



AGENDA REPORT SUMMARY

Meeting Date: August 22, 2023

Subject Discussion on Edits to Commission Handbook

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Suggested Edits to Commission Handbook on Subcommittees and Liaisons
2. Section from Los Altos and Palo Alto Commission Handbook(s) on role of Council Liaisons
3. Definition of Incompatible Activities and Perceived Conflicts of Interest
4. Los Altos Commission Handbook

Initiated by:

City Council

Previous Council Consideration:

N/A

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the City Council wish to make it easier for Commissions to form ad hoc subcommittees while remaining compliant with the Brown Act? Does the City Council wish to allow individual Commissioners to serve as a liaison to other bodies where there are shared interests?
- Does the City Council wish to make changes to the roles and expectations around Council liaisons to Commissions? Does the City Council wish to continue this practice?
- Does the City Council wish to add a section around incompatible activities and perceived conflicts of interest to the Commission Handbook?

Reviewed By:

City Manager

GE

City Attorney

JH

Finance Director

JD



Subject: Discussion on Edits to Commission Handbook

Summary:

- The current Commission Handbook does not allow the formation of standing committees for Commissions but provides very little guidance on how to form ad hoc subcommittees, which are allowed. This has led to confusion around when and how an ad hoc subcommittee can be established, the appropriate role of an ad hoc subcommittee, and if the ad hoc subcommittees established are compliant with the Brown Act. The suggested changes to the Commission Handbook are designed to make the expectations and requirements around the formation of ad hoc subcommittees clearer, and the formation of ad hoc subcommittees easier.
- Additionally, the Commission Handbook does not describe appointments of individual Commissioners acting as liaisons to other bodies. The suggested changes to the Commission Handbook are designed to formalize, continue, and encourage this practice by Commissioners.
- The role of the City Council liaison could be defined more clearly, with responsibilities and expectations, provided in the Commission Handbook. The definition of Council liaison is different in the Commission Handbook than the definition in the Council Norms and Procedures. The current definition allows for individual interpretation and the City Council may want to discuss changes in this area. Alternately, the City Council may wish to discontinue the practice of Council liaisons to Commissions.
- Commissioners often are involved in civic, non-profit, or other governmental organizations that share overlapping interests with City Commissions. The Council may wish to consider adding a section to the Commission Handbook advising Commissioners on when these interests should be disclosed and if recusal is necessary with regards to incompatible activities and/or perceived conflicts of interest.

Staff Recommendation:

Staff recommends the City Council discuss and consider changes regarding the establishment of ad hoc subcommittees, the appointment of Commissioners as liaisons, the role of Council liaisons, and including a statement of incompatible activities and perceived conflict of interest to the Los Altos Commission Handbook.

Purpose

The City Council should discuss and consider changes as outlined in this report.

Discussion/Analysis

The Los Altos Commission Handbook functions as the introduction to service for Commissions and Committees. It is reviewed and updated from time to time to incorporate changes in Council direction, state law, or to establish or further define roles and responsibilities of Commission Members. This study session is intended to allow the City Council to discuss and consider changes



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around the establishment of ad hoc subcommittees, the appointment of Commissioners as liaisons, the role of Council liaisons, and the recommended inclusion of language around incompatible activities and perceived conflicts of interest.

Ad Hoc Subcommittees and Appointment of Commissioners as Liaisons

The Commission Handbook in the “Subcommittee” section states “Commissions may not create standing subcommittees.” Commissions are free to create ad hoc subcommittees assuming the guidance in the Commission Handbook is complied with. In general, Commissions can create ad hoc subcommittees that are compliant with the Brown Act on topics that are under the jurisdiction of the Commission.

The suggested edits to the Commission Handbook provide more clarity around the purpose and scope of an ad hoc subcommittee and ensures they will be established and operate in compliance with the Brown Act. The proposed changes to the Commission Handbook should allow for Commissions to establish ad hoc subcommittees more easily which could increase the efficiency and effectiveness of the Commissions. Ad hoc subcommittees do not require the posting of an agenda or a public meeting and will often not require additional staff support outside of the normal meetings of the Commissions. This will allow Commissioners, through ad hoc subcommittees, to work on multiple areas of their work plan simultaneously, without increasing the work to the Council liaison or staff. The findings, recommendations, or other outcomes from the ad hoc subcommittee will be discussed by the full Commission at a regularly scheduled meeting.

In addition to the changes to the establishment of ad hoc subcommittees, the Council should consider an addition to the Commission Handbook to allow individual Commissioners to be appointed as liaisons to other bodies. Past practice has allowed individual Commissioners to act as liaisons to other bodies, including boards, commissions, agencies, or working groups. Formally allowing Commissioner liaisons may increase the exchange of information between groups, provide opportunities for collaboration, feedback, or direct input from Commissions to bodies that have shared interests.

Council Liaisons

The practice of appointing Council Members as liaisons to Commissions started in 2017. The definition of Council liaison is different in the Council Norms and Procedures than it is in the Commission Handbook. Currently, the roles and expectations are determined by individual Councilmembers. The City Council may wish to:

- define the role more clearly with responsibilities and expectations listed and have the same definition in the Council Norms and Procedures as exist in the Commission Handbook, or
- discontinue this practice all together.



Subject: Discussion on Edits to Commission Handbook

Los Altos is unique in the Commission Handbook provides an explanation of the role of Council Liaison. Of the peer cities Los Altos staff researched, only Palo Alto provided a formal definition in their Commission Handbook. The definitions have been included as attachment #2 to this report.

The City Clerk's Office in Mountain View and Cupertino confirmed they do not have Council liaisons to Commissions and the Cities of Campbell, Los Gatos, and Morgan Hill do not mention or define Council liaisons in their Commission Handbooks.

Incompatible Activities and Perceived Conflicts of Interest

The Commission Handbook outlines the Statement of Economic Interest (Form 700), the applicable sections of the Political Reform Act Brown Act (Conflict of Interest), and the applicable sections of the Brown Act. These sections of the Commission Handbook attempt to make it clear when Commissioners should seek advice from the City Attorney on a potential legal or financial conflict of interest.

However, the Commission Handbook does not address incompatible activities or perceived conflicts of interest. Incompatible activities and the perception of a conflict of interest are defined in attachment #3 to this report.

The Council may wish to consider adding a section to the Commission Handbook advising Commissioners on when incompatible activities or perceived conflicts of interest should be disclosed and if recusal should be considered.

Recommendation

Staff recommends the City Council discuss and consider changes regarding the establishment of ad hoc subcommittees, the appointment of Commissioners as liaisons, the role of Council liaisons, and including a statement of incompatible activities and perceived conflict of interest to the Los Altos Commission Handbook.