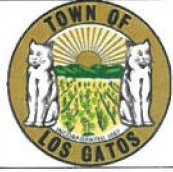


Council Policies

- **Town Facilities Use Policy 1-04**
- **Agenda Format and Rules Policy 2-01**
- **Town Council Code of Conduct Policy 2-04**
- **Planning Commission Policies and Procedures 2-05**
- **Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy 2-11**
- **Social Media Policy 2-16**
- **Solicitation and Donation Policy 2-17**
- **Commission Budgets 5-03**
- **Commission Events 5-04**
- **Gifts, Gratuities, or Rewards Policy**
- **Reimbursement Policy**
- **Volunteer Fiscal Policy and Resolution 1994-48**



TOWN OF
LOS GATOS
CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service

Community Stewardship

Future Focus

TITLE: Town Facilities Use

POLICY NUMBER: 1-04

EFFECTIVE DATE: 8/3/2016

PAGES: 14

ENABLING ACTIONS:

REVISED DATES: 10/18/2016; 2/7/2017;
2/6/2018; 12/1/2022; 2/7/2023

APPROVED:

PURPOSE

To establish a policy for managing the use of certain Town of Los Gatos facilities by the public, for official Town business, for governmental agencies, and approved special events which will:

1. Preserve core Town functions.
2. Provide for public access and use of Town facilities.
3. Facilitate and coordinate multiple uses of Town facilities.

SCOPE

Guiding Principles

1. Town facilities are intended to be used primarily for administrative operations of Town programs, and by the Town for the community. Therefore, official Town business, programs, and activities shall have priority use of all Town facilities.
2. Town facilities are further intended to serve as a hub of civic and cultural activity and a major gathering center for community meetings and an active program of outdoor events.
3. Designated portions of the Town facilities may be used by the public for events including concerts, festivals, ceremonies, or other similar activity for the purposes of celebration, education, or cultural enrichment.

4. It is the Town's intent to provide spaces that are affordable and accessible for cultural, civic, and celebratory activities, without compromising security and official Town business needs.

POLICY

Policy Overview

1. The Town Council will establish the Town Facilities Use Policy. The Town Manager and his or her designee will issue permits and use agreements for events, and act as the final authority for the application of the Policy.
2. The Town Manager's Office is responsible for the day-to-day operation of scheduling and administering facility reservations.
3. The granting of permission to use any Town facility shall not in any way constitute an endorsement of the views of the persons and/or group reserving the facility.
4. Users of Town facilities for events will be required to obtain a special event permit and comply with all requirements set forth by the conditions of approval within the special event permit and within this Town Facilities Use Policy.
5. All Town facility use reservations shall be made subject to the condition that the Town maintains the right to cancel or change any reservation if Town facilities are needed for official Town business. In no event shall the Town have any liability whatsoever for any cancellation made under the Town's authority to do so.
6. Use of Town facilities must not interfere with the conduct of official Town business.
7. Private parties (such as a wedding reception) are not allowed at the Civic Center, Town Plaza Park or on public Town facilities except when permitted with a Parks Special Use Permit, by agreement, or conditional use permit.
8. Town approved non-profit fundraising activities and special events are allowed in/on Town facilities with an appropriate permit, or license issued by the Town, or provided in an agreement or Conditional Use Permit with the Town.
9. The roping off of a portion of a Town facility to create an exclusive section is permissible with an approved special event permit as long as the majority of the facility is open and accessible to the public.

10. Separate Council approved use agreements may supersede this Policy. Where conflicts in terms or conditions arise, the use agreement will prevail.

Public Use –Town Facilities

A. Civic Center Lawn, Deck, and Stairs

1. The Civic Center lawn, deck, and stairs are focal points for the Town of Los Gatos Civic Center. These areas shall be used as the regular location for community gatherings and events free and open to all members of the public including concerts, festivals, ceremonies, or other similar activity for the purposes of celebration, education, or cultural enrichment.
2. Reservations are processed on a “first come, first served” basis. A tentative reservation may be made up to one year in advance, but no less than 60 days in advance, by submitting an application for a special event permit. The reservation becomes confirmed once the special event permit is approved with signature from the Town Manager or their designee.
3. Scheduled events must not interfere with the conduct of official Town business or be unduly disruptive to others present in Town Hall or to immediately adjacent properties.
4. Consistent with the special event permit requirements, a certificate of insurance and endorsement meeting the Town of Los Gatos current requirements; release of liability, assumption of risk and indemnity agreement; and all applicable fees must be received and approved by the Town prior to the event taking place.

