

| Element Description | Existing Policy Language | Proposed Policy Language | Change Type | Nature of Change |
|--|---|---|-------------|---|
| Preamble – Legal Responsibilities | The legal responsibilities of the Los Gatos Town Council are set forth by applicable state and federal laws. | This Policy sets forth the roles, responsibilities, and Code of Conduct for Council Members. The legal responsibilities of the Los Gatos Town Council are set forth by applicable state and federal laws. | No Change | Specifies purpose of policy. |
| Preamble – Higher Standards | In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. | In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. | No Change | |
| Preamble – Training Assumption | This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials. | This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials. | No Change | |
| Preamble – Applicability to Boards/Commissions | These expectations of conduct also apply to all members of the Town's Boards, Committees, and Commissions. | | Removed | Applicability to Boards/Commissions dropped in proposed. |
| Form of Government – Council-Manager | The Town of Los Gatos operates under a Council-Manager form of government as prescribed by Town Code, Section 2.30.305. | The Town of Los Gatos operates under a Council-Manager form of government as prescribed by Town Code, Section 2.30.305. | No Change | |
| Form of Government – Council Election and Authority | Accordingly, members of the Council are elected at-large, provide legislative direction, set Town policy, and ultimately answer to the public. | Accordingly, members of the Council are elected at-large, provide legislative direction, set Town policy, and ultimately answer to the public. | No Change | |
| Form of Government – Town Manager | The Town Manager serves as the Town's chief administrative officer and is responsible for directing the day-to-day operations of the Town and implementing policy direction. | The Town Manager serves as the Town's chief administrative officer and is responsible for directing the day-to-day operations of the Town and implementing policy direction. | No Change | |
| Roles and Responsibilities – Council Role | The role of the Town Council is to act as a legislative and quasi-judicial body. | The role of the Town Council is to act as a legislative and quasi-judicial body. | No Change | |
| Roles and Responsibilities – Policy Authority | Through its legislative and policy authority, the Council is responsible for assessing and achieving the community's desire for its present and future and for establishing policy direction to achieve its desired outcomes. | Through its legislative and policy authority, the Council is responsible for assessing and achieving the community's desire for its present and future and for establishing policy direction to achieve its desired outcomes. | No Change | |
| Roles and Responsibilities – Voting | All members of the Town Council, including those who serve as Mayor and Vice Mayor, have equal votes. | All members of the Town Council, including those who serve as Mayor and Vice Mayor, have equal votes. | No Change | |
| Council Member Relationships | Members of the Town Council fulfill their role and responsibilities through the relationships they have with each other and the public. | Members of the Town Council fulfill their role and responsibilities through the relationships they have with each other and the public. | No Change | |
| Council Member Conduct | Town Council Members should approach their work, each other, and the public in a manner that reflects ethical behavior, honesty and integrity. | Town Council Members should approach their work, each other, and the public in a manner that reflects ethical behavior, honesty and integrity. | No Change | |
| Council Member Work Commitment | The commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving. | The commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving. | No Change | |
| Mayoral Selection | Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special meeting in December by majority vote of the Town Council. | Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special meeting in December by majority vote of the Town Council. | No Change | |
| Mayoral Selection – Service at Pleasure | The Mayor and Vice Mayor serve at the pleasure of the Town Council and may be replaced by a majority vote of the Council. | The Mayor and Vice Mayor serve at the pleasure of the Town Council and may be replaced by a majority vote of the Council. | No Change | |
| Mayor – Presiding Officer | The Mayor is the presiding officer of the Town Council. In this capacity, the Mayor is responsible for developing Council agendas in cooperation with the Town Manager and leading Council meetings. | The Mayor is the presiding officer of the Town Council. In this capacity, the Mayor is responsible for developing Council agendas in cooperation with the Town Manager and leading Council meetings. | No Change | |
| Mayor – Standing Committee Appointments | The Mayor recommends various standing committee appointments to the Council for approval. This will be done at a Council meeting in December of each year. | The Mayor recommends various standing committee appointments to the Council for approval. This will be done at a Council meeting in December of each year. | No Change | |
| Mayor – Balance of Responsibilities | When making committee recommendations, the Mayor should attempt to balance shared responsibilities and opportunities among Council Members. | When making committee recommendations, the Mayor should attempt to balance shared responsibilities and opportunities among Council Members. | No Change | |
| Mayor – Citizen Appointments | The Mayor may also appoint citizens to committees not established by Town ordinance or resolution as s/he deems appropriate. | The Mayor may also appoint citizens to committees not established by Town ordinance or resolution as the Mayor deems appropriate. | Revised | Clarifies "as the Mayor deems appropriate" (minor wording). |

| | | | | |
|--|---|---|--------------|---|
| Mayor – Communication | The title of Mayor carries with it the responsibility of communicating with the Town Council, Town Manager, members of the public, and the media regarding decisions made by a majority of the Town Council. | With regard to decisions made by a majority of the Town Council, the Mayor is responsible for communicating with the Town Council, Town Manager, members of the public, and the media regarding decisions made by a majority of the Town Council. | Revised | Refined sentence structure, same intent. |
| Mayor – Representation | The Mayor also represents the Council at official and ceremonial occasions. | The Mayor also represents the Council at official and ceremonial occasions. | No Change | |
| Mayor – Special Duties | The Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the Town, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, and delivering the State of the Town Address at his or her discretion. | The Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the Town, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, and delivering the State of the Town Address at his or her discretion. | No Change | |
| Mayor – Additional Authority | The Town Council will determine any additional authority or duties that the Mayor shall perform. | The Town Council will determine any additional authority or duties that the Mayor shall perform. | No Change | |
| Mayor – Delegation | Special duties consistent with the Mayoral office may be delegated to the Vice Mayor or any other member of the Town Council. | Special duties consistent with the Mayoral office may be delegated to the Vice Mayor in the absence of the Mayor. If the Vice Mayor is unavailable, the duties of the Mayor will be delegated to another Council Member in order of seniority. If those Council Members are of equal seniority, one of them will be selected by alphabetical order. | Revised | Adds detailed delegation chain of authority. |
| Mayor – Counseling Boards/Commissions | In the event that one or more members of a Town Board, Commission, or Committee acts in a manner contrary to approved Board/Commission policies and procedures, the Mayor may counsel those members about the rules set forth in the Town Commissioner Handbook. | | Removed | Section not in proposed policy. |
| Vice Mayor – Acting as Mayor | In the Mayor’s absence, the Vice Mayor shall perform the formal duties of the Mayor. | In the Mayor’s absence, the Vice Mayor shall perform the formal duties of the Mayor. | No Change | |
| Vice Mayor – Communication When Acting | When the Vice Mayor performs the duties of the Mayor in his/her absence, the Vice Mayor also carries the responsibility of communicating with the Town Manager, Town Council, and members of the public. | If the Vice Mayor is unavailable, the duties of the Mayor will be delegated to another Council Member in order of seniority. If those Council Members are of equal seniority, one of them will be selected by alphabetical order. | Revised | Shifts focus from communication responsibility to succession. |
| Meeting Conduct – Formal Titles | Use formal titles. The Council should refer to one another formally during Council meetings such as Mayor, Vice Mayor or Council Member or Mr., Mrs., or Ms., followed by the individual’s last name. | Use formal titles. The Council should refer to one another formally during Council meetings such as Mayor, Vice Mayor or Council Member or Mr., Mrs., or Ms., followed by the individual’s last name. | No Change | |
| Meeting Conduct – Civility | Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, Council Members should be respectful of others and diverse opinions and allow for the debate of issues. | Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, Council Members should be respectful of others and diverse opinions and allow for the debate of issues. | No Change | |
| Meeting Conduct – Order | Honor the role of the presiding officer in maintaining order and equity. Respect the Mayor/Chair's efforts to focus discussion on current agenda items. | Honor the role of the presiding officer in maintaining order and equity. Respect the Mayor/Chair's efforts to focus discussion on current agenda items. | No Change | |
| Meeting Conduct – Reserve Decisions | Council decisions should be reserved until all applicable information has been presented. | Council decisions should be reserved until all applicable information has been presented. | No Change | |
