

Commission Training

City of Los Altos | June 2024

GABE ENGELAND

GRADUATED FROM:

- University of Kansas, Masters of Public Administration
- Louisiana State University, Masters of Leadership and Human Resource Development
- Central Michigan University, B.S. in Community Services



CITY MANAGER

2021-CURRENT

City Manager | City of Los Altos

2017-2021

City Manager | City of Sierra Madre, CA

2015-2017

City Manager | City of Trinidad, CO

Executive Positions

Gilbert, AZ
Tacoma, WA

RESPONSIBILITIES

OUTLINED IN LOS ALTOS MUNICIPAL CODE 2.01.060

- ✓ ENFORCE ALL LAWS AND ORDINANCES OF THE CITY, INCLUDING FRANCHISES, CONTRACTS, ETC.
- ✓ RESPONSIBLE FOR ALL PERSONNEL APPOINTMENTS, AND MANAGEMENT OF STAFF
- ✓ ACT AS EMERGENCY SERVICES DIRECTOR
- ✓ PROPOSE AN ANNUAL BUDGET

IN LOS ALTOS, THE CITY MANAGER IS ONE OF TWO COUNCIL APPOINTED POSITIONS

JOLIE HOUSTON

Partner of Berliner & Cohen LLP

Area of Focus: Land Use & Municipal Law



CITY ATTORNEY

2019-Present

City Attorney | City of Los Altos

2016-2018

City Attorney | City of Merced

2003-2016

City Attorney | City of Los Altos

She has been serving as the Assistant City Attorney for Gilroy for 24 years. District Counsel for the Sanitary District No. 1 of Marin County for four years, and was formerly the Deputy City Attorney for the City of Santa Clara.

MELISSA THURMAN

BACKGROUND:

International Institute of Municipal Clerks:

Master Municipal Clerk (MMC); Certified Municipal Clerk (CMC)

City Clerks Association of California President (2020-22)

League of California Cities Division President (2020-22)

PREVIOUS AGENCIES:

Town Clerk – Town of Portola Valley (2022-2023)

City Clerk – City of San Bruno (2018-2022)

Assistant City Clerk – City of Redwood City (2015-2018)

Deputy City Clerk – City of Half Moon Bay (2012 – 2015)

Deputy City Clerk – City of San Bernardino (2007 – 2012)



CITY CLERK



ELECTIONS OFFICER



COMMISSIONS MANAGER:

- **Application, Interview & Appointment Process**
- **Staff Liaison Advisor**



BROWN ACT COMPLIANCE OFFICER



FAIR POLITICAL PRACTICES COMMISSION (FPPC) FILING OFFICIAL



LEGISLATIVE OFFICIAL:

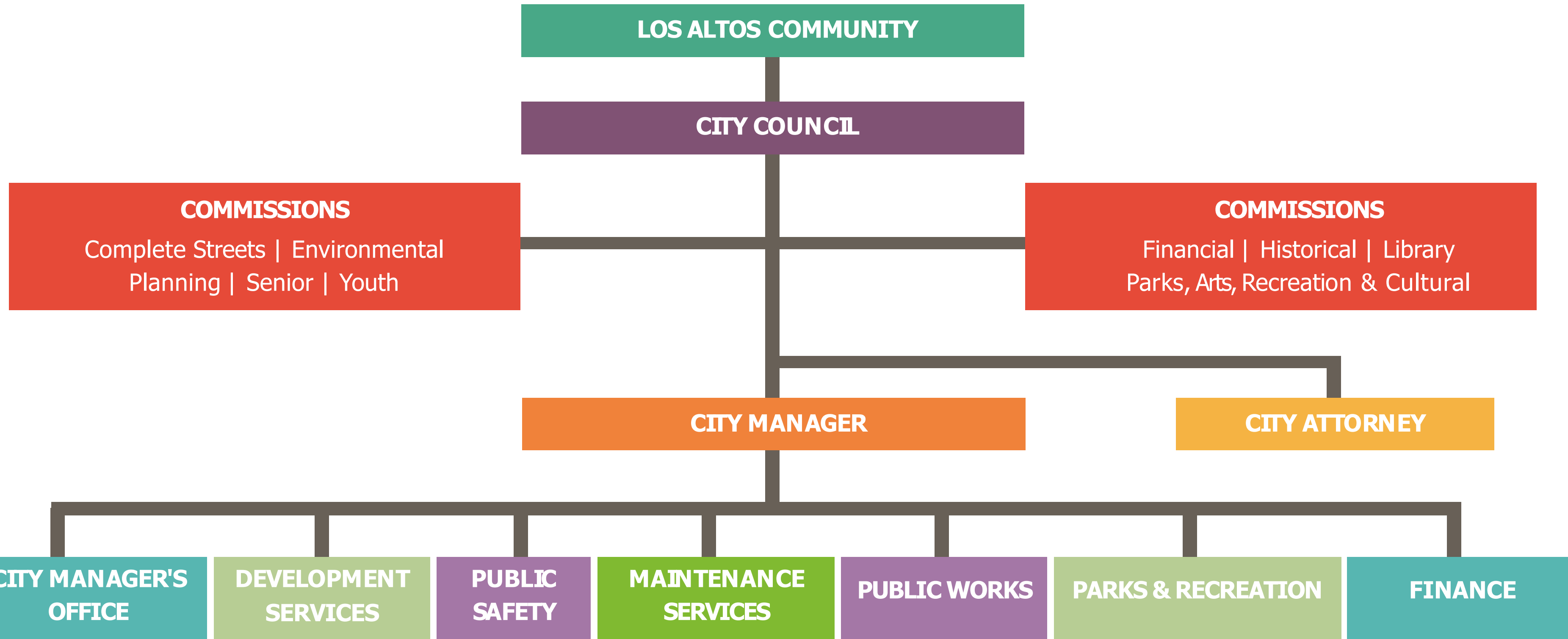
- **Municipal Code Compliance**
- **Records Manager**



