



TOWN OF
LOS GATOS
CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service

Community Stewardship

Future Focus

TITLE: Town Agenda Format and Rules

POLICY NUMBER: 2-01

EFFECTIVE DATE: 12/15/1986

PAGES: 7

ENABLING ACTIONS: 1986-183; 1987-024; 1988-124; 1993-181; 1994-057; 1996-108; 2001-077; 2004-033; 2009-002; 2021-047

REVISED DATES: 12/15/1986; 3/2/1987; 6/6/1988; 6/15/1992; 12/6/1993; 4/4/1994; 8/5/1996; 7/2/2001; 4/5/2004; 1/20/2009; 3/16/2009; 12/6/2010; 8/5/2013; 3/3/2015; 9/20/2016; 6/20/2017; 8/1/2017; 12/4/18/; 8/20/19; 12/3/19; 6/1/2021; 11/2/2021; 9/20/22; 2/7/2023; 11/21/2023; 8/6/2024

APPROVED:

PURPOSE

To establish procedures which standardize Town agendas and ensure an orderly meeting. This Policy applies to Town Council and all Town Boards, Commissions, and Committees, and references to Mayor will apply to Boards, Commissions, and Committees Chairpersons as applicable.

POLICY

The following policies have been established:

A. Order of the Agenda

Subject to the Mayor's, ~~or Chair's~~, discretion to change the order of consideration of any agenda item during any individual meeting:

- Call Meeting to Order
- Roll Call
- Pledge of Allegiance
- ~~Appointments~~
- Presentations
- ~~Closed Session Report~~
- ~~Council Matters~~
- ~~Manager Matters~~
- Consent Calendar
- Verbal Communications
- Public Hearings

TITLE: Town Agenda Format and Rules	PAGE: 2 of 10	POLICY NUMBER: 2-01
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Other Business

Council Matters

Manager Matters

Closed Session Report

Adjournment (No later than ~~midnight~~ 11:00 p.m. without vote)

B. Closed Session Report

As required by the Brown Act, the Town Attorney will report on actions taken at the Closed Session, but without reporting any information which could damage the Town's position on a) potential or existing litigation, b) the acquisition or disposition of property, or c) any employee's privacy interests. In addition, the Closed Session agenda shall clearly identify the subject of each agenda item consistent with the requirements of the *Brown Act*.

C. Communications by Members of the Public

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.

1. *Verbal Communications.* Comments by members of the public during the initial Verbal Communications portion of the agenda on items not on the Council agenda shall be limited to 30 minutes and no more than three (3) minutes per speaker, or at the discretion of the Mayor. As an item not listed on the agenda, no response is required from Town staff or the Council and no action can be taken. However, Council may ask staff to provide clarifying information~~the Council may instruct the Town Manager to place the item on a future agenda. At the conclusion of the first~~After 30 minutes of Verbal Communications has elapsed, the Mayor will conclude Verbal Communication and agenda will proceed onto the ~~Public Hearings and Other Business~~remaining sections of the agenda. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications section can be opened prior to Adjournment.

2. *Public Hearings.* Presentations during the Public Hearings portion of the agenda by appellants and applicants, including any expert or consultant assisting with the presentation, shall be limited to a total of no more than five (5) minutes for all speakers. Appellants and applicants shall be provided no more than three (3) minutes to rebut at the end of the public hearing. Other members of the public testifying at public hearings shall be limited to no more than three (3) minutes.

~~3. *Submittal of written materials by Applicant and Appellant.* To allow Town Council, Boards, Commissions, Committees, Town Staff, and the public the opportunity to review material in advance of a hearing, all materials submitted by the Applicant or Appellant must be received by the Town Clerk fourteen (14) days prior to the scheduled public hearing. Documents and materials received from the Applicant or Appellant after the deadline will be accepted; however, the Town Staff may not have the time to analyze the documents and material, and Town Council may not have the time to consider~~

TITLE: Town Agenda Format and Rules	PAGE: 3 of 10	POLICY NUMBER: 2-01
--	-------------------------	-------------------------------

~~materials submitted after the deadline. The submittal of any additional material by the Applicant or Appellant shall not be considered prima facie evidence (sufficient to establish a fact or raise a presumption) under Town Code Section 29.20.300.~~

3. Other Agenda Items. Comments by members of the public concerning any other item on an agenda shall be limited to no more than three (3) minutes per item.