B. Civic Center West Patio

The Civic Center West Patio (located at outside of the building at 106 and 108 E. Main Street) shall be used as the regular location for community gatherings and events open to all members of the public for the purposes of celebration, education, or cultural enrichment. For consistency with previous Town Council approvals, Civic Center West Patio may also be referred to as the Sculpture Garden.

1. Reservations are processed on a “first come, first served” basis. A tentative reservation may be made up to one year in advance, but no less than 60 days in advance, by submitting an application for a special event permit. The reservation becomes confirmed once the special event permit is approved with signature from the Town Manager or their designee.

2. Private events are not allowed with the exception of approved events hosted by the tenants of 106 and 108 East Main Street as stated in tenant lease agreements.
3. Scheduled events must not interfere with the conduct of official Town business or be unduly disruptive to others present in Town Hall or to immediately adjacent properties.
4. Consistent with the special event permit requirements, a certificate of insurance and endorsement meeting the Town of Los Gatos current requirements; release of liability, assumption of risk and indemnity agreement; and all applicable fees must be received and approved by the Town prior to the event taking place.

C. Council Chambers

The Town Council Chambers may be reserved by federal, state, county, and municipal agencies, and schools for activities that benefit Los Gatos residents and students. The Town Council Chambers may also be reserved by agencies providing government education programs. A reservation of the Chambers includes access to the Chambers Lobby.

1. The Town may grant permission to use the Town Council Chambers in the following priority order:
 - a. Town Council/Board, Commission, and Committees, including ceremonial events
 - b. Town Departments
 - c. Town established Organizations and Committees (in which Town employees or Town officials participate)
 - d. Government Agencies and Officials
 - e. Non-profit organizations that are related to Town business or are hosting events that are associated with a government purpose.
 - f. Private events are not allowed with the exception of approved events hosted by the tenants of 106 and 108 East Main Street as stated in tenant lease agreements.
2. Reservations are processed on a “first come, first served” basis. A tentative reservation may be made up to one year in advance, but no less than 60 days in advance, by submitting an application for a special event permit. The reservation becomes confirmed once the special event permit is approved with signature from the Town Manager or their designee.

3. Consistent with the special event permit requirements, a certificate of insurance and endorsement meeting the Town of Los Gatos current requirements; release of liability, assumption of risk and indemnity agreement; and all applicable fees must be received and approved by the Town prior to the event taking place.
4. During the evenings (after 5 p.m.), on the weekends (Saturdays and Sundays), and on Holidays, all users will be charged a Facility Use Fee and other applicable charges for Town services as set forth in the Fee Schedule, unless the meeting or event is for official Town business, and the meeting or event is planned, managed, and led by the Town Council or Town Department.
5. A Building Attendant is required for all meetings regardless of meeting time or size. The Town will schedule the Building Attendant and invoice the applicant for the actual time scheduled. The Building Attendant will be responsible for the opening and closing of the facility and overseeing that the room is returned to its original condition.
6. Use is limited to a maximum of ten hours, per event, subject to other scheduled events, or Town use.
7. Groups composed of minors must be supervised by at least one (1) adult for every ten (10) children under the age of 18 at all times while they are using the facility.
8. Alcohol is not permitted in the Council Chambers.
9. Applicants are responsible for setting up before and cleaning up after each event in the Chambers. Applicants shall be responsible for removing all personal property, owned or rented, prior to vacating the facility.
 - a. Absolutely no open flames are allowed in the Chambers.
 - b. No foreign substance may be applied to the floor, walls, or ceiling (this includes decorations).
 - c. No rice, birdseed, confetti, etc., may be thrown in or around the Town Council Chambers.
 - d. Gambling or wagering is prohibited.
10. Pursuant to state and federal law and Town Council Resolution 2017-24, the use of the Town Council Chambers will not be restricted because of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability,

TITLE: Town Facilities Use	PAGE: 6 of 13	POLICY NUMBER: 1-04
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medical condition, religion, place of national origin, or any other basis prohibited by law or Town resolution or policy.

