



**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT**

MEETING DATE: 10/26/2021

ITEM NO: 2

DATE: October 22, 2021
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Recommend to the Town Council the Approval of Proposed Updates to Council Policy 2-01: Town Agenda Format and Rules and Council Policy 2.04: Town Council Code of Conduct

RECOMMENDATION:

Recommend to the Town Council the approval of proposed updates to Council Policy 2-01: Town Agenda Format and Rules and Council Policy 2.04: Town Council Code of Conduct.

BACKGROUND:

Since April 2021, the Town Council has listened to public comments at its meeting that have become increasingly hateful and harassing, escalating to disturbances at in-person Council meetings this fall. Proposed updates to Council Policy 2-01: Town Agenda Format and Rules and Council Policy 2.04: Town Council Code of Conduct intend to clarify rules for civility and decorum as well as identify enforcement mechanisms if these rules are disobeyed.

DISCUSSION:

Both Council Policies should be amended to include specific rules for civility at Town Council meetings. Attachments 1 and 2 contain the proposed redline additions.

Consistent with case law, the proposed rules state:

- The purpose of the Town Council meeting is to conduct the important business of the community in an effective and efficient manner.
- 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 (e.g., Section 2.20.020), and on the cover sheet of the Council agenda.

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

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DISCUSSION (continued):

- The Town embraces diversity and strongly condemns hate speech and offensive, hateful language or racial intolerance of any kind at Council Meetings.
- 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.
- 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.
- Any disturbance resulting from a member of the public not following these rules can be muted if participating remotely or required to leave if participating in-person. Violators may be cited for violation of the California Penal Code Section 403.

Once these additional rules are in place, the Mayor should explain these rules to the public at each meeting. This practice serves multiple purposes. First, it reminds the Mayor and other Council Members of how disruptions must be handled, and that the rules must be applied in an even-handed manner. Second, it lets the audience know at the outset that the Council has adopted rules prohibiting disruptions, and what the consequences will be if someone chooses to engage in conduct that willfully disrupts the meeting. Third, should someone be removed from the meeting, and later challenge the removal in court, it will assist in the defense of the action.

Attachment 3 contains Town Code Section 2.20.020 for the Committee's reference.

CONCLUSION:

Staff recommends that the Council Policy Committee discuss the proposed changes, suggest any modifications, and forward a recommendation for Council approval.

COORDINATION:

The information contained in this report was coordinated with the Town Clerk and Town Attorney.

FISCAL IMPACT:

There is not a fiscal impact associated with updating the policies.

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ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Redlined Updates to Council Policy 2-01: Town Agenda Format and Rules
2. Redlined Updates to Council Policy 2.04: Town Council Code of Conduct
3. Town Code Section 2.20.020