4. Mayor's Discretion. All time limits noted above shall be subject to change at the Mayor's discretion. ~~If a member of the public speaks on the wrong item, the time used would be deducted from the speaker's overall public comment time allowance on the correct item.~~

D. Consent Calendar

Items on the Council agenda that are considered to be of a routine and non-controversial nature are placed on the Consent Calendar. Typical items include meeting minutes, final reading and adoption of ordinances, resolutions approving agreements, awards of contracts, status staff reports, etc.

Consent items shall be approved by a single Council motion unless a member of the Council requests that an item be removed for separate Council action. Members of the public may speak on an item on the Consent Calendar during the public comment portion before the Council votes on the Consent Calendar. Items removed from the Consent Calendar may be considered at that meeting at the Mayor's discretion. ~~If an item is removed for discussion, members of the public may speak to that item even if they previously spoke on the item during public comment.~~

E. Presentations

The Presentations portion of the agenda is intended to allow organized groups to make formal presentations to the Council and to recognize and honor deserving individuals and organizations. All matters included on the Presentations portion of the agenda require the prior approval of the Mayor and shall be limited to no more than ten (10) minutes, unless the Mayor grants additional time.

F. Council Matters

Members of Council may report on the activities of the committees to which they belong or the meetings they attend, question staff briefly on matters upon which the Council has taken action or given direction, make brief announcements, or discuss whether to place particular items on future agendas for action by the Council. ~~Future agenda items to be briefly discussed here shall be identified consistent with Section G of this Policy, or may be raised for the first time under this item.~~

TITLE: Town Agenda Format and Rules	PAGE: 4 of 10	POLICY NUMBER: 2-01
--	-------------------------	-------------------------------

During the Council Matters portion of the meeting, any Councilmember may request that an item be placed on a future agenda for Council discussion. If a second Councilmember supports the request, the item will be scheduled on the next agenda under Council Matters for discussion purposes only. These discussion items are intended solely for dialogue between Councilmembers and shall not require staff research, reports, or preparation beyond listing the item on the agenda. If, after such discussion, three or more Councilmembers support further consideration, the item shall be placed on a future agenda for formal action. At that time, staff will prepare the necessary materials and reports consistent with standard agenda procedures.

Nothing shall limit three or more Council members from providing direction on requesting action at any time.

G. Adjournment

Council meetings will be adjourned at ~~midnight~~ 11:00 p.m. unless a majority of the Council Members present vote to extend the adjournment time.

H. Americans with Disabilities Notice on Town Agendas

As part of the requirements under the Americans with Disabilities Act, the Town is required to provide notice of whom to contact in advance of a public meeting for assistance to disabled individuals who might wish to participate. The following notice shall be provided in at least one location on each Town agenda for Council, Boards, Commissions, or Committees.

In compliance with the Americans with Disabilities Act, if you ~~require~~ need special assistance to participate in this meeting, please contact the Clerk's Office at (408) 354-6834. ~~Notification-Please notify the Clerk's Office~~ at least two (2) business days prior to the meeting ~~date to enable the Town to make~~ so that reasonable arrangements can be made to ensure accessibility ~~to this meeting in compliance with {28 CFR §35.102-35.104}~~ and related provisions.

I. Preparation of the Agenda

The agenda is prepared by staff in consultation with the Mayor to ensure efficient and orderly meetings. The Mayor's role is collaborative and advisory in this process, not unilateral. The process for requesting a proposed item on the agenda is described in Section F. ~~for the Mayor's final approval. If there is a disagreement between the Mayor and staff, the Mayor makes the ultimate call on the Agenda and its items. Any member of the Council may submit a request through the Town Manager or directly to the Mayor to make a change or addition to the agenda. In no event may the subject of whether to amend the agenda be discussed outside of a public meeting by more than two (2) members of the Council.~~

TITLE: Town Agenda Format and Rules	PAGE: 5 of 10	POLICY NUMBER: 2-01
--	-------------------------	-------------------------------

~~Items thus proposed to be added to the agenda require the Mayor's agreement to be added for action. If the Mayor does not agree, the item shall be listed on the agenda for discussion purposes only under the Council Matters section of the agenda. Council may then discuss whether to place the item on a future agenda for action. Two (2) or more members of the Council must vote in favor of placing an item on a future agenda for action. The Mayor in good faith will make every effort to place the item on the first available Council agenda in consultation with the Town Manager.~~

~~If the wish of the Council is to add an item on the agenda of the current meeting, then the Brown Act generally requires a two-thirds (2/3) vote or a unanimous vote of those present if less than five (5) Council Members are present, with a finding that there is a need to take immediate action and the need for action came to the attention of the Town after the agenda was posted.~~

J. Council Regular Meeting Agenda Schedule and Preparation

In general, questions or inquiries from Council Members to the Town Manager and/or Town Attorney regarding agenda items should be responded to within 24 hours, and then placed into Addenda and/or Desk Items, as appropriate.

