

TITLE: Commission Requirements and Guidelines:
Residency, Attendance, Quorum, and Appointments

POLICY NUMBER: 2-11

EFFECTIVE DATE: 2/28/1990

PAGES: 7

ENABLING ACTIONS:

REVISED DATES: 6/13/1994; 6/16/2014;
4/7/2015; 10/18/2016; 2/21/2017;
2/6/2018; 3/19/19; 9/3/2019; 6/1/2021;
12/7/2021, 3/15/2022, 8/2/2022;
9/20/2022; 10/3/2023; 11/21/2023;
3/5/2024; 12/17/2024; 10/07/2025

APPROVED:

PURPOSE

To establish a policy to encourage participation by the Town's residents on Town Boards, Commissions and Committees (hereinafter referred to as "Commissions"). The Town of Los Gatos is committed to inclusivity. We value all our community members, regardless of religion, immigration status, ethnicity, race, disability, gender, sexual orientation, or gender identity. The Town will encourage residents to participate on Commissions by advertising vacancies on Commissions for at least 30 days, preparing easily understood applications, maintaining clear descriptions of the role of each Board, Commission, and Committee and its respective members, providing current meeting schedules, and conducting public interviews of all Commission applicants, except as provided by this Policy.

SCOPE

This Policy applies to all applicants to Town Boards, Commissions, and Committees.

POLICY

The Town Council encourages public participation in all decision-making and to be successful residents must be assured both that the participation is meaningful and that their input will be valued. The widest representation from the community can only be achieved if vacancies are well advertised so that anyone interested will have the opportunity to apply. Interviews of the applicants conducted in public by the Town Council demonstrates that it values these appointments and that all have an equal opportunity to be appointed. While the Council Members may be provided standardized questions to use during the interviews, they free to ask other appropriate questions instead of, or in addition to, those provided.

Applicants may apply to more than one Commission, and shall rank their choices in their preferred order, during each recruitment cycle.

To ensure the greatest possible participation by the public, no person shall be appointed to more than one Commission except in those cases where they are serving as representatives of their Commission pursuant to an ordinance or resolution.

Commission recruitment procedures are outlined in the Administrative Procedure Manual. Any major changes to that manual will be presented to the Town Council.

RESIDENCY REQUIREMENTS

Residency within the incorporated municipal limits of the Town of Los Gatos, California is required for appointment and continued membership on all Town of Los Gatos Boards, Commissions, and Committees, with the exception of the Youth Commission and the Diversity, Equity, and Inclusion Commission.

Youth Commission:

The members shall be students who are entering grades 8 through 12 in the fall. Membership for the students requires either residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

Diversity, Equity, and Inclusion Commission:

Membership composition shall be as outlined in the exhibit to the standard operating provisions for boards, commissions, and committees resolution.

ATTENDANCE REQUIREMENTS

1. All members of all appointive Commissions should attend all regular and special meetings of said Commissions.
2. Consistent with the Town Council's summer recess, Commissions will not schedule a regular meeting in the month of July to allow time for vacations. Nothing in this policy will prohibit staff from scheduling a special meeting to address urgent Town business.
3. Any member not in attendance at a regular meeting of said Commissions for at least 70% of the duration of the meeting shall be considered absent. To allow Commissioners to plan ahead to meet the 70% requirement, there will be a two-hour time limit for a regular Commission meeting with the exception of the Planning Commission and the Historic Preservation Committee and meetings containing discussion regarding the Town's annual budget.
4. A Commissioner shall be deemed to have automatically surrendered their office if they have either:
 - a. Three consecutive unexcused absences from the regular meetings of the Commission; or

