



TOWN OF
LOS GATOS
CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service

Community Stewardship

Future Focus

Title: Town Council Roles and Responsibilities,
Including Code of Conduct

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Approved:

I. Preamble

This Policy sets forth the roles, responsibilities, and Code of Conduct for Council Members. The legal responsibilities of the Los Gatos Town Council are set forth by applicable state and federal laws. In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials. The purpose of this Policy is not only to ensure legal compliance but also to promote the public's trust in Town government, foster a culture of respect and ethical behavior. The Council recognizes that effective governance depends on transparency, accountability, and mutual respect among Council Members, staff, and the public.

II. Council-Manager Form of Government

The Town of Los Gatos operates under a Council-Manager form of government as prescribed by Town Code, Section 2.30.305. Accordingly, members of the Council are elected at-large, provide legislative direction, set Town policy, and ultimately answer to the public. The Town Manager serves as the Town's chief administrative officer and is responsible for directing the day-to-day operations of the Town and implementing policy direction.

III. Town Council Roles and Responsibilities

The role of the Town Council is to act as a legislative and quasi-judicial body. Through its legislative and policy authority, the Council is responsible for assessing and achieving the community's desire for its present and future and for establishing policy direction to achieve its desired outcomes. All members of the Town Council, including those who serve as Mayor and Vice Mayor, have equal votes.

Members of the Town Council fulfill their role and responsibilities through the relationships they have with each other and the public. Town Council Members should approach their

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work, each other, and the public in a manner that reflects ethical behavior, honesty and integrity. The commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving.

IV. Mayoral and Vice Mayoral Selection Process

Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special meeting in December by majority vote of the Town Council. The Mayor and Vice Mayor serve at the pleasure of the Town Council and may be replaced by a majority vote of the Council.

V. Mayoral and Vice Mayoral Roles, Responsibilities, Relationships

The following outlines some of the key roles, responsibilities, and relationships as they relate to the positions of Mayor and Vice Mayor:

Mayor

- A. The Mayor is the presiding officer of the Town Council. In this capacity, the Mayor is responsible for developing Council agendas in cooperation with the Town Manager and leading Council meetings.
- B. The Mayor recommends various standing committee appointments to the Council for approval.¹ This will be done at a Council meeting in December of each year. When making committee recommendations, the Mayor should attempt to balance shared responsibilities and opportunities among Council Members. The Mayor may also appoint citizens to committees not established by Town ordinance or resolution as the Mayor deems appropriate.
- C. With regard to decisions made by a majority of the Town Council, the Mayor is responsible for communicating with the Town Council, the Town Manager, members of the public, and the media regarding decisions made by a majority of the Town Council. The Mayor also represents the Council at official and ceremonial occasions.
- D. The Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the Town, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, and delivering the State of the Town Address at his or her discretion.² The Town Council will determine any additional authority or duties that the Mayor shall perform.
- E. Special duties consistent with the Mayoral office may be delegated to the Vice Mayor in the absence of the Mayor. If the Vice Mayor is unavailable, the duties of the Mayor will be delegated to another Council Member in order of seniority. If those Council Members are of equal seniority, one of them will be selected by alphabetical order.

¹ Council Agenda Format and Rules Policy

² Council Commendation and Proclamation policy

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Vice Mayor

A. In the Mayor's absence, the Vice Mayor shall perform the formal duties of the Mayor.³ If the Vice Mayor is unavailable, the duties of the Mayor will be delegated to another Council Member in order of seniority. If those Council Members are of equal seniority, one of them will be selected by alphabetical order.

VI. Council Conduct in Public Meetings

To ensure the highest standards of respect and integrity during public meetings, Council Members should:

- A. *Use formal titles.* The Council should refer to one another formally during Council meetings, such as Mayor, Vice Mayor, or Council Member, followed by the individual's last name.
- B. *Practice civility and decorum in discussions and debates.* Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, Council Members should be respectful of others and diverse opinions and allow for the debate of issues.
- C. *Honor the role of the presiding officer in maintaining order and equity.* Respect the Mayor/Chair's efforts to focus discussion on current agenda items.
- D. *Council decisions should be reserved until all applicable information has been presented.*
- E. *Conduct during public hearings.* During public testimony, Council Members should refrain from engaging the speaker in dialogue. 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. For purposes of clarification, Council Members may ask the speaker questions. Council comments and discussion should commence upon the conclusion of all public testimony.
- F. *Communication during meetings.* Council Members shall not use private electronic communication (including text messages, emails, or direct messages on social media) to discuss any item of Town business during public meetings. All such communications related to Town business are subject to public records laws.

VIII. Legal Requirements

The Town Council operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town's legal officer and is available to advise the Council on these matters.

A. Training

Biannual training in the following areas shall be provided by staff to Council Members:

³ Council Agenda Format and Rules Policy

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1. The Ralph M. Brown Act
2. Town / CA State Law on Conflict of Interest (AB 1234)
3. Government Section 1090
4. Incompatible Offices
5. The Fair Political Practices Commission Forms
6. Bias
7. Town / CA State Law on Harassment (SB 1343)

B. Procurement

Unless authorized by the Town Council, Council Members shall not become involved in administrative processes for acquiring goods and services.

C. Land Use Applications

1. Ex parte communications. The merits of an application shall only be evaluated on information included in the public record. Council Members shall disclose ex parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the Town Council. Council disclosure shall occur before Council deliberations.
2. Quasi-Judicial Decisions. Council Members may not offer an opinion indicating that a preliminary decision has been reached prior to the public hearing or make any statements indicating bias. Quasi-judicial statements are those in which a decision-maker is required to render a decision by applying the law to particular facts presented at a hearing on the matter. Examples of quasi-judicial decisions are certain land use entitlements, permit appeals, and license revocations.

D. Code of Conduct Policy

Newly elected Council Members are required to sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy.

IX. Council Participation in Boards, Commissions, and Committees, and Reporting Requirements

There are several committees that Town Council Members have been appointed to or have an interest in, including but not limited to: Town Council standing and ad hoc committees, Town boards and commissions, regional boards and commissions, and community-generated committees.

Primary Council representatives should update the Council about board, commission, and committee activities. When serving as the primary Council representative on any board, commission, or committee, Council Members should periodically provide updated reports to the Council during the "Council Matters" opportunity on the Council meeting agenda.

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Recommended actions by Council Committees should be reported to the Council. When serving on a Council Committee, whether standing or ad hoc, all work undertaken by the Committee must be directed by the Council, and all recommended actions of a Council Committee shall be reported to the Council.

X. Council Relationship with Town Staff

The Town Council has adopted a Council-Manager form of government. The Town Manager's powers and duties are outlined in the Town Code, Section 2.30.295.

Council Conduct and Communication with Town Staff

To enhance its working relationship with staff, Council should be mindful of the support and resources needed to accomplish Council goals. When communicating and working with staff, Council should follow these guidelines:

- A. *Council Members should treat staff as professionals.* Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with Town staff.
- B. *Council Members should direct questions about policy, budget, or professional opinion to the Town Manager, Town Attorney, or Department Directors.* Council Members can direct questions and inquiries to any staff for information that is readily available to the general public or easily retrievable by staff.
- C. *The Town Manager and staff are responsible for implementing Town policy and/or Council action.* The processing of Council policy and decisions takes place with the Town Manager and staff. Council should not direct policy/program administrative functions and implementation; rather, it should provide policy guidance to the Town Manager.
- D. *Council Members should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings.* Early feedback will enable staff to address Council questions and incorporate minor corrections or changes to a Council report, resulting in a more efficient Council meeting discussion; however, this does not preclude Council Members from asking questions at Council Meetings.
- E. *Council Members should not direct the Town Manager to initiate any action, change a course of action, or prepare any report without the approval of Council.* The Town Manager's responsibility is to advise on resources available and required for a particular course of action as it relates to the direction of the majority of the Council.
- F. *Council Members should not attend department staff meetings unless requested by the Town Manager.*
- G. *All Council Members should have the same information with which to make decisions.* Information requested by one Council Member will be shared with all members of the Council.
- H. *Concerns related to the behavior or work of a Town employee should be directed to the Town Manager.* Council Members should not reprimand employees.

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- I. *Per California Government Code, Sections 3201-3209, Council Members should not solicit financial contributions from Town staff or use promises or threats regarding future employment.* Although Town staff may, as private citizens with constitutional rights, support political candidates, such activities cannot take place during work hours, at the workplace, or in uniform.

XI. Council Communication with the Public and other Council Members

The public has a reasonable expectation of being able to engage Town Council Members on matters of community concern. To meet this expectation while maintaining the integrity of Council proceedings and the clarity of Town positions, the following guidelines shall apply:

A. Expressing Opinions:

Council Members may express preliminary opinions on general policy matters or issues that are still in development. However, Council Members shall not express opinions or make statements regarding quasi-judicial matters—such as land use entitlements, permit appeals, or license revocations—prior to the public hearing and Council deliberation.

B. Personal Views and Policy Disagreement:

Council Members may, from time to time, share opinions regarding broad policy matters, even if those opinions conflict with adopted Council policy, or explain the reasoning behind an individual vote. When doing so, Council Members must clearly distinguish their personal views from official Town positions.

C. Clarity of Representation:

Unless expressly authorized by the Town Council, Council Members must not represent their personal opinions or those of others as official Town policy or as the position of the full Council or staff. In all communications, whether in writing, at community events, or in the media, Council Members should use clear language such as:
“Speaking for myself and not on behalf of the Town Council...”

D. General Conduct:

Council Members are expected to communicate honestly, respectfully, and transparently, and to avoid statements or implications that could mislead the public, other agencies, or Town staff regarding the official position of the Town or Town Council.

These requirements are intended to ensure open communication with the public while safeguarding the integrity of Council proceedings and the clarity of official Town positions.

XII. Enforcement

A. Purpose

The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Councilmembers. This section describes a process to facilitate the reporting of Code of Conduct policy violations or other misconduct and provides guidelines on responding to such reports.

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B. Procedures

1. Reporting of Complaints – Complaints related to a Council Code of Conduct policy violation or other misconduct shall be submitted through the Town Clerk in writing or in any other such form that can be reviewed, documented, retained, and transmitted to the Town Council.
 - a. The submission of a complaint is to allow the Town Council to receive and potentially consider further action related to such complaint.
 - b. The validity of any allegations provided through complaint can only be determined by the entire Town Council.
 - c. Complaint submission alone or a lack of Town Council action on the complaint is not a determination of validity on the basis of the complaint.
2. Submission of Complaint - To ensure completeness in the submission, the complaint should include the following information:
 - a. The identity of the complainant (unless protected by law);
 - b. Written narrative describing specifically the nature of the violation or misconduct and the individuals involved in such activity;
 - c. Citing the specific policy, code, regulation, or other authoritative guidance which is alleged to have been violated; and
 - d. Providing additional materials and evidence in support of the allegations.
 - i. If contact information is provided, the Town Clerk will acknowledge receipt of the submission.
3. Routing, Notification, and Retention
 - a. The Town Clerk will create a log of each complaint, maintain an updated status as to open/closed cases, and will retain any complaint and submitted material in accordance with the Town's document retention schedule.
 - b. Upon receipt, the Town Clerk will forward the complaint submission to the Town Attorney, and Town Manager.
 - c. Unless restricted by law, within five (5) business days of receipt, the Town Council shall receive notice of the complaint from the Town Clerk, including:
 - i. A copy of the complaint and any supporting documentation; and
 - ii. The identity of the complainant (unless protected by law).
4. Consideration of Complaint - The authority to review, consider, and act on a complaint is the responsibility of the Town Council. The process includes two steps – Informal and Formal.
 - a. Informal Review – The purpose of this first step is to allow Councilmember(s) to address any perceived concerns related to a complaint in a non-threatening and collaborative manner.
 - i. Any Councilmember can meet with the member, subject to the complaint, to engage in informal resolution of the complaint.
 - b. Formal Review – This second step is intended when two Councilmembers believe that the complaint is significant and Informal Resolution is not sufficient or was inadequate for the matter alleged.

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- i. During Council Matters, a Councilmember can request the agendizing of a submitted Code of Conduct complaint, and such will be agendized if there is one additional Councilmember concurring with the request.
- ii. Upon this action, Town staff will coordinate with the Mayor on the date of such agenda item, with the item to be heard no later than 60 days after the date of the request, or sooner as otherwise specified by the Town Council.
- c. Nothing in this policy will restrict the referring of any complaint to another appropriate reviewing body when required by law or the nature of the complaint (i.e., criminal conduct, FPPC violation, etc.).
- d. Unless otherwise provided by law, any complaint filed that within 60 days of the original Council notification date and has not been requested for Formal Review, shall be deemed expired and closed. No further proceedings will be available.
- e. After expiration or consideration by the Town Council, the complaint cannot be resubmitted for the same policy violation or misconduct previously alleged.

C. Formal Review Process

1. **Agenda Preparation** – The Town Attorney will prepare an agenda item providing the complaint and supporting material.

- a. The agenda item will be listed under Council Matters and described as “Discussion and Consideration of Action Related to a Code of Conduct Violation Against Councilmember _____.”
- b. The agenda staff report will include a brief introduction to the Code of Conduct policy and complaint process and will provide the possible actions the Council may consider.
- c. Redaction of personally identifiable information will be at the discretion of the Town Attorney.

2. **Council Discussion and Possible Action**

- a. The agendizing Councilmember will introduce the item citing, the nature of the complaint and the specific policy, code, regulation, or other authoritative guidance that is alleged to have been violated.
- b. The Councilmember(s) subject to the complaint shall have the opportunity to speak to the item.
- c. Public comment will be opened on the matter.
- d. The Councilmember(s) subject to the complaint shall have the opportunity for a rebuttal.
- e. The Council will deliberate on the item. If three Councilmembers believe that the violation or misconduct occurred, the Council will need to make a motion and second the motion sustaining the specific allegation and making a recommendation for disciplinary action.

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3. **Sanction** – One or more of the following sanctions may be imposed on a Council member at the Council’s discretion:
- a. No Action
 - b. Public Admonishment – A warning directed publicly at a Council Member regarding specific behavior.
 - c. Revocation of Special Privileges – Temporary or permanent removal of committee assignments, board or commission appointments, official travel privileges, conference attendance, or ceremonial titles such as Mayor or Vice Mayor.
 - d. Censure – A formal statement or resolution by the Council officially reprimanding a Council Member.
 - e. Suspension from Mayoral and Vice Mayoral Selection Process – Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special meeting in December by majority vote of the Town Council. The Council can act to deem a Councilmember ineligible to serve for a specified period.

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney