherwise noticed, closed session meetings shall take place on the same day as a regular or special meeting. The council may, in its discretion, change the date of any regularly scheduled Tuesday council meeting which would fall on a holiday, defined as a California legal holiday or a holiday approved by a majority vote, to the nearest convenient day subsequent to the regularly scheduled Tuesday council meeting.”

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. CEQA. This Ordinance is not subject to review under the California Environmental Quality Act (Public Resources Code §§21000, *et seq.*, as further governed by the Guidelines for CEQA, 14 CCR §§15000, *et seq.*) because the Ordinance has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, per 14 CCR §15378. Moreover, to the extent the Ordinance were determined to be subject to CEQA, it would be exempt from further review pursuant to the ‘common sense’ exemption (14 CCR §15061(b)(3)), as it can be seen with certainty that there is no possibility that the adoption of the Ordinance may have a significant effect on the environment.

SECTION 4. PUBLICATION. This Ordinance shall be published as provided in Government Code section 36933.

SECTION 5. Effective Date. This Ordinance shall be effective upon the commencement of the thirty-first (31st) day following the adoption date.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2019 and was thereafter, at a regular meeting held on _____, 2019 passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lynette Lee Eng, Mayor

ATTEST

Dennis Hawkins, CMC, City Clerk