

Melissa Thurman

From: Pat Marriot <patmarriott@sbcglobal.net>
Sent: Friday, August 18, 2023 9:54 PM
To: Public Comment
Subject: PUBLIC COMMENT STUDY SESSION - COMMISSIONS AUGUST 22, 2023

Council Members:

My comments and suggestions regarding Commission responsibilities.

MINUTES

Commission Handbook

Page 4: *"Commission liaisons ... Prepare action minutes for approval by the Commission."*

Page 10: *"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."*

A random sample of minutes from various commissions indicates they vary greatly. Financial commission and planning commission model the council form in that they provide details of Actions. Some others just copy the agenda items and don't even bother to change the tense from future to past. Few identify the author.

For those of us who try to follow commission actions, I hope the standards will be followed so we can see a brief description of Actions taken vs. just "report received" or "discussed workplan."

Also, Staff and council members present should be listed and the author of the minutes named.

All materials in the packet, including those prepared by commissioners, should include the date and author's name.

The Commission Handbook should also have a date.

ETHICS

Staff Report: *"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."*

Attachment 3: *"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."

The above is noteworthy in that it includes potential conflicts beyond financial interests.

Commission Handbook, Page 8: *"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."*

There's no information about ethics training materials. I looked up **AB1234 self-study programs**. *"The ethics laws and training requirements of AB 1234 are both minimum standards. Just because a course of action is legal doesn't mean that it is ethical or that the public or media will perceive it to be so. Local officials are strongly encouraged to go beyond the minimum standards set forth in the law and participate in additional educational activities relating to their legal and ethical obligations as public servants."*

Part I: Financial Interests and Perks : *Contact an attorney when "You have important, but non-financial, personal interests or biases (positive or negative) about the facts or the parties that could prevent you from making a fair decision."*

Part II: Governmental Transparency and Fair Processes : *Although California statutes largely determine when public officials must disqualify themselves from participating in decisions, common law (judge-made) and some constitutional principles still require a public official to exercise his or her powers free from personal bias-including biases that have nothing to do with financial gain or losses."*

I highlight these sections because it's clear there's more to ethics than financial gain or loss. I urge Council to "go beyond the minimum standards set by law" and codify standards beyond financial concerns. This example is from Palo Alto:

"Conflict of Interest: In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest."

The Markkula Center for Applied Ethics is a great resource, with many documents on government ethics, e.g.,

<https://www.scu.edu/government-ethics/resources/what-is-government-ethics/>

<https://www.scu.edu/ethics/ethics-resources/a-framework-for-ethical-decision-making/>

COMMISSIONS' ROLE IN PUBLIC OUTREACH AND INPUT

I recall one stated purpose of commissions is to gather public input to include in reports to Council.

Assuming that's still true, residents would have to look at agendas for each commission meeting, read whatever documents are provided and decide whether to write a public comment or attend the meeting and comment in person.

If residents are notified of commission meetings and Zoom in, they would watch commissioners and staff sitting around a U-shaped table with a microphone passed around. In that setup, it's impossible to know who's speaking.

Residents who don't attend may want to know what happened at commission meetings so they can make a public comment when the topic comes before Council. That would require them to watch videos of the meetings, again not knowing who's speaking. Or, they could read the minutes. As I've outlined above, most minutes don't provide even minimal information about Actions taken.

Given current lack of participation, it's unrealistic to assume residents can stay informed and provide input solely through commission meetings.

If Council hopes to get more residents involved in commission activities, a lot more outreach/publicizing will be necessary. Whether or not the ROI would be worth the effort is hard to predict because most residents just don't have the time or interest to pay attention.

Thanks to Staff for researching other cities' protocols. Than you, Council, for codifying Commission processes. Thanks to all those residents who serve on commissions. None of you has an easy job.

Sincerely,

Pat Marriott

Melissa Thurman

From: carol little <morrist03@yahoo.com>
Sent: Saturday, August 19, 2023 4:01 PM
To: Public Comment
Subject: City Council August 22, 2023 study session item number 1

August 19, 2023

Dear City Council Members,

I am writing regarding City Council Study Session discussion item number 1. The proposed changes regarding conflicts of interests. I understand the desire, as well as a potential need, to manage conflict of interests within commissions. However, in most cases, I think most people serve on city commissions with the goal of helping and participating in a meaningful manner, not for their own special interests. Although, to that I will add that a more specific proposal than the one being offered in this packet might have merit. Such a proposed and well thought out change would also be valuable if it were to be used as a guideline for City Council as well.

Keeping in mind that most residents serve without personal interests as their driving force, I am wondering how City Council is planning to identify and monitor any potential conflicts of interests? Additionally, how will council ensure an even handed approach? With any change to commission guidelines, the most important goal needs to be transparency, education, lack of special interests and fairness.

A robust education for commissioners will go a long way to prevent any violations if there is concern that the commissioners will serve with a conflict of interest, or make a mistake regarding the Brown Act.

Thank you for your attention to my letter.

Teresa Morris

Please note, this letter represents me as a member of the public, not as a commissioner.

Melissa Thurman

From: carol little <morrist03@yahoo.com>
Sent: Saturday, August 19, 2023 4:02 PM
To: Public Comment
Subject: August 22, 2023 City Council Study Session

August 19, 2023

Dear City Council Members,

Item 1 in the Study Session packet, on page 7 has the recommendation that commissioners only be allowed to serve on one subcommittee at a time. As someone who is currently on more than one subcommittee I think this restriction is unnecessary and potentially limiting to the progress of the commissioner's ability to serve at their fullest capacity.

