




MEETING DATE: 12/4/14
ITEM NO: 4

POLICY COMMITTEE REPORT

DATE: DECEMBER 2, 2014
TO: COUNCIL POLICY COMMITTEE
FROM: GREG LARSON, TOWN MANAGER 
SUBJECT: WORKPLAN FOR A COMPREHENSIVE REVIEW OF THE TOWN COUNCIL POLICIES

RECOMMENDATIONS:

1. Approve the proposed workplan to review and update the Town Council policies.
2. Approve the new Council Policy Template

BACKGROUND:

The Town Council is responsible for establishing municipal policies that provide clear direction for process and procedures by which the Council and staff shall conduct business and activities. Examples of these policies include Town Council Policies, Town Code, General Plan, Design Guidelines, and Area Plans. In addition, the Town also has resolutions, some of which contain embedded processes and procedures. The Town Manager is responsible for ensuring that the Town organization adheres to all these Council adopted policies.

One of the many benefits of having established policies and procedures is greater consistency as well as more government transparency and accessibility by staff and the public. The Town Council policies are posted online, and hard copies are also available at Town Hall. Other policy documents such as the Code, General Plan, Design Guidelines, and Area Plans are also available online, in the Library, and at Town Hall.

Based on discussions during the Town Manager's annual performance evaluation, staff will be proposing a new Strategic Goal for 2015-16 directing a comprehensive review of Town Policies and Procedures. This initial workplan first focuses on Council-adopted policies.

PREPARED BY: VILCIA RODRIGUEZ 
Special Project Coordinator

Reviewed by: ULF Assistant Town Manager _____ Town Attorney _____ Finance

Staff's initial search for and review of Town policies, procedures and guidelines have provided a better understanding of the magnitude of this project, the complexity of some of the policies, and the time and staff resources needed to complete this project. For example some policies will need community and stakeholder participation. Others will need multi-department participation and coordination.

Given this information, the Town's limited staff resources, and other projects/Council priorities, the Town Manager's Office is recommending a phased approach for completing this project.

Significant work has already started for updating the Town Council Policies for consideration by the Policy Committee and ultimately the Town Council. Town staff has also given thought to a Town Council Policy Manual to organize and maintain the Policies in a single location as well as online. The Town Manager's Office is recommending that this work continue.

This Committee report details the preliminary work conducted by staff, and the proposed workplan for the first phase of this project, review of the Town Council Policies. Staff review of other policies, guidelines, procedures, ordinances and resolutions will be addressed separately at future Policy Committee meetings. It is anticipated that work associated with Town Resolutions will require more staff time to carefully evaluate the policies and procedures embedded within some resolutions, and the creation of new Council policies may be identified through this process.

DISCUSSION:

Staff has begun compiled existing Town Council Policies which consist of policy actions established by Town Council resolution or action pertaining to finance, council operations, planning, etc. To date, staff has found 25 Policies, all of which are available online at <http://www.town.los-gatos.ca.us/2201/Council-Policy-Manual>

Methodology

In an effort to manage staff workload and expectations while keeping this project moving forward, the Town Manager's Office has developed a proposed framework and schedule for this project.

Staff has reviewed the 24 Policies, and has developed three categories to help organize the Policies and the work recommended for each one. The categories are as follows: Category 1: Revise, Category 2: Validate, and Category 3: Rescind. These categories and the recommended action for each individual policy were based on the initial review work conducted by staff and on the following approach:

- Research of current/revised laws governing practices or Town Policies in conjunction with the Town Attorney's Office
- Review of superseding Council Policies
- Identification of any policy redundancy

Below is a description of the categories:

Category 1: Revise – This category includes policies that need moderate to significant revisions and may require multiple department participation, coordination of changes with other policies, possible stakeholder outreach, and/or creation of a new policy.

Category 2: Validate – This category includes policies that have recently been updated, newly developed, or do not require any changes. These policies can be quickly scheduled for Council review and validation as policies to maintain.

Category 3: Rescind – This category includes a set of policies that staff has identified as being outdated, obsolete, redundant, or superseded by other Council action or policy. These policies can be quickly scheduled for Council approval to rescind and delete.

Attachment 1 provides an inventory of the current Town Council Policies, including policy purpose, effective date, and revised date. It also outlines staff's recommended action for each Policy and estimated completion date. Staff is recommending that the Policy Committee consider 10 policies for validation; six (6) for rescission; six (6) for revision, and three (3) under Policy Committee/Council review. Copies of each individual Policy are included in Attachment 2.

Staff has done its due diligence in locating all Town Council Policies. However, in the case that a new Policy is uncovered in the course of this project, staff will notify the Policy Committee of this immediately.

Council Policy Template and Numbering

Staff has developed a template for Town Council Policies for compilation in a single Council Policy Manual (see Attachment 3). The template would help distinguish these Policies from other Town policies. The new template standardizes the look and the required information that must be included in each Policy (e.g. purpose, scope, etc.).

Staff is also recommending that these policies be divided into categories according to their purpose to help organize them in manner that makes it easier for the Council, staff, and the public to track and locate them. For example, Policies that relate to Council functions and responsibilities would fall under Council Operations. Policies that relate to purchasing, expenditures, reimbursements, and budget would fall under Finance and Accounting. This would allow for easier and quicker access to policies by staff and the public, and would also enhance government transparency.

Staff further recommends that a numbering system also be implemented to catalogue each Policy. Currently there is no numbering system, and the Town Council Policies are tracked by their title only. Adding a numbering system will facilitate Policy tracking, and help identify any missing Policies in the future.

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COUNCIL POLICY COMMITTEE

SUBJECT: Workplan for a comprehensive review of the Town Council Policies

DECEMBER 2, 2014

Online Posting

Council Policies are currently posted online on the Town's website under *Government Documents*. They will stay posted online until Council takes action. When a Policy is scheduled for revision, staff will notice it so that the public is made aware of the Town's intention to revise the Policy.

CONCLUSION:

At the conclusion of this project, it is the goal of the Town Manager's Office to have an updated Council Policy Manual that is easily accessible by staff, Council and the public.

ENVIRONMENTAL ASSESSMENT:

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

FISCAL IMPACT:

No financial impact associated with this recommendation.

Attachments:

- 1: Inventory of Town Council Policies
- 2: Individual Town Council Policies
- 3: Town Council Policy Template

POLICY #	POLICY TITLE	BRIEF DESCRIPTION	EFFECTIVE	MOST RECENT REVISION	ENABLING ACTIONS	STAFF RECOMMENDATION			JUSTIFICATION
						Recind	Validate	Revise	
COUNCIL OPERATION									
1	Town Council Agenda Format and Rules	To establish procedures which standardize the Town Council agenda and insure an orderly meeting.	12/15/1986	12/6/2010	1986-183; 1987-124; 1993-181; 1994-57; 1996-108; 2001-77; 2004-33; 2009-002				This Policy is currently under review by the Policy Committee.
2	Standard Town Council Report Format	To facilitate Town Council decision making.	2/10/1992	12/14/2000					This Policy is currently under review by the Policy Committee.
3	Public Access to Council Decision Making	To establish procedures which insure that the public has access to Council decision making.	5/18/1992			X			Rescind and combine this Policy with the Town Council Agenda Format and Rules Policy.
4	Appointments and Memberships	To set out the process for: (1) Appointing citizens to boards, commissions and committees; (2) Appointing Council members to various boards, commission and committees; (3) Council membership on non-profit boards of directors.	6/15/1992			X			Rescind and combine this Policy with the Commission Appointment Policy, which includes detailed process and guidelines for recruitment and appointment of citizens to Boards, Commissions and Committees.
5	Commission Appointments	To establish policy to encourage participation by Town residents on Town Boards, Commissions and Committees.	2/28/1990	6/13/1994				X	Revise and combine this Policy with Appointments and Memberships to establish a detailed process and guidelines for recruitment and appointment of citizens to Boards, Commissions and Committees.
6	Policy Statement Concerning Commendations and Proclamations	To clarify the process for issuing proclamations and commendations.	1/19/1993					X	Staff recommends revisions to this Policy.
7	Americans with Disabilities Notice on Town Agendas	To provide access to public meetings of the Town.	8/2/1994			X			Rescind this Policy and incorporate it as part of the Town Council Agenda Format and Rules Policy, which establishes a standard template for Council meetings.
8	Naming Town-Owned Facilities	To establish a policy for naming Town-owned facilities.	10/21/1996		Resolution 1996-133		X		This Council Policy reflects current practice and Council direction.
9	Access and Retention to Video Recorded Media of Council Meetings	To establish the process by which the public and staff may obtain video recorded media and maintain copies of Council, Board, Commission and/or	4/7/2003			X			Rescind and combine with the Records Retention Policy as a Town Administrative Policy, and update the Policy to align with Town's use of new technology and current process.
10	Town Council Code of Conduct Policy	To establish guiding principles for appropriate conduct and behavior and sets forth the expectations of Council members.	5/3/2004	12/17/2012	Resolution 2004-59; Resolution 2006-111		X		This Council Policy was revised on December 17, 2012 and is current with Council direction.
11	Solicitation and Donation Policy	To effect Town donations and solicitations in a manner that complies with both the letter and spirit of CA ethics laws and , within that framework, to expand the potential for community donations by establishing a mechanism by which individuals and organizations may be more readily advised of donation opportunities.	4/21/2008				X		This Council Policy was adopted on April 21, 2008 and is current with Council direction.
12	Public Use of Town Equipment and Signs at Town Council and Planning Commission Meetings	To establish requirements for audio/visual presentations and the display of signs and other symbolic material by the public at Town Council and Planning Commission meetings.	4/21/2014				X		This Council Policy was newly adopted on April 21, 2014 and is current with Council direction.
13	Town Council, Planning Commission and Employee Use of Tablets for Digital Agenda Packets	To provide guidelines for Town Council, Planning Commission members and employees on the use of electronic tablets during meetings subject to the Brown Act and at such	4/21/2014				X		This Council Policy was newly adopted on April 21, 2014 and is current with Council direction.
ENGINEERING, CONTRACTING & CONSTRUCTION									
14	Neighborhood Traffic Calming Policy	To establish guidelines for the neighborhoods and Town staff to work together in addressing various types of traffic conditions, such as speeding, cut-through traffic, truck intrusion and commercial parking spill-over, which would improve the quality of life for the neighborhoods.	3/18/2002				X		This Council Policy reflects current practice and Council direction.

FINANCE & ACCOUNTING									
15	Town Purchasing Policy and Procedure Manual	To guide purchasing practices and provide an overview of purchasing objectives, policies and functions.	8/4/2008					X	Staff is currently working on revising this policy and estimates to have a revised policy for Council review and approval within a year.
16	Identity Theft Prevention	To establish an identify theft prevention program to protect the personal and financial information of residents and businesses which have new or existing accounts with the Town as required by the Federal Fair and Accurate Credit Transactions (FACT) Act	2/21/2009					X	This Council Policy reflects current practice and Council direction.
17	Town Council and Board Member Expense Reimbursement Policy	This policy applies to the Mayor and members of the Town Council, boards and commissions. It covers the expenditure of Town funds and reimbursement of expenses for authorized Town business.	1/6/2011					X	Staff recommends that this Policy be revised and combined with the Travel and Expense Policy in the Administrative Manual Policy.
18	General Fund Reserve Policy	To establish a target minimum level of designated reserves in the General Fund to: (1) Reduce the financial impacts associated with a disaster or catastrophic event; (2) Respond to the challenges of a changing economic environment, including prolonged downturns in the local, state, or national economy; (3) Demonstrate continued prudent fiscal management and creditworthiness.	5/16/2011					X	This Council Policy reflects current practice and Council direction.
19	GASB 54 Fund Balance Policy	To outline the policies and procedures adopted by the Town Council regarding provisions for identifying and classifying fund balance in accordance with Governmental Accounting Standards Board (GASB) Statement No. 54.	6/4/2012					X	At least every two years, the Town Council must affirm or revise this Policy, usually during the budget process. This Council Policy reflects current practice and Council direction.
LAND USE									
20	Attics	Policy shall be used when reviewing development plans that include attic space. The intent of this policy is to reduce the visible bulk and mass of structures.	10/21/2002		2002-167			X	Rescind. The definition for "attic" is included in the Municipal Code. This Policy is redundant.
21	Cellars	To be used by staff when reviewing plans that include a cellar.	10/21/2002		2002-167			X	Revise to meet new Building Code changes.
22	Minor Alterations to Commercial Buildings	To define "minor" exterior alterations" to commercial buildings that may be approved by the DRC as set forth in Section 29.20.745(8) of the Zoning Ordinance.	4/18/2005		2005-038			X	Revise to clarify and correct Municipal Code inconsistencies.
23	Community Benefit Policy	To provide the Town a means to support projects that are beneficial and desirable to the community but may have certain negative impacts.	11/4/2002		2002-175				This Policy is currently under Council review. Council has had discussions about rescinding this Policy. On October 21, 2013, the Town Council discussed this Policy and directed staff to conduct further work.
24	Landscaping Policies	To provide Town staff, Town Council, Planning Commission and applicants for Town permits with a clear and concise statement of the Town of Los Gatos policies regarding landscaping.	8/5/2013		2013-032			X	Rescind. This Policy is outdated and no longer needed. Landscaping guidelines are captured in other documents, including Town applications.
25	Height Pole and Netting Policy	To provide Town residents, staff, advisory and decision-making bodies with a visual tool to evaluate proposed construction.	11/4/2002		2002-175			X	This Council Policy reflects current practice and Council direction.

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TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE
December 15, 2014, 3:00 p.m.

110 E. Main Street
Town Council Chambers
Los Gatos, California

MINUTES

Call to Order

Council Policy Committee meeting was called to order at 3:00 p.m.

Members and Staff present:

Mayor Marcia Jensen
Vice Mayor Barbara Spector
Greg Larson, Town Manager
Robert Schultz, Town Attorney
Laurel Prevetti, Assistant Town Manager/CDD Director
Christina Gilmore, Assistant to the Town Manager
Vilcia Rodriguez, Special Project Coordinator

Verbal Communications

None.

Agenda Items

**1. Approval of December 9, 2014 Council Policy Committee Meeting Minutes
Committee Action:**

The Committee unanimously approved the draft minutes, but noted inconsistencies between the minutes and one of the draft Council policies. The minutes have been corrected.

2. Review of the Council Code of Conduct Policy

The Committee requested that staff use capital letters instead of bullets.

Section I. Preamble

Action Item: The Committee directed staff to revise this section.

Section II. Form of Government

There were no changes from the Committee. The Committee approved the revised section.

Section III: Town Council Roles, Responsibilities, and Relationships

The Committee approved the revised section with the deletion of the section sub-headings.

Section IV. Mayoral and Vice Mayoral Selection Process

There were no changes from the Committee. The Committee approved the revised section

Section V. Mayoral and Vice Mayoral Roles, Responsibilities, and Relationships

The Committee directed staff to use capital letters instead of bullets. The Committee approved the revised section.

Section VI: Legal and Ethical Standards

Council Conduct in Public Meetings

The Committee directed the following changes:

Bullet A: Keep as is.

Bullet B:

Delete "practice objectivity"

Delete the last sentence starting with: "This does not allow..."

Bullet C: Delete the last sentence starting with: "Objections to the Mayor/Chair..."

Bullet D: Delete all.

Bullet E: Delete all and only keep the last sentence starting with: "Judgment of decisions..."

Bullet F: Delete all.

Bullet G:

Delete the first sentence and rename this bullet *Public Hearing*.

Delete "However"

Add: "Members" after "...Council [Members] may ask the speaker questions."

Bullet H: Delete all.

Implementation of Legal and Ethical Standards

There were no changes from the Committee. The Committee approved the revised section

Section VII. Legal Requirements

There were no changes from the Committee. The Committee approved the revised section

Section VIII. Council Conduct and Communication with and participation in all boards, Commissions, and Committees

The Committee approved this section with the following corrections:

Delete “all” from the section title.

Correct the December 9, 2014 Draft Minutes to keep the word “ad hoc” in paragraph #1.

Section IX: Council Relationship with Town Staff

The Committee directed staff to use capital letters instead of bullets. The Committee approved the revised section with the following change:

Bullet H: Delete “directly nor should they communicate their concerns publicly.”

Section X: Council Conduct and Communication with the General Public

ACTION ITEM: The Committee directed the Town Attorney to revise this section to clarify what it is meant by “create bias” (last sentence of the last paragraph). The Committee will review the new language at the January 8, 2015 meeting, and decide whether to keep this section or delete it since the topic of “bias” is already covered in a previous section.

Land Use Application

The Committee approved this section with the following correction: Replace “they with “his/her”

Section XI: Representing an Official Town Position.

The Committee approved deleting this section and combining it with the section on Council Conduct and Communication with the General Public, Boards, Commissions and Committees, the Media and at Public Meetings.

XII: Council Conduct with the Media

The Committee approved deleting this section and combining it with the section on Council Conduct and Communication with the General Public, Boards, Commissions and Committees, the Media and at Public Meetings.

XIII: Enforcement

The Committee approved the revised section with language that reflects the following:

If the Town Manager or Town Attorney is the complainant, the longest serving uninvolved Council Member will replace the Town Manager or Town Attorney on the Evaluation Committee.

The Committee requested to review the final draft of this Policy at the next Policy Committee Meeting.

3. Review of the Council Agenda and Rules Policy

The draft Policy was approved by the Committee with the following changes:

Section D: Consent Calendar

The Committee directed staff to state the reason for the Consent Calendar and revise this section to read:

Consent Calendar items shall be approved by a single Council motion, unless a member from the Council or the public requests that an item be removed for Council action. At the Mayor's discretion, items removed from the Consent Calendar may be considered either before or after the Public Hearing portion of the agenda.

The Committee requested to review the final draft of this Policy at the next Policy Committee Meeting.

4. Workplan for a Comprehensive Review of the Town Council Policies

Staff will make recommendations for each individual Council policy. The Committee will make the final determination.

The Committee decided on the following:

- a. Create a 4th Category that states that any policy not identified is deemed rescinded.
- b. Continue evaluation and discussion of policy codification. One member expressed a general preference for internal, operational or Council directed policies to remain as Council policies, and for the codification of Land Use policies.
- c. To the extent that state or federal legal mandates already exist, for example for ADA and Gifts/Donations, a policy is not needed. Staff will review the Policy Inventory matrix and identify these policies for the Committee.

The Committee approved the new template, categories and numbering system. The next Policy Committee meeting is scheduled for January 8, 2015 at 2:30 p.m.

5. Future Agenda Items

- Review and Approval of the Final Drafts for the Code of Conduct and Council Agenda and Rules Policies
- Review and Discuss the Revised Draft Policy Inventory Matrix and any new uncovered policies
- Discuss and Propose New Policies

Meeting adjourned at 4:05 p.m.