



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 10/07/2025

ITEM NO: 9

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DATE: October 7, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Adopt the Revised Council Policy 2-11: Residency and Attendance Requirements and Establishing a Quorum**

RECOMMENDATION: Adopt the revised Council Policy 2-11: Residency and Attendance Requirements and Establishing a Quorum.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

STRATEGIC PRIORITY:

This item is not associated with a specific strategic priority; however, it aligns with the Town's core goal of good governance.

BACKGROUND:

Council Policy 2-11 establishes residency and attendance requirements for members of Town Boards, Commissions, and Committees (collectively, "Commissions"), and outlines expectations for participation and quorum standards. Over time, the policy has evolved and currently includes a detailed Procedures section governing how applications are submitted, interviews are conducted, and appointments are made. While these procedures are important, they are operational in nature and subject to administrative adjustments as staffing, technology, and Council practices evolve.

On May 27, 2025, staff presented proposed changes to Council Policy 2-11, to the Policy Committee which included the removal of the Procedures section. This section is currently highly prescriptive, containing step-by-step instructions for Town staff, applicants, and Council Members. While detailed, this structure creates rigidity. Even minor procedural updates require

PREPARED BY: Wendy Wood  
Town Clerk

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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DATE: October 7, 2025

formal Town Council action to amend the policy, limiting flexibility and delaying improvements to internal workflows.

The Committee discussed the proposed change and supported staff's recommendations to remove procedural content from the policy and include it in a separate Administrative Policy. This change will provide greater flexibility for minor procedural updates, improve internal workflows, and better align with evolving best practices without requiring formal Council action.

The Committee also requested that the policy include language clarifying that, while Council Members may use standardized interview questions, they are not restricted from asking other appropriate questions of applicants. Additionally, the Committee requested that the provisions outlining the voting process for appointments and reappointment guidelines remain in the policy.

Staff revised Council Policy 2-11 to incorporate the requested clarifications and retain the relevant content and proposed revisions to the Conflict of Interest section to provide greater clarity regarding expectations and disclosure responsibilities for Commissioners who serve or are employed by nonprofit organizations. A new Administrative Policy was also created to outline the detailed procedures related to Commission recruitment, interviews, and appointment processes.

The core elements of Policy 2.11, which include residency requirements, attendance standards, quorum definition, reappointment guidelines, and conflict of interest obligations, remain in the policy under the purview of the Town Council.

At its meeting on August 26, 2025, the Policy Committee reviewed the proposed changes and supported the removal of procedural language from Council Policy 2.11. The Committee also reviewed and endorsed the new Administrative Policy. During its discussion, the Committee emphasized the importance of maintaining Council visibility over significant procedural changes and requested that language be added to ensure that any major updates to the Administrative Policy would be brought to the Town Council for review.

#### DISCUSSION:

Staff has revised Council Policy 2.11 to incorporate the Committee's recommendations and drafted an Administrative Policy to reflect current procedures and includes a statement indicating that the Town Council will be notified of any major changes.

The proposed revision to Council Policy 2.11 reflects the Town's ongoing efforts to streamline governance practices while preserving Council oversight of core policy matters. By removing the highly prescriptive Procedures section from the Council Policy and transferring it to a newly

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created Administrative Policy, the Town can more efficiently manage routine updates to the Commission recruitment, interview, and appointment processes.

This change addresses the challenge of inflexibility in the current policy, where even minor procedural adjustments such as changes to application formats, interview logistics, or timelines require formal Council approval. Moving procedural content to an Administrative Policy allows staff to adapt to evolving practices, technologies, and resource needs in a timely and responsive manner while preserving Council authority over core requirements such as residency, attendance, quorum definitions, reappointment guidelines, and conflict of interest standards.

To promote transparency and support consistent interpretation, a table showing the number of unexcused absences and total absences that would result in a violation and automatic forfeiture of a commission seat has been prepared and incorporated into the Policy as Exhibit A.

Staff is also proposing a revision to the Policy section to remove the phrase “ex-officio members of other Boards, Commissions, and Committees, or Commission members (hereinafter referred to as 'Commissioners')” and clarify that the exception applies only to Commissioners who are formally designated by ordinance or resolution to serve as representatives of their Commission on another body.

The previous language was unclear and potentially misapplied, as the term ex-officio typically refers to someone serving “by virtue of their office.” The policy also did not specify how such appointments were authorized or whether those members held voting rights. Additionally, referencing both “ex-officio members” and “Commission members” created the potential for conflicting interpretations.

To ensure transparency and consistent application, the revised language specifies that individuals may only serve on more than one Commission when formally designated by ordinance or resolution. This change provides a clear and enforceable exception based on Council action and supports the policy’s broader goal of maximizing public participation in the Town’s advisory bodies.

#### CONCLUSION:

Separating the procedural details from Council Policy 2-11 and placing them into a standalone Administrative Policy provides the Town with increased flexibility to manage and update internal procedures without requiring Council action. This approach maintains transparency and consistency in key policy areas while improving efficiency and responsiveness to operational needs.

PAGE 4 OF 4

SUBJECT: Adopt the Revised Council Policy 2-11: Residency and Attendance Requirements  
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COORDINATION:

This report was prepared in coordination with the Town Attorney and the Town Manager's Office.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

ATTACHMENTS:

1. Council Policy 2-11 (Redlined Version)
2. Administrative Procedures - Boards, Committees, and Commissions Recruitment