TRAINING MANAGER:

- **Ethics Training**
- **Brown Act Training**
- **Commissioner Training**

MEET THE TEAM





Jonathan D. Weinberg
Mayor



Pete Dailey
Vice Mayor



Neysa Fligor
Councilmember



Lynette Lee Eng
Councilmember



Sally Meadows
Councilmember

CITY COUNCIL LIAISONS: THEIR ROLE

To facilitate the exchange of information between the Council and its Commissions, one Councilmember is assigned as a liaison to each Commission.

Their principal function is to provide a wide range of information to the advisory body, such as information about Council discussions, policies, and actions. This helps provide an historical perspective and thereby place their work in context.

- May attend meetings
- Do not participate as a member of the Commission
- May offer general guidance
- Do not speak for the Council on matters not previously considered by the Council as a whole



STAFF LIAISONS:

THEIR ROLE

The City Manager and Department Heads assign staff members, who have technical training and experience, to assist the various Commissions in carrying out their responsibilities. Staff Liaisons:

- Attend all meetings of the Commission
- Prepare agendas in collaboration with the Chair
- Work with the Commission to develop an annual work plan
- Research and prepare reports to the Commission or from Commission to Council representing the majority view and recommendation of the Commission
- Ensure agendas and reports are posted in compliance with State law and City protocols
- Prepare action minutes
- Communicate directions from the City Council to the Commission



STAFF LIAISONS

ART WILLIAMS

ASSISTANT CIVIL ENGINEER



COMPLETE STREETS

2.08.150 - Powers and duties of the complete streets commission.

The complete streets commissions shall:

- A. Submit an annual report to council providing an update on the implementation of the Complete Streets Master Plan (CSMP) as well as an update on any relevant transportation policy or programs;
- B. Review and advise on the implementation of the projects outlined in the CSMP;
- C. Annually provide recommendations to the council on transportation-related priorities to inform policy, budget, and CIP prioritization;
- D. Serve as a forum for community input and engagement; and
- E. Perform other tasks and duties as assigned by the council.

Number of Commissioners:
Seven

Council Liaison: Sally Meadows

TANIA KATBI

MANAGEMENT ANALYST II

2.08.120 - Powers and duties of the environmental commission.

The commission shall:

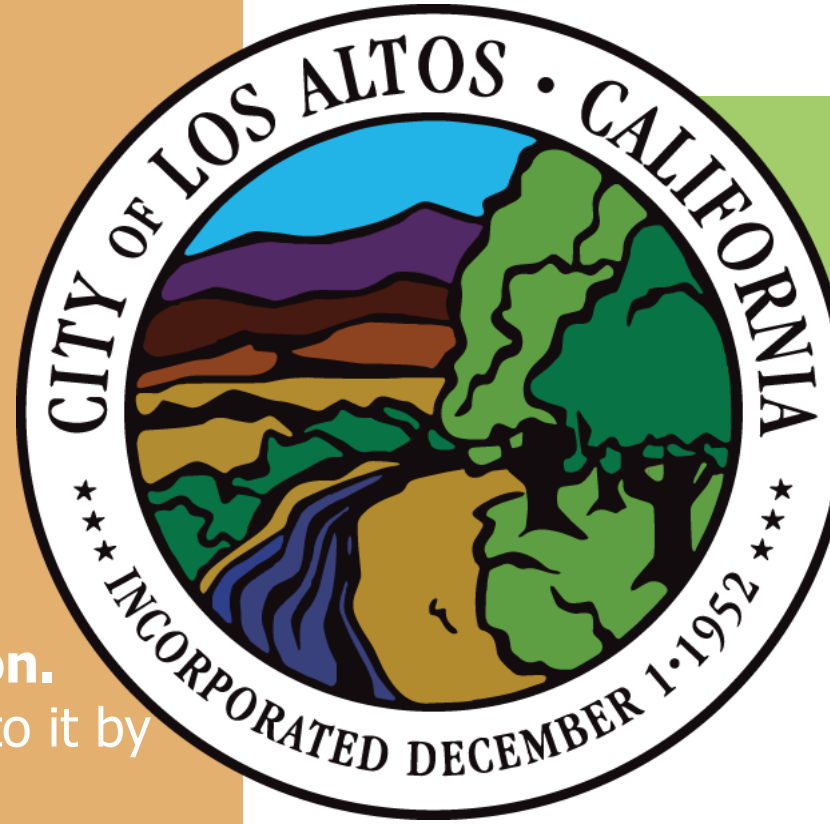
- A. Submit an annual report to council providing an update on the implementation of the Climate Action and Adaptation Plan (CAAP) as well as updates on any relevant environmental policy or programs;
- B. Review and provide recommendations for the implementation of the CAAP, including prioritization of CAAP action items. Make annual recommendations for changes or updates to the plan;
- C. Annually provide recommendations to the council that affect the natural and built environment to inform policy, budget, and CIP prioritization;
- D. Serve as a forum for community input and engagement; and
- E. Perform other tasks and duties as assigned by the council.