The following timeline outlines the standard schedule for finalizing and distributing Town Council meeting materials. While this schedule is intended to be followed under normal circumstances, adjustments may occur based on staff availability, meeting demands, or unforeseen circumstances.

Thursday, prior to the meeting	Written agenda is finalized and printed. Agenda packets distributed to Town Council Members. Public comments on agenda items received by 11:00 a.m. will be included in the agenda packet.
Friday, prior to the meeting	Additional information from staff available after the Thursday distribution of the agenda packet, and public comments received prior to 11:00 a.m. on Friday will be distributed to Town Council members as an Addendum to a staff report.
Monday, prior to the meeting	Additional information from staff available after the Friday Addendum and public comment received prior to 11:00 a.m. <u>3:00 p.m.</u> on Monday will be distributed to Town Council members as an Addendum to a staff report.
Day of Council Meeting	Council comments and questions received by 7:00 a.m. and P public comments received by 11:00 a.m. on the morning of a Council meeting will be included in a Desk Item for distribution to Town Council members by 3:00 p.m. on the afternoon of a Council meeting, <u>or as staff availability permits.</u> Council comments and questions received after 7:00 a.m. may be addressed during the Council meeting. Public comment received after 11:00 a.m. will not be distributed to the

TITLE: Town Agenda Format and Rules	PAGE: 6 of 10	POLICY NUMBER: 2-01
--	-------------------------	-------------------------------

Council in the Desk Item; however, public comment may be submitted by individuals during the Council meeting.

~~In general, questions or inquiries from Council Members to the Town Manager and/or Town Attorney regarding agenda items should be responded to within 24 hours, and then placed into Addenda and/or Desk Items, as appropriate.~~

K. Agenda Posting

~~Council~~ Agendas shall be posted at least 72 hours prior to a regular meeting, and at least 24 hours prior to a special meeting. ~~Notice of any meeting of a formally appointed Committee where two Council Members could be present shall be posted at least 24 hours in advance of any such meeting with a note as to the time and location, and an invitation to the public to attend.~~

L. Conduct of Town Council Meetings

The Council shall adopt Rosenberg's Rules of Order with a modification to the Format for an Agenda Item Discussion to add an opportunity for Council Members to ask technical or clarifying questions after public comment; and a modification to reconsider process to allow a reconsideration of a motion as outlined in this policy under Section.:

- ~~1. Robert's Rules of Order or~~
- ~~2. Some other rules of order, or~~
- ~~3.1. Allow the Mayor to conduct the meeting as deemed appropriate so long as all members of the Town Council concur.~~

M. Attendance at Meetings

The Town Council and Commissioners are expected to attend all meetings as part of their commitment to their positions. Attendance requirements for Commissioners are set forth in Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum. Consistent with the Family Medical Leave Act and the California Family Rights Act, absences of up to 12 weeks due to the birth of a child constitute excused absences.

N. Remote Attendance

In addition to the requirements of the Brown Act, the following guidelines apply to Town meetings:

1. Town Council Meetings: Requests by Council Members to attend a regular Council meeting via remote appearance (either Zoom or telephone) are allowed on a limited basis and with no more than two remote participations in a row. ~~Remote attendance shall be permitted for a medical, family or work event requiring a Council Member's absence or in the event the Council Member is out of the area on official Town business.~~ In addition, at least a quorum of the Council must participate from a location within the Town and comply with other requirements of the Brown Act. When a Council Member

TITLE: Town Agenda Format and Rules	PAGE: 7 of 10	POLICY NUMBER: 2-01
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is participating remotely, they shall have their camera on and be visible for the duration of the meeting.

2. Town Board, Committee, and Commission Meetings: Board, Committee, and Commission members may participate remotely by telephone only, with the exception of the Finance and Planning Commissioners who have the choice of either Zoom or telephone. Requests by Commissioners to attend a Commission meeting via remote appearance should be allowed on a limited basis ~~to mirror the existing attendance requirements~~, with no more than four remote participations annually, no more than two remote participations in a row, and in compliance with the Brown Act.
 3. Remote Participation by the Public: With the exception of Town Council Closed Sessions, the public may participate in Town Council, Finance Commission, and Planning Commission meetings remotely ~~as technology allows by following the remote participation instructions that are provided on the agenda. Individuals can join these meetings using the remote participation instructions provided on the agenda, based on the available technology and equipment.~~ The remote participation instructions shall be provided on all Town Council, Finance Commission, and Planning Commission agendas with the exception of Town Council Closed Sessions. There is not a remote public participation option for other Town Boards, Committees, or Commissions.
- O. Proposed Reconsideration of Prior Council Actions
Reconsideration of prior Council actions is discouraged and may only occur in special circumstances subject to the procedural restrictions outlined herein. Reconsideration does not include, and this Policy does not prohibit, the repeal of a resolution or ordinance in response to a lawsuit or a referendum challenging that adoption.

~~Step 1~~ — 1. Motion to Place Reconsideration of a Prior Action on a Future Council Agenda

- a. The motion must be made by a Council Member who previously voted on the prevailing side of the prior action, ~~while the second can be any Council Member~~ ;
- b. The maker of the motion shall specifically articulate the new information, analysis and/or circumstances that warrant(s) reconsideration of the prior action;
- c. The motion must be adopted by a majority of the full Council; and
- d. The motion may only be made and considered at the ~~same meeting or at the~~ next regularly scheduled meeting of the Council after the item was originally acted upon.

~~Step 2~~ — 2. Full Reconsideration of the Prior Action, if a motion as outlined in Step 1 is approved.

- a. The full reconsideration of the prior action will be placed on the next available Council agenda following the agenda-setting and required public notification process.

TITLE: Town Agenda Format and Rules	PAGE: 8 of 10	POLICY NUMBER: 2-01
--	-------------------------	-------------------------------

- b. The agenda, public notification and staff report for the full reconsideration of the prior action shall clearly state that the item has been previously acted upon by the Council and is being reconsidered by the Council.
- c. Action on the reconsideration of the prior action shall adhere to regular Council policies and practices as if the item was being heard for the first time.
- d. The full reconsideration of the prior action (whether sustained, reversed or otherwise modified) will be the final action on that item, and no further reconsiderations will be considered.

P. Motions by the ~~Chairperson~~Mayor

The ~~Chairperson-Mayor of the meeting~~ may make or second motions. The ~~Chairperson Mayor~~ may also restate, or ask that the maker restate, all motions immediately prior to any vote.

Q. Behavior Expectations and ~~Maintaining Civility~~Consequences at Town Council Meetings

At each meeting, the Mayor should welcome the public to participate in the meetings, understanding that the purpose of the meeting is to conduct the important business of the Town in an efficient and effective manner. The Mayor may promote constructive communication by asking Council members, staff, and community members to embrace and adhere to the following values:

- Be respectful, welcoming, inclusive, compassionate, and kind to each other,
- Appreciate the diversity of perspectives and views in our community,
- Express your views and share your perspectives in helpful ways,
- Listen to understand and empathize with each other, and
- Collaborate and work together to do what is best for Los Gatos.

As needed, the Mayor may need to remind the public about the Town's civility rules listed below:

1. 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.
2. The Town embraces diversity and strongly condemns hate speech and offensive, hateful language or racial intolerance of any kind at Council meetings.
3. 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.

TITLE: Town Agenda Format and Rules	PAGE: 9 of 10	POLICY NUMBER: 2-01
--	-------------------------	-------------------------------

4. 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.

R. Managing Disruptive Behavior During Meetings

The Town will go through the following steps if a disturbance requires an individual to be removed from the meeting~~results from a member of the public not following these rules:~~

1. ~~If participating remotely, Town staff may mute the individual with an explanation for the record of why muting occurred consistent with this Policy the Mayor, or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. If they do not promptly cease their disruptive behavior after the warning their permission to speak will be removed.~~
2. ~~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 or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. If the speaker does not promptly cease their disruptive behavior, after the warning they may be removed from the meeting.~~
3. In accordance with Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

Nothing in this policy limits other options to resolve disruptions, including but not limited to, taking a recess.

TITLE: Town Agenda Format and Rules	PAGE: 10 of 10	POLICY NUMBER: 2-01
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APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney