



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/17/2024

ITEM NO: 22

DATE: December 11, 2024
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Approve the Proposed Modifications to Town Council Policy 2-11
"Commission Appointments, Residency, and Attendance Requirements, and
Establishing a Quorum" as Recommended by the Council Policy Committee

RECOMMENDATION:

Approve the proposed modifications to Town Council Policy 2-11 "Commission Appointments, Residency, and Attendance Requirements, and Establishing a Quorum" as recommended by the Council Policy Committee.

BACKGROUND:

The Town Council Commission Appointment Policy (Town Council Policy 2-11) sets forth procedures for consistent recruitment, appointment, residency, and attendance requirements for all Town Boards, Commissions, and Committees (hereafter Commissions). There have been several revisions to this Policy in the past years to ensure consistency and equity.

The Town Council Policy Committee met on August 27, 2024, September 24, 2024, and November 26, 2024, to discuss the policy and recommend revisions.

DISCUSSION:

In recent months questions have been raised about the attendance requirements for both the youth and adult commissions. The current attendance requirement does not provide equity in terms of the percentage of meetings that may be missed, nor does it provide any leniency for illness.

The current policy raises concerns regarding equity in attendance requirements. Under the current policy, a member of a body that holds 16 meetings would not be removed until they have missed eight meetings, equating to a 50% threshold.

PREPARED BY: Wendy Wood
Town Clerk

Reviewed by: Town Manager and Town Attorney

In comparison, a member of a body that holds 12 meetings would face removal after missing three meetings (25% threshold), and a member of a body that holds five meetings would face removal after missing two meetings (40% threshold).

The current policy also does not provide for flexibility regarding illness. While members of a Commission can participate in meetings remotely, it should be noted that if a commissioner falls ill within 72 hours of a scheduled meeting, they are unable to participate remotely due to restrictions set forth in State Law under the Brown Act. Consequently, this has resulted in some members attending meetings despite being ill in order to avoid being absent from the meeting and removed from the commission. To address these issues, the Policy Committee considered implementing excused and unexcused absences.

The Committee also considered a time limit for commission meeting to help address potential issues with unintended absences. The policy specifies that “Any member not in attendance at a regular meeting of said Advisory Body for at least 70% of the meeting shall be considered absent.” Consequently, under this provision, if a commission meeting extends to three hours and a commissioner can only participate for two hours, the commissioner would be marked absent. To address this issue, the Committee considered implementing a maximum two-hour meeting time limit for regular meetings of Commissions, with the exception of the Planning Commission and the Historic Preservation Committee, to help clarify the expected time commitment from commissioners and promote attendance for the full meeting.

Policy Committee Input

At the August 27 meeting, the Committee requested that staff revise the Policy to incorporate excused and unexcused absences, a July summer recess for all Commissions, and a two-hour time limit for all commission meetings, with the exception of the Planning Commission and Historic Preservation Committee. The Committee also asked staff to provide a recommendation for a limit on the number of excused and unexcused absences.

At the September 24 meeting, the Committee discussed the redline revisions and supported adding excused and unexcused absences and setting the allowable limits at twenty percent for unexcused and thirty-five percent for total absences; adding a meeting recess in July for all Commissions; adding a two-hour time limit for all Commission meetings with the exception of the Planning Commission and the Historic Preservation Committee; and minor clean-up changes to address inconsistencies. The Committee requested additional changes to address any conflicts in the policy with the Finance Commission enabling ordinance.

After public testimony at the November 26 meeting, the Committee discussed the revised redline revisions, supported the proposed changes, and recommended additional changes. The Committee requested a change to item three in the Attendance Requirement section state “...at least 70 percent of the meeting duration.” The Committee also requested a change to item two

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DATE: November 20, 2024

in the Attendance Requirement section to add language to indicate that special meetings to address urgent Town business would be allowed. The Committee also requested the addition a sentence to the Conflict of Interest section to incorporate language indicating that all Commissioners should avoid the appearance of a conflict of interest.

The proposed edits to the Policy are shown in the redline policy (Attachment 1) for Council consideration.

CONCLUSION:

The Council Policy Committee recommends the Council approve the proposed modifications to the Commission Appointment Policy 2-11 as proposed in Attachment 1.

COORDINATION:

The preparation of this report was coordinated with the Town Attorney and the Town Manager's Office.

FISCAL IMPACT:

This item has no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Redline Commission Appointment Policy 2-11