Number of Commissioners:
Seven



ENVIRONMENTAL

Council Liaison: Jonathan D. Weinberg



FINANCE

FINANCE DIRECTOR

POSITION OUT FOR RECRUITMENT

2.08.130 - Powers and duties of the financial commission.

The commission shall have those powers and duties entrusted to it by the council including:

- A. Annual review of the investment policy;
- B. Annual review of independent financial audit;
- C. Review of auditor selection process;
- D. Review of financial projections and assumptions. This especially relates to review of revenue projections provided in the annual mid-year report which are used biennially as the basis for the service and financial plan;
- E. Special projects as directed by the council, city manager or finance director; and
- F. Submission of an annual report to the council.

The financial commission provides resident input to the council and staff regarding financial policy issues and promotes resident participation and understanding regarding the financial condition of the city.

Number of Commissioners:
Seven

Council Liaison: Neysa Fligor

SEAN GALLEGOS

SENIOR PLANNER



HISTORIC

2.12.030 - Powers and duties.

The historical commission shall be advisory only. It shall advise the city council, the planning commission and the agencies and departments of the city. The historical commission shall establish liaison and work in conjunction with such authorities to implement the purposes of this chapter. The historical commission shall have the following powers and duties:

- Evaluate existing and potential historic resources in the city.
- Hold the Annual Margaret Thompson Essay Contest.
- Make recommendations regarding the HRI.

Number of Commissioners:

Five

Council Liaison: Pete Dailey

ANTHONY CARNESECCA

ASSISTANT TO THE CITY MANAGER

2.08.080 - Powers and duties of the library commission.

The library commission shall:

- A. Serve as the principal liaison between the City Council of Los Altos and Los Altos Hills and the Santa Clara County Library District, and the various community entities that help to fund the library branches, including, but not limited to, the North County Library Authority, the Los Altos Library Endowment and the Friends of the Los Altos Library;
- B. Review the Los Altos Library programs, services and facilities, and make recommendations to the council, the city manager and/or county and community librarians as appropriate, for additions or modifications thereof;
- C. Conduct community outreach regarding the library facilities, programs and services, and report back to the council and/or the county and community librarians as appropriate;
- D. Perform such other tasks as may be expressly requested of it by the city council;
- E. Serve as a forum for community input and engagement;
- F. Submit an annual report to the council; and
- G. Perform other tasks and duties as assigned by the council.

Number of Commissioners:
Five



LIBRARY

Council Liaison: Neysa Fligor

MANNY HERNANDEZ

PARKS & RECREATION DIRECTOR

2.08.090 - Powers and duties of the parks, art, recreation and cultural commission.

The parks, art, recreation and cultural commission shall:

- A. Submit an annual report to the city council providing an update on the direction and changes to parks and recreation facilities and infrastructure, and park, art, recreation and cultural programs and activities;
- B. Review and advise on programs, activities and resources designed to provide for, regulate and direct the future growth and development of parks facilities and recreation programming;
- C. Manage the public outdoor sculpture loan program. The commission will conduct sculpture searches, evaluate and recommend sculptures, identify sculpture locations and work with staff on placement and maintenance of sculptures;
- D. Annually review the inventory of art in public places and advise the city in matters pertaining to the maintenance, placement, alteration, sale, transfer, ownership and acceptance or refusal of donations of art in public places;
- E. Serve as a forum for community input and engagement; and
- F. Perform other tasks and duties as assigned by the council.

Number of Commissioners:

Seven



**PARKS, ARTS, RECREATION
& CULTURAL (PARC)**

Council Liaison: Sally Meadows

STEPHANIE WILLIAMS

DEVELOPMENT SERVICES DEPUTY DIRECTOR



PLANNING

2.08.070 - Powers and duties of the planning commission.

The planning commission shall have those powers and duties given it by the State Planning Act (Title 7 of Chapter 3 of the Government Code of the state, commencing with Section 65100), as amended from time to time, and such other powers as granted it by the other provisions of this Municipal Code, or as may be entrusted to it by the council from time to time, and shall submit an annual report to the council.

The Planning Commission is responsible for review of legislative acts contained within the Zoning Code, and other Land Use documents as determined by State law and local codes. The Planning Commission is also responsible for review and approval of Multi-Family, Mixed Use and Commercial Development within the City.

Number of Commissioners:

Seven

Council Liaison: Pete Dailey

JAIME CHEW

PARKS & RECREATION DEPUTY DIRECTOR

2.08.140 - Powers and duties of the senior commission.

The joint Los Altos/Los Altos Hills senior commission shall act in an advisory capacity to the council in all matters relating to senior interests and concerns, shall make recommendations aimed at improving the life of seniors, and shall submit an annual report to the council.

Number of Commissioners:

Seven



SENIOR

Council Liaison: Lynette Lee Eng

**CANDACE AVINA &
BRIDGET MATHESON**
PARKS & RECREATION DEPARTMENT

**2.08.110 - Powers and duties of the
youth commission.**

The youth commission shall act in an advisory capacity to the city council on matters relating to youth interests, youth concerns, and the need for outreach services.

Number of Commissioners:
Eleven



YOUTH

Council Liaison: Lynette Lee Eng



COMMISSION MEMBERSHIP



- Must be Residents of the City of Los Altos
- Commissioners are Appointed by the City Council
- Commissioners serve 4-year terms; maximum of two terms appointed to a commission
- Additional special membership requirements are applicable to Senior & Youth Commissions





COMMISSION ORGANIZATION

5-11 MEMBERS PER COMMISSION

To facilitate meetings and the work of the Commission, each Commission appoints a Chair and Vice Chair from the members of the Commission, annually.

ROLE OF THE CHAIR:

The role of the Chair is to preside at Commission meetings and to run a timely and orderly meeting by:

- Starting on time (not earlier than noticed)
 - Keeping discussion focused on matters on the agenda
 - Keeping the meeting moving in a timely manner
 - Ensuring all views are heard; generally, Commissioners comment once before one comments again
 - Maintain decorum and respect for the public, fellow Commissioners, and staff
 - Follow Rosenberg's Rules of Order with addendums approved by Council
-

COMMISSION MEMBER RESPONSIBILITIES

- Read the **Commission & Committee Handbook**
 - Prepare for and participate in Commission meetings by:
 - Reading agenda materials, including staff reports, **prior to the meeting**
 - Educate yourself as much as possible regarding the issues
 - Send questions to staff in advance of the meeting, to clear any confusion prior to the meeting being held
 - Attend **no less than 75%** of regular meetings annually
 - Represent the **entire City**
 - File Form 700 by annual deadline (if required)
 - Attend required trainings
 - Sign up to receive meeting notices and associated agenda materials for your Commission through the City's website
-

STATEMENT OF ECONOMIC INTEREST

FORM 700

The Statement of Economic Interest (Form 700) is a form on which designated employees and public officials disclose certain financial interests.

The City maintains a Conflict of Interest Code that requires the following Commission members to file a Form 700:

- Planning
- Complete Streets
- Environmental
- Financial
- Historical
- Parks, Arts, Recreation & Cultural
- Public Arts