- b. Unexcused absences totaling more than twenty percent* of the total number of scheduled regular meetings in any calendar year;* or
 - c. Absences, whether excused or unexcused, totaling more than thirty-five percent* of the total number of scheduled regular meetings in that calendar year.**
5. Excused absences shall be limited to those which meet both of the following requirements:
 - a. The absent Commissioner must have informed the chair and the staff liaison to the Commission of their intended absence prior to the scheduled meeting. (Failure to inform the chair and the staff liaison prior to the meeting shall result in an unexcused absence unless an unusual circumstance prevents advance notice.); and
 - b. The following shall be considered an excused absence:
 - i. An absence due to illness of the Commissioner; or
 - ii. An absence due to a medical emergency of the Commissioner or the Commissioner's family member or loved one; or
 - iii. An absence due to the Commissioner's need to provide direct caregiving related to the illness of the Commissioner's family member or loved one; or
 - iv. An absence due to the death of a Commissioner's family member or loved one; or
 - v. An absence because a Commissioner is away on authorized commission business; or
 - vi. An absence due to required military service; or
 - vii. An absence related to Federal and State Family Leave.
6. For all Commissions other than the Finance Commission, vacant positions shall be filled by appointment by a majority vote of the Town Council, for a term equal to the unexpired portion of the office vacated. Any member removed from office due to non-attendance may re-apply to serve on a Town Commission but will not be treated as an incumbent in any subsequent application to the same Commission.

* Percentages will be rounded to the nearest whole number using standard rounding rules (less than .5 will round down and .5 or more will round up) and if the Commissioner was appointed to fill a vacancy, more than twenty percent of the total number of remaining scheduled regular meetings in that calendar year. (See Exhibit A for Commission Attendance Violation Table)

** A calendar year is defined as January 1 through December 31. Any absence that causes the cancellation of a regular meeting due to lack of a quorum shall be counted as an absence for the Commissioner. A regular meeting shall not be cancelled and replaced with a special meeting in order to alleviate an absence by a Commissioner.

QUORUM REQUIREMENTS

The number of members needed to constitute a quorum on any Town Commission shall be a majority of the Commission.

APPOINTMENT GUIDELINES

Boards, Committees, and Commissions

In order for a candidate to be appointed, a majority vote (3 or more) must occur. In the event of a tie vote, a runoff will be held. Each Council member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case, can a Council Member cast more votes than there are vacancies; or vote for the same candidate more than once on each ballot (i.e. cumulative voting -- e.g. where there are three vacancies, a Council member may not give all three votes to the same candidate). A Council Member is not required to vote for any of the candidates or for the total number of vacancies available.

Youth Commission

The Town Council Selection Committee, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), will interview the Youth Commission applicants and make appointment recommendations for the Town Council to ratify.

REAPPOINTMENT GUIDELINES

An individual who has been removed from a Commission for the following reasons, may not be reappointed:

1. Failure to file the following documents required by the Fair Political Practices Commission (Adult Commissioners):
 - a. Form 700 – Assuming Office, Annual, and Leaving Office when term is complete.
 - b. Planning Commissioners are also required to complete AB 1234 Ethics Training and file the original certificate with the Town Clerk every two years.
2. Failure to comply with all Town Policies, Guidelines, and Handbooks.

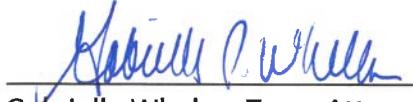
CONFLICT OF INTEREST

Under the Political Reform Act, a Commissioner has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision. While all Commissioners must at a minimum comply with the Political Reform Act regulations, they should also avoid the appearance of a conflict of interest.

Some Board and Commission members serve on non-profit boards or are employed by non-profit organizations. Board and Commission members may not participate in decisions (which

includes making recommendations to the Town Council) in which they have a potential conflict of interest, which can be a financial or a personal interest. In the event of a potential conflict of interest, the Board or Commission member must recuse themselves and provide a brief statement explaining the reason for recusal. Even if it is determined that there is no potential conflict of interest, the Board or Commission member must state that their affiliation with the non-profit organization before participating in the decision.

APPROVED AS TO FORM:



Gabrielle Whelan, Town Attorney

Commission Attendance Violation Table

Total Scheduled Meetings (Year)	Unexcused Absences Violation Automatically Forfeit of Seat (>20%)	Total Absences Violation (>35%)
6	2	3
7	2	3
8	3	3
9	3	4
10	3	4
11	3	5
12	3	5
13	4	5
14	4	6
15	4	6
16	4	6
17	4	7
18	5	7
19	5	7
20	5	8
21	5	8
22	5	8