



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/06/2024

ITEM NO: 8

DATE: July 17, 2024
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve Modifications to Town Council Policy 2-01: Agenda Format and Rules to Allow Only In-Person Public Participation in Town Council Closed Sessions

RECOMMENDATION:

Approve modifications to Town Council Policy 2-01: Agenda Format and Rules to allow only in-person public participation in Town Council Closed Sessions.

BACKGROUND:

After the COVID-19 Pandemic, the Town Council continued hybrid meetings for all Town Council, Planning Commission, and Finance Commission meetings. This includes all Town Council Regular Meetings, Special Meetings, Closed Sessions, and Retreats.

For Closed Sessions, the public is invited at the very beginning of the meeting to speak under Verbal Communications before the Council moves to Closed Session. At the end of Closed Session (which could be anywhere from 15 minutes to three or more hours later), the meeting is reopened to the public for the announcement of any reportable actions. Government Code Section 65957.1 requires that specified actions be reported out at the end of the closed session – rather than at the next regular Council meeting. Even though not required for all actions, for purposes of consistency, the Town's practice has been to report out after each closed session.

In recent months, members of the public have been participating in Closed Session in-person at the beginning of Closed Session. Rarely is a member of the public on Zoom in the beginning of the meeting and only once was a member of the public on Zoom for the announcement of potential reportable actions.

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

DISCUSSION:

Setting up and managing the Zoom portion of Closed Session requires one staff person inside Closed Session and one staff member outside of Closed Session. The Town Manager typically manages the Zoom inside Closed Session. The staff member outside of Closed Session is a member of the Clerk's Office. They start the Zoom meeting and when Council moves into Closed Session, the outside staff member displays on the Zoom screen a static slide stating that the Town Council is in Closed Session. The inside staff member turns off Zoom while the Council is in Closed Session.

The outside staff member needs to keep the Zoom meeting running for the entire duration of Closed Session in the event a member of the public joins as an attendee at any point during Closed Session. For the entire duration, the outside staff member is also watching for the Town Manager to rejoin the Zoom meeting. The length of Closed Sessions varies considerably, meaning that while the staff member could work on other Town business, they must also stay alert to the Zoom meeting.

Once the Town Manager announces that the Council is rejoining the public Zoom meeting, the outside staff member removes the slide, and the video and audio of the Zoom are available to the public. The Town Attorney typically summarizes any reportable action, and the Mayor adjourns the meeting. Both staff members inside and outside of Closed Session then end the Zoom meeting.

The Town has been operating with these procedures for well over a year and given the inefficient use of our limited Clerk Office resources, staff recommends that we remove the hybrid requirement from Closed Sessions only. Attachment 1 contains the proposed modified language of section N.3. on page six of eight.

The proposed change would only affect the public portion of the Closed Session meeting. The public continues to be welcome to participate in-person at all Closed Sessions. Council members may still participate remotely either via Zoom or telephone per the other provisions of the Agenda Format and Rules Policy and the Brown Act.

CONCLUSION:

For the reasons stated in the staff report, staff recommends approval of the proposed modification to the Agenda Format and Rules Policy.

COORDINATION:

The preparation of this report was coordinated with the Town Attorney and Town Clerk.

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SUBJECT: Agenda Format and Rules Policy

DATE: July 17, 2024

FISCAL IMPACT:

If the Town Council approves the change, staff administrative costs will be reduced without the need for Clerk Office support for the Zoom portion of the Closed Session meetings.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Redline Town Council Policy 2-01: Agenda Format and Rules