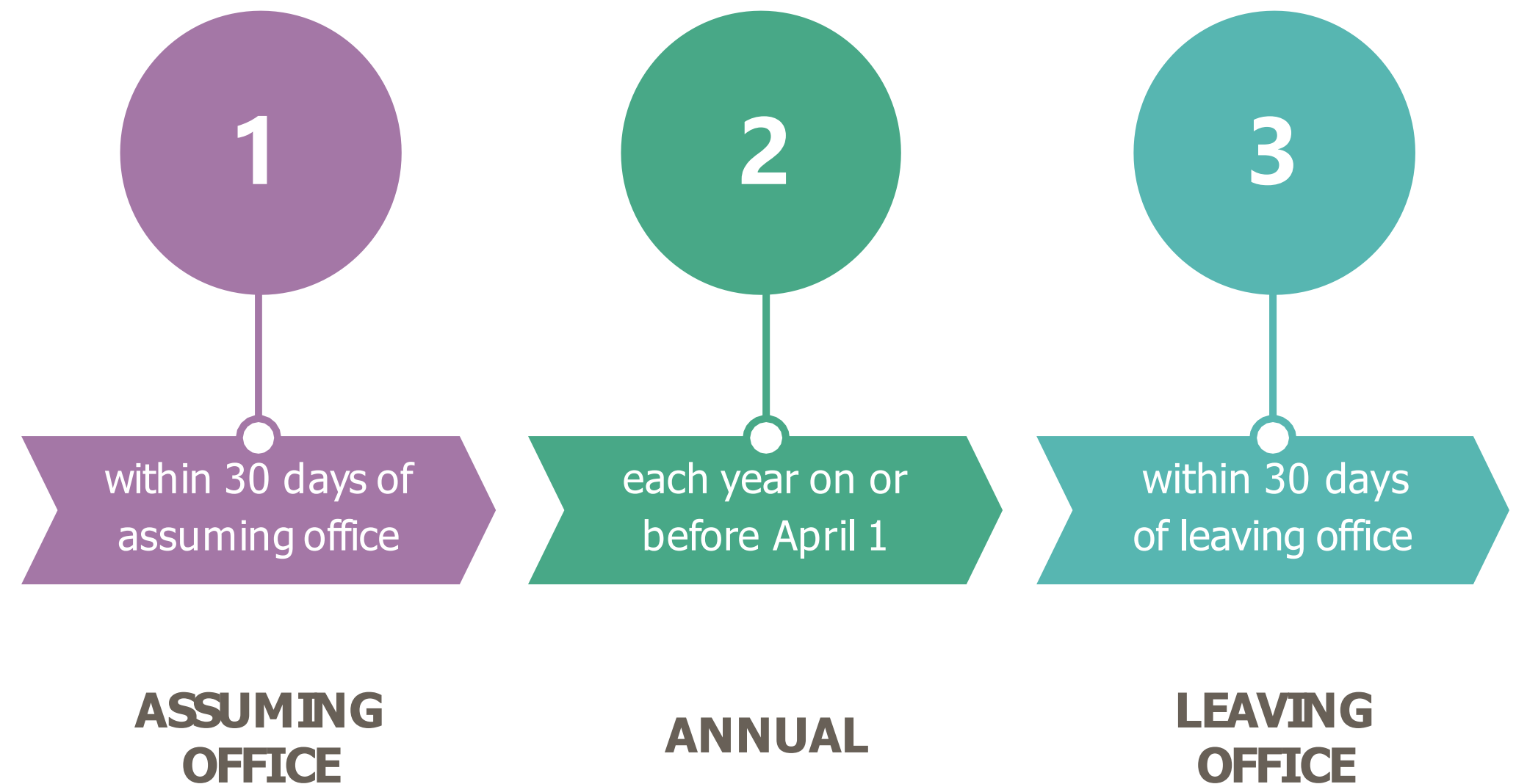
CALIFORNIA FORM 700 FAIR POLITICAL PRACTICES COMMISSION A PUBLIC DOCUMENT		STATEMENT OF ECONOMIC INTERESTS		Date Initial Filing Received
		COVER PAGE		<i>Official Use Only</i>
<i>Please type or print in ink.</i>				
NAME OF FILER	(LAST)	(FIRST)	(MIDDLE)	
<hr/>				
1. Office, Agency, or Court				
Agency Name <i>(Do not use acronyms)</i>				
<hr/>				
Division, Board, Department, District, if applicable		Your Position		
<hr/>				
► If filing for multiple positions, list below or on an attachment. <i>(Do not use acronyms)</i>				
Agency: _____		Position: _____		
<hr/>				
2. Jurisdiction of Office <i>(Check at least one box)</i>				
<input type="checkbox"/> State		<input type="checkbox"/> Judge or Court Commissioner (Statewide Jurisdiction)		
<input type="checkbox"/> Multi-County _____		<input type="checkbox"/> County of _____		
<input type="checkbox"/> City of _____		<input type="checkbox"/> Other _____		
<hr/>				
3. Type of Statement <i>(Check at least one box)</i>				

STATEMENT OF ECONOMIC INTEREST

FORM 700 (FPPC)

FORM 700 FILING

- An email with instructions on how and when to file will be sent to Commissioners every year
- Commissioners are **responsible** for ensuring that statements are filed **properly and on time**
- All statements filed are maintained in the **City Clerk's Office** and are available for public review



AB 1234 - ETHICS TRAINING

WHAT IT ENTAILS

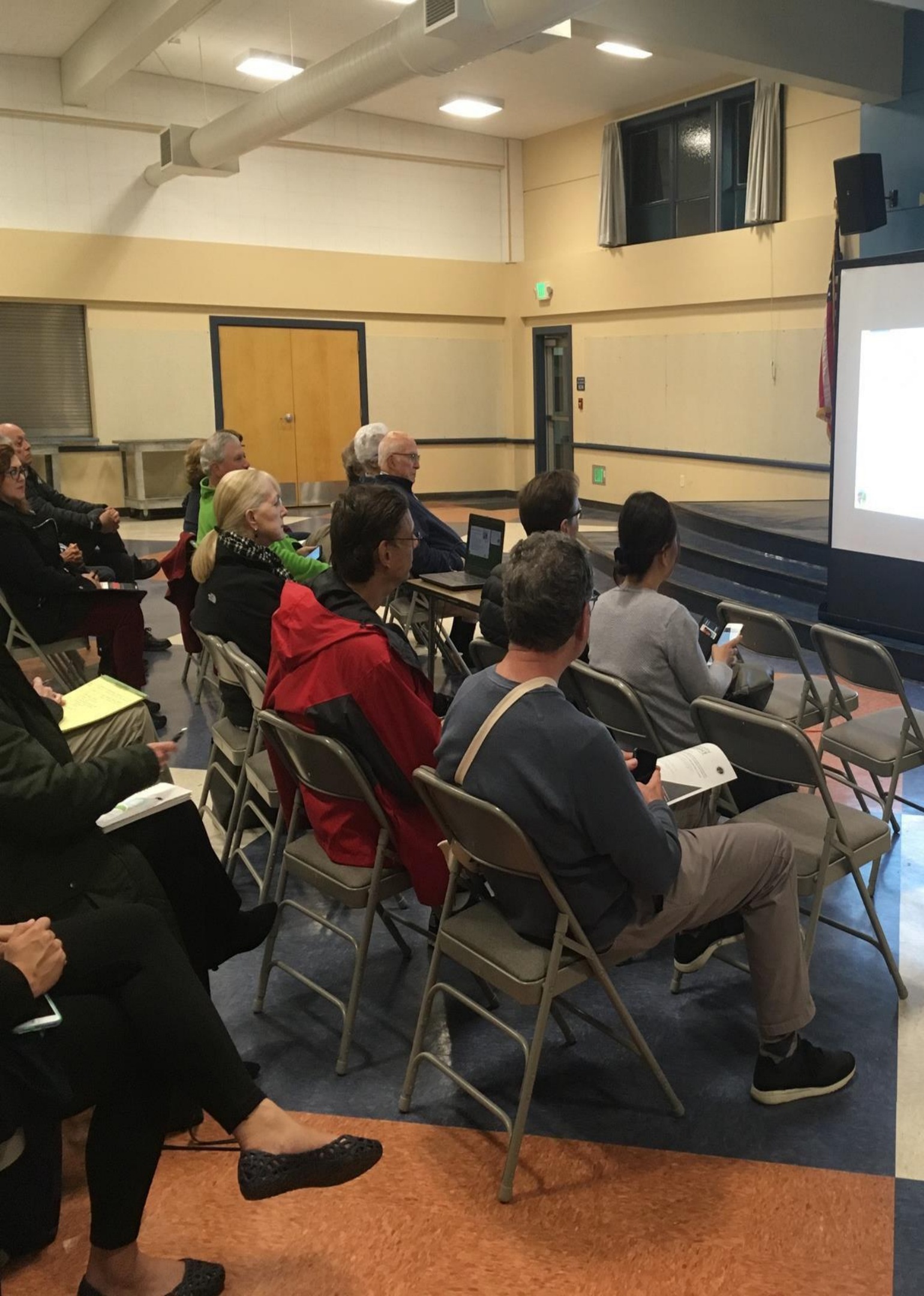
"Many public officials are required to take an ethics training course to educate them on the ethical standards required of any individual who works in state or local government. Public officials may utilize free online courses available to satisfy this requirement."

-Fair Political Practices Commission

- Commissioners are required to complete Public Service Ethics Training
- Training is required every two (2) years
- Training is two hours in length – *bring coffee!*
- Print, sign and provide Certificate of Completion to the City Clerk

An email with instructions on how to complete required Ethics Training will be distributed to all Commissioners





TYPES OF MEETINGS

REGULAR MEETINGS

- Days, times, and locations are established by formal action of the Commission
- Where vast majority of work is accomplished
- 72-hour posting requirement for agenda and packet

SPECIAL MEETINGS

- Held outside of the normal meeting day, time, or location
- Items for consideration are special in nature, such as a specific topic for discussion for feedback prior to adoption
- 24-hour posting requirement for agenda and packet



MEETINGS

AGENDAS

The staff liaison is responsible for preparing all agendas of a Commission.

- All items to be considered or discussed at a meeting shall be briefly described and include the proposed action
- No discussion or action may be taken on any item not on the agenda

MEETING MINUTES

Any document submitted at a meeting, whether by a member of the public or a Commissioner, becomes part of the public record.

- Written minutes are the official record of business transacted
- Action minutes are taken by the staff liaison- Do not include summaries of comments or discussion

ADDING ITEMS TO A FUTURE AGENDA

Commissioners may request items be placed on a future agenda during the 'Potential Future Agenda Items' portion of the meeting or by emailing a request to the staff liaison.

- Agenda items must be under the purview of the Commission and consistent with the Commission's work plan
- One less than a majority of members is required to place an item on an agenda
- Staff liaison will work with the Chair to determine the best meeting date
- Background materials or information should be provided to the staff liaison for agenda packet inclusion

REMOTE PARTICIPATION

- Remote Participation or Teleconferencing is allowed in accordance with Government Code Section 54953 and AB 2449
 - Participation under AB 2449 requires:
 - Must Establish “Just Cause” or “Emergency”
 - Must have Audio and Visual Capabilities
 - Commissioners may participate in meetings via teleconference **no more than 20%** of the meetings in a calendar year
 - A majority of commissioners must be present in-person at the local jurisdiction to conduct a meeting, regardless of virtual attendance
 - Pursuant to AB 2449, the Public Official attending a meeting remotely must confirm at the start of the meeting who over the age of 18 is in the room with them during the meeting.
-



REMOTE PARTICIPATION

REQUIREMENTS

- The remote location the member is participating from must be listed on the front page of the meeting agenda
 - The agenda must be posted at the remote location in an area that is freely accessible to the public, and must meet Americans with Disabilities Act (ADA) requirements, regardless of the location of the remote attendee
 - A roll call vote must be taken on all agenda items requiring a vote when a member is attending a meeting remotely
-



COMMISSION WORKPLANS

- When a commission workplan is necessary, each commission shall discuss and prepare its annual work plan based upon the City Council annual priorities and budget, which shall be submitted and approved by the City Council
 - The work plan is a list of the anticipated topics, assignments and goals that the Commission will focus on over a 12-month period
 - If needed, the City Council may amend the approved commission work plan in order to achieve the goals of the city
 - Any requested work plan modifications should be in line with the goals and objectives of the commission and the city
-



COMMISSIONS

Members are appointed by a majority vote of the City Council to serve on Commissions and Committees 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.

COMMISSION ACTIONS:

- Should represent the City as a whole, and not individual organizations or special interest groups
 - Commissioner's statements and comments are *not* considered direction to staff
 - Motions must be clear, concise and direction to staff on a project must be included
 - Previous Commission actions (ordinances, resolutions, policies) remain in effect until changed by a subsequent vote of the Council or an appropriate Commission (who made the adoption)
-



COMMISSIONER 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.
-

RALPH M. BROWN ACT



"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."

-Government Code Section 54953(a)



BROWN ACT

THE BASICS

- Applies to all legislative bodies, including:
 - City Council
 - City Commissions
 - Ad Hoc Subcommittees (*based on Resolution No. 2015-09*) – Only if created by the City Council with the body made up of members of the Council, Commissioners and/or the Public
 - Requires that local agency business be conducted at open and public meetings
 - Only items listed on an agenda may be considered and discussed
 - Public must be given the right to comment on any agenda item, before any action is taken
 - Individual votes must be reported for all members present
-



BROWN ACT

BASIC REQUIREMENTS

WHEN IS IT A MEETING UNDER THE BROWN ACT?

- A meeting can only be held when a majority or quorum of the legislative body is present (50% + 1) within the local jurisdiction
- A legal meeting occurs when the body convenes and deliberates at a publicly noticed meeting
- An illegal meeting can occur when serial communications of a majority of the body takes place outside of a noticed meeting and collective concurrence has been established

BROWN ACT

SERIAL MEETINGS / DAISY CHAIN



The “Daisy Chain” process occurs when Member A contacts Member B. Member B then contacts Member C and Member C contacts Member D and so on, until a quorum and “collective concurrence” has been established pertaining to local agency business outside of a public meeting.

BROWN ACT

SERIAL MEETINGS / SPOKE & HUB



The "Spoke and Hub" process involves, for example, the staff liaison (the hub) communicating with members of a legislative body (the spokes) one-by-one prior to a formal meeting and revealing the views of respective members to each person they are talking to.

BROWN ACT

PUBLIC'S RIGHT TO COMMENT

- Public must be given right to comment on each agenda item before an action is taken
- Regular Meeting – May comment on any matter within the subject matter jurisdiction of the legislative body, whether it is on the agenda or not
- Special Meeting – May comment on agenda items only
- A public speaker is not required to identify themselves
- The Mayor/Chair has discretion to set time limits for public speakers but may not limit “negative” comments or criticisms. However, they can advise the audience of appropriate decorum during the item
- Los Altos Municipal Code Section 2.05.010 “Interruptions and rules for conduct” details the role the Mayor/Chair has in restoring order due to a public disruption (Government Code Section 54957.0)





BROWN ACT

COMMISSIONER'S RIGHT TO COMMENT

- A city Commissioner is still a member of the public and has a right to make public comment on a City Council agenda item
 - Commissioners will have the same amount of time to speak as the rest of the public, unless otherwise specified by the Mayor
 - Commissioners wishing to address the City Council must identify their position:
"I am Jane Doe and I serve on the Financial Commission, but the statements I am about to make are personal in nature and do not reflect the views of the Commission I serve on."
-



BROWN ACT

AD HOC SUBCOMMITTEES

- A Commission may appoint Ad Hoc Subcommittees, consisting of less than a majority of the body, to work on specific tasks
- A Commissioner may only serve on one Ad Hoc Subcommittee at a time
- Ad Hoc Subcommittees should be focused on one specific topic and shall **not last more than one year**
- Ad Hoc Subcommittees may not be re-established or renewed for multiple years
- In order to establish an Ad Hoc Subcommittee, the topic of the formation of the Ad Hoc Subcommittee must be posted and noticed on a regular meeting agenda
- Ad Hoc Subcommittees are subject to the Brown Act (*based on Resolution No. 2015-09*)

BROWN ACT

CONSEQUENCES OF BROWN ACT VIOLATIONS

- Lawsuit by the District Attorney or any interested person(s)
- Violations may be stopped by a civil lawsuit
- Some actions, if not cured, may be declared void; can be remedied by properly noticing and taking action
- Criminal sanctions for intentional violations
- City may be subject to Attorneys' fees



AB992 - SOCIAL MEDIA

- Members of the legislative body may use social media to provide information to the public, answer questions and solicit information
- Members of the legislative body can read others' posts but must not use social media to communicate with each other, even if less than a quorum
- Members are prohibited from posting comments or reactions such as "likes", "loves" and emojis in response to other members' social media posts

**NOTE – All commissioners should take special caution when posting or commenting on ANY social media postings that can be viewed as a representation or predetermination on their decision-making capacity as a commissioner.*

This includes postings and commenting on Instagram, Facebook, Nextdoor, Twitter, etc.



USE OF EMAIL

BEST PRACTICES

- Do not “Reply All” when the full Commission is copied on an email
- Do not “Forward” emails to other Commissioners
- Use caution when utilizing personal email addresses or texts to conduct city business:
 - Keep messages concise and copy staff liaison
 - Do not send opinions on city business to the public or fellow Commissioners
 - Remember that all personal communications that contain city business may be disclosable under the California Public Records Act (CPRA)
- Only email availability for meetings to the Staff Liaison and/or the Chair, but not the full Commission





CALIFORNIA PUBLIC RECORDS ACT

- The California Public Rights Act (CPRA) provides a right-of-access to public records
 - Requests may be made verbally, electronically or sent by “snail mail”
 - Requests must be reasonable in nature and do not have a requirement to be technically accurate
 - Public agencies are required to initially respond to a request for records within ten (10) calendar days
 - Extensions for release of records may be issued, but must remain timely
 - If a Commission or Commissioner is the subject of a records request, the Commission and/or Commissioner will be provided an affidavit to complete certifying a search of their private devices has been completed
 - Serving on a Commission does not grant immunity to being the subject of a public records request
 - Remember to use caution when communicating, especially when discussing city business
-



CONFLICT(S) OF INTEREST

POLITICAL REFORM ACT

"A public official has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision."

- Fair Political Practices Commission (FPPC)



CONFLICT(S) OF INTEREST

POLITICAL REFORM ACT

- Having a conflict of interest does not mean you did something wrong
 - Requires that Public Officials/City Councilmembers or Commissioners should not make, participate in making, or attempt to use his/her official position to influence a governmental decision if he/she knows they have a financial interest
 - Requires the public official to file a financial disclosure (Form 700) with the City Clerk's Office
 - Disclosure requirements (\$50)
 - Disqualification requirement
-



TYPES OF CONFLICTS OF INTEREST

POLITICAL REFORM ACT

SOURCE OF INCOME

- \$500 within 12 months prior to decision

BUSINESS ENTITY INVESTMENT

- Direct indirect investment of \$2,000

INTEREST IN REAL PROPERTY

- Direct or indirect interest of \$2,000
- Month to month tenancies not considered

EMPLOYEE/MANAGER OF BUSINESS ENTITY

- Director, officer, partner, position of management

GIFTS

- \$590 total within 12 months of decision





PERCEIVED CONFLICTS OF INTEREST

POLITICAL REFORM ACT

- A perceived conflict of interest for a Commissioner may arise from personal relationships, financial interests, serving on bodies or boards that have shared or overlapping subject matter jurisdiction as those under the jurisdiction of the Commission, or when it appears that the Commissioner's private interests impact the official duties of the Commissioner, or influence his/her decision-making
 - If a Commission member is appointed to an agency or body that has shared or overlapping subject matter, after their service on a City Commission has started, the Commission member will notify the Council liaison and staff liaison
-



PERCEIVED CONFLICTS OF INTEREST

EXAMPLE

A CEO giving a board seat to their cousin might be an *actual* conflict of interest, while a CEO having lunch with their cousin who happens to work for a potential vendor is a *perceived* conflict of interest.



OWNERSHIP OF REAL PROPERTY

CONFLICT(S) OF INTEREST - NEW RULE 2019

There is a presumption that:

- A decision involving property within 500 feet of an official's property will have a material impact on the official's interest
- A decision involving property 1,000 feet or more from the official's property will not have a material impact on the official's interest. Both of these presumptions can be rebutted with clear and convincing evidence.

For decisions involving property located between 500 and 1,000 feet from the official's property, whether the decision creates a conflict now depends on a number of factors:

- Would it change the parcel's development potential, income-producing potential, highest and best use, market value; or,
 - Would it would change the parcel's "character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality."
-



RECUSAL

CONFLICT(S) OF INTEREST

- Publicly identify the financial interest
 - Refrain from discussing it and/or voting on it
 - Step down from the dais and leave the room-
except:
 - Item is on Consent (*Conflict must be identified publicly prior to any vote is taken*)
 - Personal interest
 - Cannot participate in closed session
 - Disqualified member doesn't count towards the quorum
- Public officials are required to publicly identify a conflict of interest, even if they leave a meeting prior to the relevant agenda item's consideration; or
 - They arrive after its consideration
 - *Contact the City Attorney early!*
-

ETHICAL RULES

POLITICAL REFORM ACT

Perception is as important as reality

- FPPC rules are the minimum – what you “must do”
- Ethics – what you “ought to do”
- Common law conflicts
- Due process and fair hearings
 - Public expects you to be impartial and avoid favoritism
- Ex parte disclosures
- Abstentions – **duty to vote** (counted towards quorum – not vote)



THANK YOU



THANK YOU

FOR MORE INFORMATION, PLEASE CONTACT:



MELISSA THURMAN
CITY CLERK
mthurman@losaltosca.gov



JOLIE HOUSTON
CITY ATTORNEY
jolie.houston@berliner.com