| Meeting Conduct – Public Hearings | Conduct during public hearings. During public testimony, Council Members should refrain from engaging the speaker in dialogue. Speakers at public meetings will be asked to provide their full name and to state whether they are a resident of the Town of Los Gatos. This information is optional but not required. For purposes of clarification, Council Members may ask the speaker questions. Council comment and discussion should commence upon the conclusion of all public testimony. | Conduct during public hearings. During public testimony, Council Members should refrain from engaging the speaker in dialogue. Speakers at public meetings will be asked to provide their full name and to state whether they are a resident of the Town of Los Gatos. This information is optional but not required. For purposes of clarification, Council Members may ask the speaker questions. Council comments and discussion should commence upon the conclusion of all public testimony. | Revised | "comment" to "comments"—minor style edit. |
| Meeting Conduct – Private Communication Ban | | Council Members shall not text or otherwise communicate privately with any public official or member of the public regarding matters relevant to the items on the agenda while on the dais. | New Language | Explicit ban on private texting/communication on dais. |
| Civility – Public Participation | The public is welcome to participate at Town Council meetings and the Mayor should remind the public of the Town’s expectations for civility in order for the business of the Town to be completed efficiently and effectively. These expectations include and are not limited to: | | Removed | Public civility reminder not included in proposed. |

| | | | | |
|---|---|--|-----------|---|
| Civility – Meeting Guidelines | For the benefit of the entire community, the Town of Los Gatos asks that all speakers follow the Town’s meeting guidelines by treating everyone with respect and dignity. This is done by following meeting guidelines set forth in State law, in the Town Code, and on the cover sheet of the Council agenda. | | Removed | Speaker civility guidelines omitted. |
| Civility – Condemnation of Hate Speech | The Town embraces diversity and strongly condemns hate speech and offensive, hateful language or racial intolerance of any kind at Council Meetings. | | Removed | No specific mention of hate speech condemnation in proposed. |
| Civility – Anti-social Behavior Ban | Town Council and staff are well aware of the public’s right to disagree with their professional opinion on various Town issues. However, anti-social behavior, slander, hatred, and bigotry statements are completely unacceptable and will not be tolerated in any way, shape or form at Town Council meetings. | | Removed | Omitted in proposed. |
| Civility – Public Comment Content | All public comments at the Town Council meeting must pertain to items within the subject matter jurisdiction of the Town and shall not contain slanderous statements, hatred, and bigotry against non public officials. | | Removed | Omitted in proposed. |
| Civility – Disturbance Steps (Remote) | If participating remotely, Town staff may mute the individual with an explanation for the record of why muting occurred consistent with this Policy. | | Removed | Remote disturbance/muting procedures omitted. |
| Civility – Disturbance Steps (In-Person) | If participating in person, the Mayor may call a recess for violation of this Policy, resulting in the immediate cessation of the audio and video recording and the Council exiting the Chamber. Staff will determine if the individual should be removed or if all members of the public should leave depending on the extent of the disturbance. In the event that all public members exit, only the press would be allowed back in the meeting. Once the individual(s) leave, the Council would return to the Chamber and the Mayor would resume the meeting. | | Removed | In-person disturbance protocol omitted. |
| Civility – Penal Code | Persons disrupting a Council meeting may be cited for violation of the California Penal Code Section 403. | | Removed | Penal code reference omitted. |
| Legal – Town Attorney | The Town Council operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town’s legal officer and is available to advise the Council on these matters. | The Town Council operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town’s legal officer and is available to advise the Council on these matters. | No Change | |
| Legal – Training Requirement | Biannual training in the following areas shall be provided by staff to Council Members: | Biannual training in the following areas shall be provided by staff to Council Members: | No Change | |
| Legal – Training: Brown Act | The Ralph M. Brown Act | The Ralph M. Brown Act | No Change | |
| Legal – Training: Conflict of Interest | Town / CA State Law on Conflict of Interest (AB 1234) | Town / CA State Law on Conflict of Interest (AB 1234) | No Change | |
| Legal – Training: Gov Section 1090 | Government Section 1090 | Government Section 1090 | No Change | |
| Legal – Training: Incompatible Offices | Incompatible Offices | Incompatible Offices | No Change | |
| Legal – Training: FPPC Forms | The Fair Political Practices Commission Forms | The Fair Political Practices Commission Forms | No Change | |
| Legal – Training: Bias | Bias | Bias | No Change | |
| Legal – Training: Harassment | Town / CA State Law on Harassment (SB 1343) | Town / CA State Law on Harassment (SB 1343) | No Change | |
| Legal – Procurement | Unless authorized by the Town Council, Council Members shall not become involved in administrative processes for acquiring goods and services. | Unless authorized by the Town Council, Council Members shall not become involved in administrative processes for acquiring goods and services. | No Change | |
| Legal – Land Use Ex Parte | The merits of an application shall only be evaluated on information included in the public record. Council Members shall disclose ex parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the Town Council. Council disclosure shall occur after the Public Hearing section of the agenda, and before Council deliberations. | Ex parte communications. The merits of an application shall only be evaluated on information included in the public record. Council Members shall disclose ex parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the Town Council. Council disclosure shall occur before Council deliberations. | Revised | Clarifies timing for disclosure (before deliberations, not after public hearing section). |

| | | | | |
|---|--|--|--------------|---|
| Legal - Quasi-Judicial Decisions | | Council Members may not offer an opinion indicating that a preliminary decision has been reached prior to the public hearing or make any statements indicating bias. Quasi-judicial statements are those in which a decision-maker is required to render a decision by applying the law to particular facts presented at a hearing on the matter. Examples of quasi-judicial decisions are certain land use entitlements, permit appeals, and license revocations. | New Language | Clarifies not offering opinions in quasi-judicial decisions. |
| Legal – Code Acknowledgment | Newly elected Council Members are strongly encouraged to sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy. | Newly elected Council Members are required to sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy. | Revised | |
| Legal – Non-Profit Prohibition | Council Members may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town, unless the role serves a legitimate Town purpose, such as the League of California Cities, and the participation is approved by the full Council. | Council Members may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town, unless the Council Member is uncompensated, the non-profit organization supports a Town purpose, such as the League of California Cities, the participation is approved by a majority of the Council, the interest is noted in the Town’s official records, and the Council Member recuses himself or herself from any Town Council decisions affecting the non-profit. | Revised | Adds new conditions and requirements for approval, notice, and recusal; more restrictive and precise. |
| Committees – Types | There are several committees that Town Council Members have been appointed to or have an interest in, including but not limited to: Town Council standing and ad hoc committees, Town boards and commissions, regional boards and commissions, and community-generated committees. | There are several committees that Town Council Members have been appointed to or have an interest in, including but not limited to: Town Council standing and ad hoc committees, Town boards and commissions, regional boards and commissions, and community-generated committees. | No Change | |
| Committees – Representative Updates | Primary Council representatives should update the Council about board, commission, and committee activities. | Primary Council representatives should update the Council about board, commission, and committee activities. | No Change | |
| Committees – Reporting Frequency | When serving as the primary Council representative on any board, commission, or committee, Council Members should periodically provide updated reports to the Council during the “Council Matters” opportunity on the Council meeting agenda. | When serving as the primary Council representative on any board, commission, or committee, Council Members should periodically provide updated reports to the Council during the “Council Matters” opportunity on the Council meeting agenda. | No Change | |
| Committees – Committee Action Reporting | Recommended actions by Council Committees should be reported to the Council. | Recommended actions by Council Committees should be reported to the Council. | No Change | |
| Committees – Committee Direction | When serving on a Council Committee, whether standing or ad hoc, all work undertaken by the Committee must be directed by the Council, and all recommended actions of a Council Committee shall be reported to the Council. | When serving on a Council Committee, whether standing or ad hoc, all work undertaken by the Committee must be directed by the Council, and all recommended actions of a Council Committee shall be reported to the Council. | No Change | |
| Council-Staff – Structure | The Town Council has adopted a Council-Manager form of government. The Town Manager’s powers and duties are outlined in the Town Code, Section 2.30.295. | The Town Council has adopted a Council-Manager form of government. The Town Manager’s powers and duties are outlined in the Town Code, Section 2.30.295. | No Change | |
| Council-Staff – Treat Staff as Professionals | Council Members should treat staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with Town staff. | Council Members should treat staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with Town staff. | No Change | |
| Council-Staff – Policy Questions to Executives | Council Members should direct questions about policy, budget, or professional opinion to the Town Manager, Town Attorney or Department Directors. Council Members can direct questions and inquiries to any staff for information that is readily available to the general public or easily retrievable by staff. | Council Members should direct questions about policy, budget, or professional opinion to the Town Manager, Town Attorney or Department Directors. Council Members can direct questions and inquiries to any staff for information that is readily available to the general public or easily retrievable by staff. | No Change | |
| Council-Staff – Implementation Role | The Town Manager and staff are responsible for implementing Town policy and/or Council action. The processing of Council policy and decisions takes place with the Town Manager and staff. Council should not direct policy/program administrative functions and implementation; rather it should provide policy guidance to the Town Manager. | The Town Manager and staff are responsible for implementing Town policy and/or Council action. The processing of Council policy and decisions takes place with the Town Manager and staff. Council should not direct policy/program administrative functions and implementation; rather it should provide policy guidance to the Town Manager. | No Change | |

| | | | | |
|---|---|--|-----------|---|
| Council-Staff – Feedback Before Meetings | Council Members should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings. Early feedback will enable staff to address Council questions and incorporate minor corrections or changes to a Council report, resulting in a more efficient Council meeting discussion; however, this does not preclude Council Members from asking questions at Council Meetings. | Council Members should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings. Early feedback will enable staff to address Council questions and incorporate minor corrections or changes to a Council report, resulting in a more efficient Council meeting discussion; however, this does not preclude Council Members from asking questions at Council Meetings. | No Change | |
| Council-Staff – No Unilateral Action | Council Members should not direct the Town Manager to initiate any action, change a course of action, or prepare any report without the approval of Council. The Town Manager’s responsibility is to advise on resources available and required for a particular course of action as it relates to the direction of the majority of the Council. | Council Members should not direct the Town Manager to initiate any action, change a course of action, or prepare any report without the approval of Council. The Town Manager’s responsibility is to advise on resources available and required for a particular course of action as it relates to the direction of the majority of the Council. | No Change | |
| Council-Staff – No Staff Meeting Attendance | Council Members should not attend department staff meetings unless requested by the Town Manager. | Council Members should not attend department staff meetings unless requested by the Town Manager. | No Change | |
| Council-Staff – Equal Info Access | All Council Members should have the same information with which to make decisions. Information requested by one Council Member will be shared with all members of the Council. | All Council Members should have the same information with which to make decisions. Information requested by one Council Member will be shared with all members of the Council. | No Change | |
| Council-Staff – Employee Complaints | Concerns related to the behavior or work of a Town employee should be directed to the Town Manager. Council Members should not reprimand employees. | Concerns related to the behavior or work of a Town employee should be directed to the Town Manager. Council Members should not reprimand employees. | No Change | |
| Council-Staff – No Contributions or Threats | Per California Government Code, Sections 3201-3209, Council Members should not solicit financial contributions from Town staff or use promises or threats regarding future employment. Although Town staff may, as private citizens with constitutional rights, support political candidates, such activities cannot take place during work hours, at the workplace, or in uniform. | Per California Government Code, Sections 3201-3209, Council Members should not solicit financial contributions from Town staff or use promises or threats regarding future employment. Although Town staff may, as private citizens with constitutional rights, support political candidates, such activities cannot take place during work hours, at the workplace, or in uniform. | No Change | |
| Communication – Public Expectation | The Public has a reasonable expectation that it may engage its Council Members on matters of community concern. In response, Council Members may express a preliminary opinion on general issues or policies that are in the development phase. Any such preliminary statement shall not indicate that a decision has been reached before the public hearing or create a presumption of bias on any quasi-adjudicatory decision such as a land-use approval. | The Public has a reasonable expectation that it may engage its Council Members on matters of community concern. In response, Council Members may express a preliminary opinion on general issues or policies that are in the development phase, but not quasi-judicial decisions prior to the public hearing . In addition, Council Members may from time to time express opinions regarding broad policy matters which may be in conflict with currently adopted Council policies or explain an individual vote. Such statements , including those made on behalf of another elected official, public agency, state agency, or political subdivision , are permissible if clearly characterized as personal opinion or policy change objectives rather than the opinion of the Town Council. A Council Member shall communicate in a manner that clearly and explicitly conveys that such communication is provided as an individual and does not in any way represent communication on behalf of the Town or represent the position of the Town Council, or Town staff except as otherwise authorized under section V.(C). Town Council Members may speak at community events so long as they make it clear that they do not represent the Town Council as a whole. This can be accomplished by using language such as: “Speaking for myself and not on behalf of the Town Council, . . . | Revised | Adds explicit ban on pre-hearing statements about quasi-judicial decisions; expands and clarifies language regarding personal opinions and public communications. |
| Enforcement – Policy Purpose | The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. The purpose of the policy language is to establish a process and procedure that: | The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. This section describes a process to: | Revised | Changes "purpose of the policy language is to establish" to "section describes a process to"; minor wording update. |
| Enforcement – Allows Complaints | Allows the public, Town Council, and Town employees to report Code of Conduct policy violations or other misconduct. | Allows the public, Town Council, and Town employees to report Code of Conduct policy violations or other misconduct. | No Change | |
| Enforcement – Provides Disciplinary Guidelines | Provides guidelines to evaluate Code of Conduct policy violations or other misconduct and implement appropriate disciplinary action when necessary. | Provides guidelines to evaluate potential violations and implement appropriate disciplinary action when necessary. | Revised | Specifies "potential violations" rather than just "violations or other misconduct." |

| | | | | |
|--|--|--|---------|---|
| Enforcement – Complaints (Public/Manager/Attorney) | Complaints made by members of the public, the Town Manager, and Town Attorney should be reported to the Mayor. If a complaint involves the Mayor, it should be reported to the Vice Mayor. | Complaints regarding a Council Member must be submitted in writing to the Mayor. If the complaint concerns the Mayor, it must be submitted in writing to the Vice Mayor. The complaint shall also be copied and forwarded to the Mayor. | Revised | Clarifies process, requires written submission, and specifies copying and forwarding. |
| Enforcement – Complaints (Council Members) | Complaints made by Council Members should be reported to the Town Manager or Town Attorney to adhere to Brown Act requirements. | A Council Member who wishes to file a complaint about another Council Member must submit it in writing to the Mayor. If the complaint is about the Mayor, it must be submitted to the Vice Mayor. The complaint should also be copied and forwarded to the Town Manager and Town Attorney. | Revised | Changes reporting procedure; complaint goes directly to Mayor (or Vice Mayor) and must also be copied to Town Manager/Attorney. |
| Enforcement – Complaints (Employees) | Complaints made by Town employees should be reported to the Town Manager, who will direct them to the Mayor or Vice Mayor. | Town employees must submit complaints in writing to the Mayor. If the complaint is about the Mayor, it must be submitted to the Vice Mayor. If the Town Manager or Town Attorney receives a complaint, they shall forward it directly to the Mayor (or Vice Mayor if the complaint is against the Mayor). Neither the Town Manager nor the Town Attorney should make any substantive determination regarding the complaint. The complaint should also be copied and forwarded to the Town Manager and Town Attorney. | Revised | Clarifies reporting flow and adds prohibition on Manager/Attorney making a substantive determination. |
| Enforcement – Minor Violation – No Action | If the majority of the Committee agrees that the reported violation is without substance, no further action will be taken. | If the ad hoc committee finds the complaint unsubstantiated, no further action is taken. | Revised | Uses "ad hoc committee" instead of "Committee"; minor update. |
| Enforcement – Minor Violation – Counseling/Admonishment | If the reported violation is deemed valid but minor in nature, the Mayor or Vice Mayor shall counsel and, if appropriate, admonish the Council Member privately to resolve the matter. Admonishment is considered to be a reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy. | If the ad hoc committee determines that the complaint involves a minor violation, the Mayor (or Vice Mayor) may privately admonish or counsel the subject Council Member to address and correct the behavior. Admonishment is a warning to a Council Member about behavior that violates Town policy. | Revised | Clarifies process and that admonishment may be done by the Mayor or Vice Mayor. |
| Enforcement – Major Violation – Referral | If the reported violation is considered to be serious in nature, the matter shall be referred to outside legal counsel selected by the Committee for the purpose of conducting an initial interview with the subject Council Member. The outside counsel shall report his/her initial findings back to the Committee. | If the Ad Hoc Committee believes the complaint may involve a major violation, they shall direct the Town Attorney to engage outside legal counsel to conduct an investigation. The Town Attorney’s role is limited to administratively securing the contract with outside counsel; the Town Attorney does not participate in determining the outcome or findings. The outside legal counsel shall conduct interviews, collect evidence, and prepare a written report with findings and recommendations. Upon completion, the final report is delivered to the Mayor (or Vice Mayor if the Mayor is the subject of the complaint) with a copy to the Town Manager and Town Attorney. The Town Attorney will also serve as the record keeper of all relevant records involving any complaint and/or investigation involving Council members and commissioners. | Revised | Makes Town Attorney the administrative gatekeeper and expands on documentation and record-keeping. |
| Enforcement – Major Violation – Investigation | If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel to conduct an investigation. The investigation process would include, but is not limited to, the ascertainment of facts relevant to the complaint through interviews and the examination of any documented materials. | (See above row—now merged into new major violation process.) | Revised | Investigation process is now part of the major violation referral (above). |
| Enforcement – Report of Findings | At the conclusion of the investigation, outside legal counsel shall report back to the Committee in writing. The report shall either (1) recommend that the Council Member be exonerated based on a finding that the investigation did not reveal evidence of a serious violation of the Code of Conduct, or (2) recommend disciplinary proceedings based on findings that one or more provisions of the Code of Conduct or other Town policies have been violated. In the latter event, the report shall specify the provisions violated along with the facts and evidence supporting each finding. | After reviewing the written complaint, the ad hoc committee shall determine whether the complaint: Lacks substance (unsubstantiated), Involves a minor violation, Potentially involves a major violation. | Revised | Report/finding step now rolled into ad hoc committee's determination. |

| | | | | |
|--|---|---|-----------|---|
| Enforcement – Committee Review of Findings | The Committee shall review the report and its recommendations. If the consensus of the Committee is to accept the report and recommendations, the Committee shall implement the recommendations. Where the recommendation is exoneration, no further action shall be taken. Where the recommendation is to initiate disciplinary proceedings, the matter shall be referred to the Council. Where there is no consensus of the Committee regarding the recommendations, the matter shall be referred to the Council. | If the report does not substantiate a major violation, the Mayor (or Vice Mayor) may close the matter without further action. If the report substantiates a major violation or otherwise recommends further proceedings, the Mayor (or Vice Mayor) shall: Notify the subject Council Member in writing. If there will be disciplinary proceedings, the report would be disclosed. Determine whether to present the matter to the Council for potential disciplinary proceedings. When appropriate, the complainant will receive notification of the disposition of their complaint when the process is complete. A minor violation notification will state the matter has been resolved and major violation notification will include the next steps. | Revised | Details new steps for closing or escalating matters; clarifies notifications to involved parties. |
| Enforcement – Subject Council Notification | The subject Council Member shall be notified in writing of the Committee’s decision within 72 hours. Where the decision is to refer the matter to the Council, a copy of the full report, including documents relied on by the investigator shall be provided with the notification, and a copy of both shall be provided to the whole Council. | Within three (3) business days of receipt, the subject Council Member shall receive notice of the complaint from the Mayor, including: A copy of the complaint and any supporting documentation; The identity of the complainant (unless protected by law); and The nature of the alleged violation. | Revised | Clarifies specific notice requirements for subject of complaint. |
| Enforcement – Proceedings – Timing | Investigative findings and recommended proceedings and disciplinary action that are brought forward to Council as a result of a significant policy violation shall be considered at a public hearing. The public hearing should be set far enough in advance to allow the Council Member in question reasonably sufficient time to prepare a response. | The Mayor (or Vice Mayor) shall promptly review the final written report from the outside legal counsel. | Revised | Now specifies review and timing for review by Mayor/Vice Mayor. |
| Enforcement – Proceedings – Public Hearing | Investigative findings shall be presented to the Town Council at a public hearing. The rules of evidence do not apply to the public hearing. It shall not be conducted as an adversarial proceeding. | If the report does not substantiate a major violation, the Mayor (or Vice Mayor) may close the matter without further action. If the report substantiates a major violation or otherwise recommends further proceedings, the Mayor (or Vice Mayor) shall: Notify the subject Council Member in writing. If there will be disciplinary proceedings, the report would be disclosed. Determine whether to present the matter to the Council for potential disciplinary proceedings. When appropriate, the complainant will receive notification of the disposition of their complaint when the process is complete. A minor violation notification will state the matter has been resolved and major violation notification will include the next steps. | Revised | Specifies notification, closure, or escalation rather than general public hearing guidance. |
| Enforcement – Disciplinary Action – Factors | Disciplinary action may be imposed by Council upon Council Members who have violated the Council Code of Conduct Policy. Disciplinary action or sanctions are considered when a serious violation of Town policy has occurred by a Council Member. In determining the type of sanction imposed, the following factors may be considered: | The Council may impose disciplinary action when a major violation of the Council Code of Conduct Policy has occurred. In determining the appropriate sanction, the Council may consider: Nature of the violation; Any prior violations by the same Council Member; or Other relevant factors that bear on the seriousness of the misconduct. | Revised | Focuses on "major violation"; factors clarified. |
| Enforcement – Disciplinary Action – Factor 1 | Nature of the violation | Nature of the violation; | No Change | |
| Enforcement – Disciplinary Action – Factor 2 | Prior violations by the same individual | Any prior violations by the same Council Member; | No Change | |
| Enforcement – Disciplinary Action – Factor 3 | Other factors which bear upon the seriousness of the violation | Other relevant factors that bear on the seriousness of the misconduct. | No Change | |
| Enforcement – Types of Sanctions – General | At the discretion of the Council, sanctions may be imposed for violating the Code of Conduct or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to: | One or more of the following sanctions may be imposed on a Council member at the Council’s discretion: | Revised | "May be applied individually or in combination" is now implicit. |
| Enforcement – Types of Sanctions – Public Admonishment | Public Admonishment – A reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy. | Public Admonishment – A warning directed publicly at a Council Member regarding specific behavior. | Revised | Specifies public nature of admonishment. |
| Enforcement – Types of Sanctions – Revocation of Privileges | Revocation of Special Privileges – A revocation of a Council Member’s Council Committee assignments, including standing and ad hoc committees, regional boards and commissions, and community-generated board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles. | Revocation of Special Privileges – Temporary or permanent removal of committee assignments, board or commission appointments, official travel privileges, conference attendance, or ceremonial titles such as Mayor or Vice Mayor. | Revised | Expands to include "temporary or permanent" and other council-related roles. |

| | | | | |
|--|---|---|-----------|--|
| Enforcement – Types of Sanctions – Censure | Censure – A formal statement or resolution by the Council officially reprimanding a Council Member. | Censure – A formal statement or resolution by the Council officially reprimanding a Council Member. | No Change | |
|--|---|---|-----------|--|