



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 02/07/2023

ITEM NO: 15

DATE: February 1, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider Modifications to Town Council Policy 2-01: Town Agenda Format and Rules Regarding Remote Attendance for Town Boards, Commissions, and Committees as Discussed by the Council Policy Committee

RECOMMENDATION:

Consider modifications to Town Council Policy 2-01: Town Agenda Format and Rules regarding remote attendance for Town Boards, Commissions, and Committees as discussed by the Council Policy Committee.

BACKGROUND:

Effective December 29, 2022, the Santa Clara County Public Health Officer's recommendation regarding continued remote public meetings of governmental entities has been rescinded. In addition, Jurisdictions throughout California are preparing for the Governor to end the State of Emergency pertaining to COVID-19. It has been announced that this is scheduled to take place on February 28, 2023. Among other implications, the flexibility for remote participation provided in Assembly Bill 361 will no longer be in effect.

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 currently provides an opportunity for Council Members to participate remotely under certain circumstances. Commissioners have greater latitude to participate remotely. The Policy also provides for the public to have the choice to participate either remotely or in-person at all Council and Commission meetings.

DISCUSSION:

The use of hybrid meetings, in which there is both the option of in-person and remote participation, has been and continues to be a topic of discussion amongst City Managers and Clerks throughout our County. Attachment 1 contains the most current information

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

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DISCUSSION (continued):

regarding how the County and 14 other cities are handling this. Some jurisdictions have found that extra staff resources are needed to offer a remote option when in-person meetings resume.

While the Town of Los Gatos has been preparing for the return of in-person meetings for all Commissions beginning March 1, 2023, it has become clear that the Town only has the staff resources to provide a Zoom option for Town Council meetings. Unlike other Commissions, the Town Council is supported by the Town Clerk who manages the remote participants. Specifically, this involves ensuring speakers are moved to and from the panelist position, managing the recording, and troubleshooting issues as they arise.

For the other Commissions, there is only the staff who provide the subject expertise at the meetings. It would be infeasible for the subject matter experts to be simultaneously supporting the Commission in its work, answering questions, and supporting the Chair with meeting facilitation while also managing the Zoom participation of the public and/or Commissioners.

For this reason, staff recommended to the Council Policy Committee modifications to the Policy to indicate that the remote public participation option will not be available to Commissions (see Attachment 2). Remote participation would remain an option for the public at all Town Council meetings.

Council Members would have the ability to participate remotely (either via Zoom or telephone) under the provisions of this Policy and the Brown Act. For Commissioners, the Town would return to a telephone option only if a Commissioner could not attend in person consistent with this Policy and the Brown Act.

At its January 23, 2023 meeting, the Council Policy Committee recognized that hybrid meetings can provide transparency, accessibility, and engagement with the public. The Committee was interested in the costs associated with obtaining the necessary technology and other equipment as well as the staff costs for an additional staff member(s) to manage the remote participants. Staff did not have this information readily available at the meeting.

The Committee heard testimony from a Complete Streets and Transportation Commissioner who preferred hybrid Commission meetings. A Planning Commissioner also spoke, commenting in favor of hybrid meetings with video and not audio only.

After deliberation, the Committee was split with Vice Chair Hudes recommending the Council approve the proposed changes with the exception of conducting hybrid meetings for the Planning Commission and Finance Commission (see Attachment 3). Chair Moore requested

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DISCUSSION (continued):

that Council consider the staff recommendation (Attachment 2) as well as additional information regarding the feasibility and cost of options for audio only and audio with video hybrid meetings for all Board, Commission, and Committee meetings.

Staff researched audio only options and found that Zoom or Teams remain the most viable to allow for the public to participate remotely even with an audio only selection. While this might help with the camera challenges associated with recording video for Commission meetings, the audio issues remain since each Commissioner does not have an individual microphone. In addition, a staff member would need to manage the remote participants via Zoom or Teams as well as providing technical guidance to the Commission as described above.

With the original staff recommendation, the proposed Policy would provide for Commissioners to participate by telephone as was done prior to the COVID-19 pandemic. This option requires that the remote location address be included on the agenda, an agenda be posted at the remote location, and that the remote location be open to the public. With this option, a telephone would be on "speakerphone mode" so the in-person participants could engage with the remote Commissioner. A tape recorder would record the proceedings and the audio recording would be posted to the Town's website for public access.

In regards to Council Policy Committee members having different recommendations, the Council should consider both recommendations, public comments, and other information when making its final decision.

CONCLUSION:

Staff appreciates the Town Council's consideration of this issue to provide time to prepare for the return of in-person Commission meetings. This preparation includes communication to the public and all Town Boards, Commissions, and Committees regarding any modifications to this Policy made by the Town Council.

In addition, the Council may consider other changes to this Policy, such as the remote participation requirements for Town Council members.

COORDINATION:

The preparation of this report was coordinated with all Town Departments.

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FISCAL IMPACT:

The fiscal impact depends upon the option Council decides to enact. If the Council requires hybrid meetings for one or more Commissions, there will be additional staff costs to attend and manage the remote participation portion of the meeting for certain Commissions.

For example, Planning Commission meetings are at night, lasting from one to four or five hours in length. The staff person managing the Zoom elements would be paid overtime for the evening work, necessitating an increased budget to cover these costs. In the future, a portion of these costs might be recovered by the Council modifying Planning fees associated with Commission meetings.

Monthly Finance Commission meetings are after business hours and typically last two hours. Assuming a Deputy Clerk is assisting with the hybrid portion of the meeting, the extra cost per meeting would be approximately \$160.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Remote Participation in Cities within Santa Clara County
2. Town Council Policy 2-01: Town Agenda Format and Rules (redline 1-23-23)
3. Town Council Policy 2-01: Town Agenda Format and Rules (redline 2-1-23)
4. Public Comments received before 11:00 a.m. on February 2, 2023