11. Any exceptions to the use regulations must be approved, in writing, by the Town Manager.

D. Council Chambers Lobby (as a standalone facility)

The Council Chambers Lobby located within Town Hall shall be used for conducting Town related business only, or to support a Town event or special event with Town Council approval, such as Music in the Park.

1. The Town may grant permission to use the Council Chambers Lobby in the following priority order:
 - a. Town Council and Town Council Committees
 - b. Planning Commission
 - c. Other Town Boards, Committees, and Commissions
 - d. Town Departments
 - e. Special Events with Town Council approval, and are subject to the following:
 - i. Users will be charged a Facility Use Fee and other applicable charges for Town services as set forth in the Fee Schedule.
 - ii. A Building Attendant is required. The Town will schedule the Building Attendant and invoice the event organizer for the full-service time scheduled. The Building Attendant will be responsible for the opening and closing of the facility and overseeing that the room is returned to its original condition.
 - iii. Alcohol is not permitted in the Council Chamber Lobby.
 - iv. Applicants are responsible for setting up before and cleaning up after each event in the Lobby. Applicants shall be responsible for removing all personal property, owned or rented, prior to vacating the facility.
 1. Absolutely no open flames are allowed in the Lobby.
 2. No foreign substance may be applied to the floor, walls, or ceiling (this includes decorations).
 3. No rice, birdseed, confetti, etc., may be thrown in or around the Town Council Lobby.
 4. Gambling or wagering is prohibited.

E. Civic Center and Town Facility Conference and Meeting Rooms

Conference and Meeting Rooms located within Town Hall, the Library, the Police Operations Building, and the Parks and Public Works Corporation Yard shall be used solely for conducting official Town business.

1. The Town may grant permission to use the Meeting Rooms in the following priority order:
 - a. Town Council and Town Council Committees
 - b. Planning Commission
 - c. Other Town Boards, Committees, and Commissions
 - d. Town Departments

F. Town Plaza Park

Town Plaza Park is focal point in downtown Town of Los Gatos and shall be predominantly used as a location for free gatherings that are open to the public. Special events that may be permitted include concerts, festivals, ceremonies, or other similar activity for the purposes of celebration, education or cultural enrichment.

1. Reservations are processed on a “first come, first served” basis. A tentative reservation may be made up to one year in advance, but no less than 60 days in advance, by submitting an application for a special event permit. The reservation becomes confirmed once the special event permit is approved with signature from the Town Manager or their designee.
2. No event may completely overtake the park. The park must always remain accessible to the public.
3. Use of any portion of Plaza Park for a special event is subject to the fees included in the Town’s Fee Schedule.
4. Private events and fee for entrance events are not allowed. Incidental item sales may be allowed if they are consistent with the special event activities, and approved within the special event permit.
5. Reservable spaces may include the portions/areas of Plaza Park approved within the special event permit, and may allow for barriers necessary for the sales and service of alcohol consistent with ABC guidelines and as approved by the Police Chief and Santa Clara County Fire Department.

6. The sidewalks surrounding Plaza Park must remain open and free of obstruction. If the parking spaces adjacent to the park along S. Santa Cruz Avenue are necessary for the exclusive use of the special event or its vendors, approval must be granted through the special event permit process and an encroachment permit is required.
7. Special events beyond the scope of the Town's Special Event Permit shall require a Town agreement and receive Town Council approval.
8. Consistent with the special event permit requirements, a certificate of insurance and endorsement meeting the Town of Los Gatos current requirements; release of liability, assumption of risk and indemnity agreement; and all applicable fees must be received and approved by the Town prior to the event taking place.

G. Montebello Way and Broadway – Road Closure for Special Events

Montebello Way and Broadway (Roadways) is a one-way, public roadway that borders Town Plaza Park on two sides. It shall be predominately used as a roadway; however, may be closed periodically to support Town events and special events.

1. These Roadways may be closed each Sunday for the Town's Farmers Market, consistent with the agreement executed with the Farmers Market vendor and approved by the Town Council.
2. Not including Farmers Market or Town events, these Roadways may be closed and utilized for special events not more than eight times per year, unless otherwise approved by agreement with the Town Council.
3. Reservations are processed on a "first come, first served" basis. A tentative reservation may be made up to one year in advance, but no less than 60 days in advance, by submitting an application for a special event permit. The reservation becomes confirmed once the special event permit is approved with signature from the Town Manager or their designee.
4. The Town will provide the special event organizer with a traffic plan for the road closure. It is the responsibility of the special event organizer to ensure that qualified person(s) accurately implement the road closure with adequate equipment in accordance with the traffic plan at no cost to the Town.
 - a. The special event organizer must provide contact information to the Town of the person(s) implementing the closure no less than 14 days prior to the event.

- b. Anti-Vehicle Barriers (AVB) may be required at the direction of the Town and are subject to the fees adopted in the Town's Fee Schedule, or may be obtained through a third-party traffic control/safety vendor with approval of the Town Manager or their designee.
- 5. Special event organizers must notify the adjacent businesses along the Roadways of the closure no less than fourteen (14) days in advance of the event.
- 6. Private events and fee for entrance events are not allowed. Incidental item sales may be allowed if they are consistent with the special event activities and approved within the special event permit.
- 7. Barriers necessary for the sales and service of alcohol consistent with ABC guidelines and as approved by the Police Chief and Santa Clara County Fire Department may be installed, and must be approved within the special event permit.
- 8. Exclusive use by the special event or its vendors of any portion of public space outside of the Roadways, including sidewalks, the public parking lot on Montebello Way, other parking spaces, or portions of public right-of-way outside of the Roadways require approval within the special event permit, and an encroachment permit.
- 9. No Parking signs are required to be posted at least 72 hours before the road closure begins for any parking spaces located within the Roadways.
 - a. No Parking signs are provided by the Town at the cost listed in the Fee Schedule and must be installed by the special event organizer as outlined in the approved special event permit.
 - b. No parking signs must be completely removed by the special event organizer upon the conclusion of the special event.
- 10. Special events beyond the scope of the Town's Special Event Permit shall require a Town agreement and receive Town Council approval.
- 11. Consistent with the special event permit requirements, a certificate of insurance and endorsement meeting the Town of Los Gatos current

requirements; release of liability, assumption of risk and indemnity agreement; and all applicable fees must be received and approved by the Town prior to the event taking place.

H. N. Santa Cruz Avenue and Main Street – Road Closure for Special Events

N. Santa Cruz Avenue (NSC) and Main Street (Main) are two of the key thoroughfares through downtown and support access to many local businesses, schools, churches, and residential locations. Closing these roadways, in any combination of one another, for special events is not encouraged when alternative options are available, as the closure greatly impacts the community at large.

1. NSC and/or Main may be closed for special events, with an approved special event permit, no more than three times per calendar year, unless otherwise approved by agreement with the Town Council.
2. Reservations are processed on a “first come, first served” basis. A tentative reservation may be made up to one year in advance, but no less than 90 days in advance, by submitting an application for a special event permit. The reservation becomes confirmed once the special event permit is approved with signature from the Town Manager or his or her designee.
 - a. Given the extent of a NSC and/or Main closure, additional time is necessary to plan for the closure, thus the special event organizer must apply a minimum of 90 days in advance of the event.
3. The Town may provide a previously approved traffic plan for the road closure of NSC and/or Main. Should the area of the event differ from the traffic plans approved by the Town, the event organizer is responsible for the cost of developing or modifying the traffic plan to satisfy the Town.
 - a. It is the responsibility of the special event organizer to contract with a professional traffic control vendor, approved by the Town, to implement the road closure at no cost to the Town.
 - b. The special event organizer must provide contact information to the Town, for the traffic control vendor implementing the closure, no less than 45 days prior to the event.
 - c. Anti-Vehicle Barriers (AVB) may be required at the discretion of the Town and are subject to the fees adopted in the Town’s Fee Schedule or may be obtained through a third-party traffic

control/safety vendor with approval of the Town Manager or his or her designee.

4. No Parking signs are required to be posted at least 72 hours before the road closure begins for any parking spaces located within the road closure area.
 - a. No Parking signs are provided by the Town at the cost listed in the Fee Schedule and must be installed by the special event organizer as outlined within the approved special event permit.
 - b. No parking signs must be completely removed by the special event organizer upon the conclusion of the special event.
5. Special event organizers must notify the adjacent property stakeholders of the closure no less than fourteen (14) days in advance of the event as outlined within the approved special event permit.
6. Private events and fee for entrance events are not allowed. Incidental item sales may be allowed if they are consistent with the special event activities and approved within the special event permit.
7. Barriers necessary for the sales and service of alcohol consistent with ABC guidelines and as approved by the Police Chief and Santa Clara County Fire Department may be installed, and must be approved within the special event permit.
8. Exclusive use by the special event organizers or its vendors of any portion of public space outside of the road closure area including sidewalks, public parking lots and spaces, or portions of public right-of-way require approval within the special event permit, and an encroachment permit.
9. Special events beyond the scope of the Town's Special Event Permit shall require a Town agreement and receive Town Council approval.
10. Consistent with the special event permit requirements, a certificate of insurance and endorsement meeting the Town of Los Gatos current requirements; release of liability, assumption of risk and indemnity agreement; and all applicable fees must be received and approved by the Town prior to the event taking place.

I. Oak Meadow Park

Oak Meadow Park is a focal point for the Town of Los Gatos, with reservable picnic areas available to support multiple private celebrations at one time such as barbeques, birthday parties, and similar celebrations. It is the location of the Town's bandstand and Billy Jones Railroad and Carousel making it an appealing location for the public to gather. Special events may be permitted including concerts, festivals, ceremonies, or other similar activity for the purposes of celebration, education or cultural enrichment.

1. Reservations are processed on a "first come, first served" basis. A tentative reservation may be made up to one year in advance, but no less than 60 days in advance, by submitting an application for a special event permit. The reservation becomes confirmed once the special event permit is approved with signature from the Town Manager or their designee.
2. In addition to a special event permit, a Parks Special Use Permit is required, and will be coordinated through the special event permit process. As such, use of any portions of Oak Meadow Park for a special event are subject to the fees included in the Town's Fee Schedule.
3. No single event may occupy the entire park or reserve a majority of the picnic areas on Saturdays, Sundays, or Holidays.
4. The park must always remain accessible to the public.
5. Private events (outside of Town designated reservable spaces as identified below) and fee for entrance events are not allowed. Incidental item sales may be allowed if they are consistent with the special event activities, and approved within the special event permit.
6. Reservable spaces may include the Oak Meadow Bandstand, Oak Meadow picnic areas, Oak Meadow horseshoe pits, and other similar areas as designated by the Director of Parks and Public Works.
 - a. Barriers necessary for the sales and service of alcohol during approved special events, within the reserved areas, consistent with ABC guidelines, and as approved by the Police Chief and Santa Clara County Fire Department may be installed and must be approved within the special event permit.

7. Public entrances to Oak Meadow Park must remain open during all times of the event. This includes gates, roads, sidewalks, pathways, and parking lots. If shuttle buses are approved, the parking lot may be closed with a parking attendant present.
8. Parking spots may be reserved at the rate listed in the adopted fee schedule. ADA parking spaces must remain unreserved and accessible.
9. Special events beyond the scope of the Town's Special Event Permit shall require a Town agreement and receive Town Council approval.
10. Consistent with the special event permit requirements, a certificate of insurance and endorsement meeting the Town of Los Gatos current requirements; release of liability, assumption of risk and indemnity agreement; and all applicable fees must be received and approved by the Town prior to the event taking place.

APPROVED AS TO FORM:



Gabrielle Whalen, Town Attorney



TOWN OF
LOS GATOS
CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service

Community Stewardship

Future Focus

TITLE: Town Agenda Format and Rules

POLICY NUMBER: 2-01

EFFECTIVE DATE: 12/15/1986

PAGES: 7

ENABLING ACTIONS: 1986-183; 1987-024; 1988-124; 1993-181; 1994-057; 1996-108; 2001-077; 2004-033; 2009-002; 2021-047

REVISED DATES: 12/15/1986; 3/2/1987; 6/6/1988; 6/15/1992; 12/6/1993; 4/4/1994; 8/5/1996; 7/2/2001; 4/5/2004; 1/20/2009; 3/16/2009; 12/6/2010; 8/5/2013; 3/3/2015; 9/20/2016; 6/20/2017; 8/1/2017; 12/4/18/; 8/20/19; 12/3/19; 6/1/2021; 11/2/2021; 9/20/22; 2/7/2023; 11/21/2023; 8/6/2024

APPROVED:

PURPOSE

To establish procedures which standardize Town agendas and insure an orderly meeting. This Policy applies to Town Council and all Town Boards, Commissions, and Committees.

