



TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT

MEETING DATE: 11/28/2023

ITEM NO: 3

DATE: November 22, 2023
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Evaluate Remote Participation Guidelines as contained in the Agenda Format and Rules Policy and Consider a Recommendation to Council

RECOMMENDATION:

Evaluate remote participation guidelines as contained in the Agenda Format and Rules Policy and consider a recommendation to Council.

BACKGROUND:

On March 17, 2020, the Governor issued an Executive Order suspending certain provisions of the Brown Act to allow local legislative bodies to conduct their meetings completely telephonically or by other electronic means. After that time, the Town conducted all meetings remotely utilizing the Zoom platform.

In September 2022, the Town Council modified Town Council Policy 2-01: Town Agenda Format and Rules regarding remote attendance for Town Boards, Commissions, and Committees (hereafter referred to as Commissions). The Policy, at that time, provided an opportunity for Council Members and Commissioners to participate remotely under certain circumstances and allows the public to have the choice to participate either remotely or in person at all Council and Commission meetings.

In October 2022, the Governor announced that the COVID-19 State of Emergency would end on February 28, 2023, and this action would rescind the suspension of the Brown Act provision.

To prepare for the change back to the standard Brown Act requirements, the Policy Committee met on January 23, 2023, to discuss possible modifications to the Town Agenda Format and Rules regarding remote attendance for Town Boards, Commissions, and Committees Policy. The Committee discussed removing video participation for all Commissions, and Council

PREPARED BY: Wendy Wood
Town Clerk

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

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BACKGROUND (continued):

Members requested conducting hybrid meetings for the Planning Commission and Finance Commission in addition to the Council meetings.

On February 7, 2023, the Town Council considered modifications to Town Council Policy 2-01: Town Agenda Format and Rules regarding remote attendance for Town Boards, Commissions, and Committees. Council adopted changes to allow hybrid meetings for the Planning and the Finance Commission and include the remote attendance language that matched the Brown Act regulations. The Council requested the Policy Committee and potentially the Council revisit this Policy before the end of the year.

On November 21, 2023, the Town Council adopted changes to Town Council Policy 2-01: Town Agenda Format and Rules regarding behavior expectations at Town Council meetings, notice to Americans with Disabilities, and agenda order (Attachment 1).

DISCUSSION:

In March 2023, all Commissions transitioned to in-person only meetings with the exception of the Planning Commission and Finance Commission. After the transition, all Commissioners were able to participate remotely by telephone as was done prior to the COVID-19 pandemic in accordance with Brown Act and Town Council Policy 2-01. From March 1, 2023, to November 17, 2023, only two Commissions have utilized remote participation in compliance with the Brown Act: the Community Health and Senior Services Commission (one meeting) and the Complete Streets and Transportation Commission (two meetings). There were no reported issues with the phone remote participation, and there were no Commissioner resignations after the transition to in-person meetings.

The Planning Commission and Finance Commission have conducted their meetings using a hybrid format (in-person and via Zoom) since March of this year. Since the implementation of the hybrid meetings, the Planning Commission has held 14 hybrid meetings and had one meeting with remote participation by a Commissioner in compliance with the Brown Act. The cumulative total of attendees on Zoom for the Planning Commission meetings beginning in March was 142 (number includes staff, consultants, and members of the public). Of that number, approximately 35 members of the public participated in the meetings by providing public comment. Currently, the Community Development Director is supporting the Zoom portion of the meeting. Members of the public also have the option to watch the Planning Commission meeting in real time without participating by watching the broadcast live on YouTube or cablecast channel 15.

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DISCUSSION (continued):

The Finance Commission has held five hybrid meetings with three meetings conducted utilizing remote Commissioner participation in compliance with the Brown Act. The cumulative total of attendees on Zoom from March to November was 58 (number includes staff, consultants, and members of the public). Of that number, 7 attendees participated in meetings by providing public comment. Zoom is the only remote option for real time observation or participation in the meeting. Several Finance Commission meetings were cancelled in 2023 due to a lack of quorum and the cancellations were unrelated to the remote participation requirements.

The audio recordings of all Commission meetings are posted to the website after the meeting, except for the Planning Commission because a video recording is available on YouTube and the Town website.

The Town Clerk is currently supporting the Zoom portion of the Finance Commission meetings, which has accounted for approximately 11 staff hours to date. The Community Development Director's Executive Assistant provides support for the Zoom meeting setup which accounts for approximately five and a half hours of staff time to date. The Community Development Director is currently supporting the Zoom portion of the meeting. This is possible because the Planning Manager provides additional support to the Commission.

Typically for the other Commissions, only the staff who provides the subject expertise attends the meetings. It would be challenging for the subject matter experts to support the Commission in its work, answer questions, and support the Chair with meeting facilitation while also managing the Zoom participation of the public and/or Commissioners.

CONCLUSION:

Staff looks forward to the Committee's discussion related to remote participation for Town Boards, Commissions, and Committees as well as any potential suggestions for Town Council.

COORDINATION:

This report was coordinated with the Town Manager's Office, Clerk Department, Town Attorney's Office, and Community Development Department.

FISCAL IMPACT:

There is no fiscal impact related to the discussion.

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ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Town Council Policy 2-01: Town Agenda Format and Rules Policy (Approved by Town Council 11-21-2023).