



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

MEETING DATE: 11/26/2024

ITEM NO: 4

DATE: November 26, 2024
TO: Council Policy Committee
FROM: Chris Constantin, Town Manager
SUBJECT: Discussion, Consideration and Possible Action to Revise Town Code of Conduct Council Policy 2-04

RECOMMENDATION:

Provide direction to Town staff related to proposed changes in the Town Code of Conduct Council Policy.

FISCAL IMPACT:

None. Changing this policy does not result in a significant cost.

BACKGROUND:

The Town of Los Gatos operates under a Council-Manager form of government, which requires a clear separation of powers and responsibilities between the elected Town Council and the appointed Town Manager and Town Attorney. The current Code of Conduct includes provisions for handling complaints against Councilmembers, with the Town Manager and Town Attorney acting as evaluators alongside the Mayor or Vice Mayor. This arrangement presents potential conflicts of interest, as the Town Manager and Town Attorney are directly evaluated and employed by the Town Council.

The current process raises concerns about the impartiality and effectiveness of complaint evaluations, particularly when significant or complex issues arise. The potential for perceived or real conflicts of interest in this process underscores the need for a revised approach to ensure transparency, fairness, and accountability.

PREPARED BY: Chris Constantin
Town Manager

Reviewed by: Town Manager and Town Attorney

While this policy is current under review with other changes, the significance of the potential conflict necessitates a conversation to consider an alternative means to ensure adherence to the Town Council's expectations while ensuring objective review of any reported violations of those expectations.

DISCUSSION:

To address the concerns of conflicts of interest inherent in the current system, a revision to the Town Council Code of Conduct is needed. A recommendation is to shift the responsibility for handling most complaints against Councilmembers to the Town Council itself, thereby minimizing the involvement of the Town Manager and Town Attorney in evaluative roles. This change aligns with best practices in governance by clearly delineating the decision-making and advisory roles within the Town's leadership structure.

A revised approach may establish the following key provisions:

- **Council-Driven Complaint Resolution:** The Town Council, as the elected governing body, would assume primary responsibility for evaluating and resolving complaints against its members, except in cases where external action is legally or procedurally mandated.
- **Role of the Town Manager and Town Attorney:** In instances of egregious misconduct or where state or federal laws or regulations require external reporting or investigation, the Town Manager and Town Attorney would act as facilitators to ensure compliance with external processes. They would not serve as decision-makers in these cases.
- **Transparency and Fairness:** Any proposed changes aim to reinforce public trust by ensuring that complaint evaluations are conducted without undue influence from individuals who have a direct employment relationship with the Town Council.

This revision supports the Town's commitment to integrity, fairness, and adherence to ethical standards, while also preserving the Council-Manager form of government. Staff recommends that the Town Council consider revisions to enhance the impartiality and credibility of the complaint resolution process.

Any direction will be integrated with other changes previously discussed and will be presented to the Town Council for approval.

ALTERNATIVES (continued):

None.

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SUBJECT: Revise Town Code of Conduct Council Policy 2-04

DATE: November 26, 0224

COORDINATION:

None.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Current Policy 2-04