



**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT**

MEETING DATE: 03/28/2023

ITEM NO: 2

DATE: March 22, 2023
TO: Council Policy Committee
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Discuss Proposed Changes to Council Code of Conduct Policy, and
Commission Appointments, Residency and Attendance Requirements and
Establishing a Quorum Policy

RECOMMENDATION:

Discuss proposed changes to Town Council Policy 2-04, the "Code of Conduct" as well as potential changes to Town Council Policy 2-11, "Commission Appointments, Residency, and Attendance Requirements and Establishing a Quorum" and provide direction to staff.

BACKGROUND:

At its February meeting, the Policy Committee discussed potential modifications to Town Council Policy 2-04, "Code of Conduct." The Committee preferred that all guidance pertaining to discipline of Commissioners be contained in a single policy.

DISCUSSION:

The Policy Committee's discussion focused on Town Council Policy 2-04, "Code of Conduct." Specifically, the Policy Committee discussed:

- 1) Clarifying that the Code of Conduct applies to members of Town Boards, Commissions, and Committees in addition to Town Councilmembers;
- 2) Potentially changing the current composition of the Evaluation Committee to consist primarily of elected officials;
- 3) Providing examples of what will constitute major and minor violations of the Code of Conduct;
- 4) In the event that a public hearing is held regarding recommended discipline, providing the subject of the complaint with ten minutes to make an introductory statement and five minutes at the end of the public hearing to make an additional statement.
- 5) Specifying that censure consists of a written statement.

Reviewed by: Town Manager

DISCUSSION (continued):

Staff has the following additional questions for the Policy Committee's consideration:

- 1) Several sections of the existing policy are unrelated to "conduct." These are sections pertaining to: the Mayoral and Vice Mayoral Selection Process and Mayoral and Vice Mayoral Roles, Responsibilities, and Relationships. Does the Policy Committee recommend that these topics move to separate policies?
- 2) The Section titled "Maintaining Civility at Council Meetings" duplicates language in the Council's "Agenda Format and Rules Policy." Does the Policy Committee recommend removing this Section from the "Code of Conduct Policy?"
- 3) A subsection regarding "Training" lists the type of training that will be provided. Should this section be revised to state that members of legislative bodies are required to attend training that is provided in the listed subject areas?
- 4) The Code of Conduct Policy currently provides that investigations will be conducted by contract attorneys. Does the Policy Committee recommend using contract attorneys or non-lawyer investigators or either?
- 5) Town Council Policy 2-11, "Commission Appointments, Residency, and Attendance Requirements and Establishing a Quorum" currently provides that Commissioners may be removed by a majority vote of the Town Council for violations of the Code of Conduct. Other jurisdictions have policies providing that Commissioners may be removed by a majority vote of the Town Council for any or no reason. Does the Policy Committee recommend revising Policy 2-11 to provide that Commissioners may be removed by majority vote of the Town Council for any or no reason? Alternatively, this Policy could be modified to refer matters of discipline and removal to the Code of Conduct Policy.

CONCLUSION:

Based on the Policy Committee's feedback, staff will make additional proposed edits to the Code of Conduct Policy and conforming edits to any other affected Policies and the Commissioner Handbook and either return to the Policy Committee or schedule the revisions for consideration by the Town Council.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

FISCAL IMPACT:

Potential modifications to Council Policies and the Commissioner Handbook have no fiscal impact.

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SUBJECT: Proposed Changes to Council Code of Conduct Policy and Related Policies

DATE: March 22, 2023

ENVIRONMENTAL ASSESSMENT:

This is not a project as defined in the California Environmental Quality Act, and no further action is required.

Attachment:

1. Redline of Council Code of Conduct Policy