As many of you know from your time as commissioners, there are times when a subcommittee must hold on the work they are doing. Those down times are the perfect opportunity for commissioners to work on additional subcommittee projects. Additionally, some subcommittees are intermittent by design. An example is PARC Pop Up subcommittee.

A good example of why a commissioner may need or want to serve on more than one subcommittee is the dog park subcommittee. Serving on that committee, as I do, has varied between more time consuming to very little time required.

Commissioner's service can also lift a burden from our staff's shoulders. Thereby saving Los Altos money and staff time.

A couple alternatives to the proposed *only one subcommittee* idea follow:

1. Some subcommittees complete their work before the end of the annual work plan. Perhaps instead of limiting the commissioner's ability to serve on multiple subcommittees, it would be wise to set up a system to eliminate a subcommittee from the work plan at the completion of the project. At that point, the subcommittee members would be available to help other subcommittees, if desired, or need be.
2. Instead of limiting commissioners to only one subcommittee, allow up to three (example number) subcommittee positions.
3. Consider length of time needed for each subcommittee commitment.

Some commissioners, such as myself, have the ability to serve on more than one subcommittee and enjoy doing so. Finally, why not allow an commissioner to determine what they can and cannot handle?

Thank you for considering my experienced input and for your time serving Los Altos.

Respectfully yours,

Teresa Morris

Please note: this letter is sent on behalf of myself and not as a representative of PARC.

Melissa Thurman

From: Couture, Terri <Terri.Couture@cbnorcal.com>
Sent: Saturday, August 19, 2023 6:35 PM
To: Public Comment
Subject: City Council Study session - Agenda #1 August 22,203

Council Members:

Attachment 3 in the packet says: "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.

This narrow interpretation of "serving on bodies or boards" could deprive the city of having residents with relevant knowledge and interest serve on commissions.

Consider the following:

Los Altos contracts with Palo Alto Animal Services for animal control. Pets in Need (PIN) runs Palo Alto Animal Services.

1. Paul is on the PIN board.
2. John is a supporting member (major donor).
3. Ringo adopted a dog from PIN and volunteers at the shelter
4. George is a vet who does pro bono spay/neuter for PIN.

Would any of these have a perceived conflict of interest if they wanted to serve on PARC, which votes on dog parks?

Mick is on the board of The Nature Conservancy, a global environmental nonprofit. Keith is on the board of Environmental Volunteers in Palo Alto. Both apply to be on PARC or the Environmental Commission. If they're disqualified, we'd lose people with expertise and a passion for parks and the environment.

Please do consider these thoughts in your evaluations.

Fred Tuerk & Terri Couture

***Wire Fraud is Real*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

Melissa Thurman

From: Freddie ParkWheeler <freddiep99@yahoo.com>
Sent: Monday, August 21, 2023 10:47 AM
To: Public Comment; City Council
Cc: Gabriel Engeland; Melissa Thurman
Subject: Public Comment - Council Study Session August 22, 2023

Please make this Public Comment a matter of record for the Council Study Session scheduled August 22, 2023

PUBLIC COMMENT - Council Study Session, August 22, 2023

Dear Mayor Meadows, Vice Mayor Weinberg, and Councilmembers Lee Eng, Fligor, and Dailey,

I am a Library Commissioner however I want to make it clear that I am not speaking on behalf of the Library Commission. I am also writing as a resident of Los Altos expressing my concerns regarding the proposed Perceived Conflict of Interest policy for Commissioners:

[“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.”](#)

I was appointed to the Los Altos Library Commission in 2019. As a commissioner, I have worked diligently to serve my community by finding ways to improve, support and benefit the Los Altos libraries. Approximately one and a half years ago, the Santa Clara County Library District (SCCLD) asked me to join its Foundation Board specifically because of my work on the Library Commission. My appointment to that board was voted on and approved by the Santa Clara County JPA that manages the SCCLD. Councilmember Lee Eng was the Los Altos delegate to the JPA when my appointment was confirmed.

Since joining the Library Commission, I have served as its liaison to the Los Altos Library Endowment (LALE). After two years I was asked to join the LALE board. But for my work on

the Library Commission, I would not have come to LALE's attention as a potential board member.

As written, the Perceived Conflict of Interest policy is so incredibly broad that every item for consideration coming before the Library Commission may well have "*shared or overlapping subject matter jurisdiction*" with all the nonprofits that support the Los Altos Libraries. If a commissioner had to recuse themselves from considering an agenda item because they serve on "bodies or boards that have shared or overlapping subject matter jurisdiction as those under the jurisdiction of the Commission," i.e., any matter related to the Los Altos Libraries, this proposed perceived conflict of interest policy would essentially disqualify that commissioner.

The subject matter jurisdiction of the Library Commission encompasses everything relating to our libraries. LALE's jurisdiction also covers our libraries, specifically funding improvements, programs, and materials for the benefit of our library patrons. Friends of the Los Altos Libraries' jurisdiction is similar to LALE's. SCCLD Foundation's jurisdiction includes all libraries in the district, including our Main Library and Woodland Branch.

If merely serving on "bodies or boards that have shared or overlapping subject matter jurisdiction" is perceived to be a conflict of interest, library commissioners would be unable to join LALE, SCCLD Foundation or even Friends of the Library. Conversely, a person serving in any of those organizations would be effectively disqualified from serving on the Library Commission. In fact, I believe every current commissioner would be disqualified by virtue of being a member of the Friends of the Library.

Surely this is not what you intended.

Please enact sensible policies that encourage residents with passion and expertise to serve on commissions related to their interests. Their service will enrich the city.

Thank you for listening,

Freddie Wheeler