POLICY

The following policies have been established:

A. Order of the Agenda

Subject to the Mayor's, or Chair's, discretion to change the order of consideration of any agenda item during any individual meeting:

- Call Meeting to Order
- Roll Call
- Pledge of Allegiance
- Appointments
- Presentations
- Closed Session Report
- Council Matters
- Manager Matters
- Consent Calendar
- Verbal Communications
- Public Hearings
- Other Business
- Adjournment (No later than midnight without vote)

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B. Closed Session Report

As required by the Brown Act, the Town Attorney will report on actions taken at the Closed Session, but without reporting any information which could damage the Town's position on a) potential or existing litigation, b) the acquisition or disposition of property, or c) any employee's privacy interests. In addition, the Closed Session agenda shall clearly identify the subject of each agenda item consistent with the requirements of the *Brown Act*.

C. Communications by Members of the Public

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.

1. *Verbal Communications.* Comments by members of the public during the initial Verbal Communications portion of the agenda on items not on the Council agenda shall be limited to 30 minutes and no more than three (3) minutes per speaker. As an item not listed on the agenda, no response is required from Town staff or the Council and no action can be taken. However, the Council may instruct the Town Manager to place the item on a future agenda. At the conclusion of the first Verbal Communications, the agenda will proceed onto the Public Hearings and Other Business sections of the agenda. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications section can be opened prior to Adjournment.
2. *Public Hearings.* Presentations during the Public Hearings portion of the agenda by appellants and applicants, including any expert or consultant assisting with the presentation, shall be limited to a total of no more than five (5) minutes for all speakers. Appellants and applicants shall be provided no more than three (3) minutes to rebut at the end of the public hearing. Other members of the public testifying at public hearings shall be limited to no more than three (3) minutes.
3. *Submittal of written materials by Applicant and Appellant.* To allow Town Council, Boards, Commissions, Committees, Town Staff, and the public the opportunity to review material in advance of a hearing, all materials submitted by the Applicant or Appellant must be received by the Town Clerk fourteen (14) days prior to the scheduled public hearing. Documents and materials received from the Applicant or Appellant after the deadline will be accepted; however, the Town Staff may not have the time to analyze the documents and material, and Town Council may not have the time to consider materials submitted after the deadline. The submittal of any additional material by the Applicant or Appellant shall not be considered prima facie evidence (sufficient to establish a fact or raise a presumption) under Town Code Section 29.20.300.
4. *Other Agenda Items.* Comments by members of the public concerning any other item on an agenda shall be limited to no more than three (3) minutes per item.

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5. *Mayor's Discretion.* All time limits noted above shall be subject to change at the Mayor's discretion. If a member of the public speaks on the wrong item, the time used would be deducted from the speaker's overall public comment time allowance on the correct item.

D. Consent Calendar

Items on the Council agenda that are considered to be of a routine and non-controversial nature are placed on the Consent Calendar. Typical items include meeting minutes, final reading and adoption of ordinances, resolutions approving agreements, awards of contracts, status staff reports, etc.

Consent items shall be approved by a single Council motion unless a member of the Council requests that an item be removed for separate Council action. Members of the public may speak on an item on the Consent Calendar during the public comment portion before the Council votes on the Consent Calendar. Items removed from the Consent Calendar may be considered at that meeting at the Mayor's discretion. If an item is removed for discussion, members of the public may speak to that item even if they previously spoke on the item during public comment.

E. Presentations

The Presentations portion of the agenda is intended to allow organized groups to make formal presentations to the Council and to recognize and honor deserving individuals and organizations. All matters included on the Presentations portion of the agenda require the prior approval of the Mayor and shall be limited to no more than ten (10) minutes, unless the Mayor grants additional time.

F. Council Matters

Members of Council may report on the activities of the committees to which they belong or the meetings they attend, question staff briefly on matters upon which the Council has taken action or given direction, make brief announcements, or discuss whether to place particular items on future agendas for action by the Council. Future agenda items to be briefly discussed here shall be identified consistent with Section G of this Policy, or may be raised for the first time under this item.

G. Adjournment

Council meetings will be adjourned at midnight unless a majority of the Council Members present vote to extend the adjournment time.

H. Americans with Disabilities Notice on Town Agendas

As part of the requirements under the Americans with Disabilities Act, the Town is required to provide notice of whom to contact in advance of a public meeting for assistance to disabled individuals who might wish to participate. The following notice shall be provided in at least one location on each Town agenda for Council, Boards, Commissions, or Committees.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk's Office at (408) 354-6834. Notification at least two (2) business days prior to the meeting date to enable the Town to make reasonable arrangements to ensure accessibility to this meeting [28 CFR §35.102-35.104]

I. Preparation of the Agenda

The agenda is prepared by staff in consultation with the Mayor for the Mayor's final approval. If there is a disagreement between the Mayor and staff, the Mayor makes the ultimate call on the Agenda and its items. Any member of the Council may submit a request through the Town Manager or directly to the Mayor to make a change or addition to the agenda. In no event may the subject of whether to amend the agenda be discussed outside of a public meeting by more than two (2) members of the Council.

Items thus proposed to be added to the agenda require the Mayor's agreement to be added for action. If the Mayor does not agree, the item shall be listed on the agenda for discussion purposes only under the Council Matters section of the agenda. Council may then discuss whether to place the item on a future agenda for action. Two (2) or more members of the Council must vote in favor of placing an item on a future agenda for action. The Mayor in good faith will make every effort to place the item on the first available Council agenda in consultation with the Town Manager.

If the wish of the Council is to add an item on the agenda of the current meeting, then the *Brown Act* generally requires a two-thirds (2/3) vote or a unanimous vote of those present if less than five (5) Council Members are present, with a finding that there is a need to take immediate action and the need for action came to the attention of the Town after the agenda was posted.

J. Agenda Schedule and Preparation

In general, questions or inquiries from Council Members to the Town Manager and/or Town Attorney regarding agenda items should be responded to within 24 hours, and then placed into Addenda and/or Desk Items, as appropriate.

Thursday, prior to the meeting	Written agenda is finalized and printed. Agenda packets distributed to Town Council Members. Public comments on agenda items received by 11:00 a.m. will be included in the agenda packet.
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Friday, prior to the meeting	Additional information from staff available after the Thursday distribution of the agenda packet, and public comments received prior to 11:00 a.m. on Friday will be distributed to Town Council members as an Addendum to a staff report.
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Monday, prior
to the meeting

Additional information from staff available after the Friday Addendum and public comment received prior to 11:00 a.m. on Monday will be distributed to Town Council members as an Addendum to a staff report.

Day of Council
Meeting

Council comments and questions received by 7:00 a.m. and public comments received by 11:00 a.m. on the morning of a Council meeting will be included in a Desk Item for distribution to Town Council members by 3:00 p.m. on the afternoon of a Council meeting. Council comments and questions received after 7:00 a.m. may be addressed during the Council meeting. Public comment received after 11:00 a.m. will not be distributed to the Council in the Desk Item; however, public comment may be submitted by individuals during the Council meeting.

In general, questions or inquiries from Council Members to the Town Manager and/or Town Attorney regarding agenda items should be responded to within 24 hours, and then placed into Addenda and/or Desk Items, as appropriate.

K. Agenda Posting

Council Agendas shall be posted at least 72 hours prior to a regular meeting, and at least 24 hours prior to a special meeting. Notice of any meeting of a formally appointed Committee where two Council Members could be present shall be posted at least 24 hours in advance of any such meeting with a note as to the time and location, and an invitation to the public to attend.

L. Conduct of Town Council Meetings

The Council shall adopt:

1. Robert's *Rules of Order* or
2. Some other rules of order, or
3. Allow the Mayor to conduct the meeting as deemed appropriate so long as all members of the Town Council concur.

M. Attendance at Meetings

The Town Council and Commissioners are expected to attend all meetings as part of their commitment to their positions. Attendance requirements for Commissioners are set forth in Town Council Policy 2-11: Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum. Consistent with the Family Medical Leave Act and the California Family Rights Act, absences of up to 12 weeks due to the birth of a child constitute excused absences.

N. Remote Attendance

In addition to the requirements of the Brown Act, the following guidelines apply to Town meetings:

1. Town Council Meetings: Requests by Council Members to attend a regular Council meeting via remote appearance (either Zoom or telephone) are allowed on a limited basis and with no more than two remote participations in a row. Remote attendance shall be permitted for a medical, family or work event requiring a Council Member's absence or in the event the Council Member is out of the area on official Town business. In addition, at least a quorum of the Council must participate from a location within the Town and comply with other requirements of the Brown Act. When a Council Member is participating remotely, they shall have their camera on and be visible for the duration of the meeting.
 2. Town Board, Committee, and Commission Meetings: Board, Committee, and Commission members may participate remotely by telephone only, with the exception of the Finance and Planning Commissioners who have the choice of either Zoom or telephone. Requests by Commissioners to attend a Commission meeting via remote appearance should be allowed on a limited basis to mirror the existing attendance requirements, with no more than four remote participations annually, no more than two remote participations in a row, and in compliance with the Brown Act.
 3. Remote Participation by the Public: With the exception of Town Council Closed Sessions, the public may participate in Town Council, Finance Commission, and Planning Commission meetings remotely by following the remote participation instructions that are provided on the agenda. The remote participation instructions shall be provided on all Town Council, Finance Commission, and Planning Commission agendas with the exception of Town Council Closed Sessions. There is not a remote public participation option for other Town Boards, Committees, or Commissions.
- O. Proposed Reconsideration of Prior Council Actions
Reconsideration of prior Council actions is discouraged and may only occur in special circumstances subject to the procedural restrictions outlined herein. Reconsideration does not include, and this Policy does not prohibit, the repeal of a resolution or ordinance in response to a lawsuit or a referendum challenging that adoption.

Step 1 – Motion to Place Reconsideration of a Prior Action on a Future Council Agenda

- a) The motion must be made by a Council Member who previously voted on the prevailing side of the prior action;
- b) The maker of the motion shall specifically articulate the new information, analysis and/or circumstances that warrant(s) reconsideration of the prior action;
- c) The motion must be adopted by a majority of the full Council; and
- d) The motion may only be made and considered at the next regularly scheduled meeting of the Council after the item was originally acted upon.

Step 2 – Full Reconsideration of the Prior Action, if a motion as outlined in Step 1 is approved.

- a) The full reconsideration of the prior action will be placed on the next available Council agenda following the agenda-setting and required public notification process.
- b) The agenda, public notification and staff report for the full reconsideration of the prior action shall clearly state that the item has been previously acted upon by the Council and is being reconsidered by the Council.
- c) Action on the reconsideration of the prior action shall adhere to regular Council policies and practices as if the item was being heard for the first time.
- d) The full reconsideration of the prior action (whether sustained, reversed or otherwise modified) will be the final action on that item, and no further reconsiderations will be considered.

P. Motions by the Chairperson

The Chairperson of the meeting may make or second motions. The Chairperson may also restate, or ask that the maker restate, all motions immediately prior to any vote.

Q. Behavior Expectations and Consequences at Town Council Meetings

At each meeting, the Mayor should welcome the public to participate in the meetings, understanding that the purpose of the meeting is to conduct the important business of the Town in an efficient and effective manner. The Mayor may promote constructive communication by asking Council members, staff, and community members to embrace and adhere to the following values:

- Be respectful, welcoming, inclusive, compassionate, and kind to each other,
- Appreciate the diversity of perspectives and views in our community,
- Express your views and share your perspectives in helpful ways,
- Listen to understand and empathize with each other, and
- Collaborate and work together to do what is best for Los Gatos.

As needed, the Mayor may need to remind the public about the Town's civility rules:

1. For the benefit of the entire community, the Town of Los Gatos asks that all speakers follow the Town's meeting guidelines by treating everyone with respect and dignity. This is done by following meeting guidelines set forth in State law, in the Town Code, and on the cover sheet of the Council agenda.
2. The Town embraces diversity and strongly condemns hate speech and offensive, hateful language or racial intolerance of any kind at Council meetings.
3. Town Council and staff are well aware of the public's right to disagree with their professional opinion on various Town issues. However, anti-social behavior, slander,

hatred, and bigotry statements are completely unacceptable and will not be tolerated in any way, shape, or form at Town Council meetings.

4. All public comments at the Town Council meeting must pertain to items within the subject matter jurisdiction of the Town and shall not contain slanderous statements, hatred, and bigotry against non-public officials.
5. The Town will go through the following steps if a disturbance results from a member of the public not following these rules:
 - a. If participating remotely, Town staff may mute the individual with an explanation for the record of why muting occurred consistent with this Policy.
 - b. If participating in-person, the Mayor may call a recess for violation of this Policy, resulting in the immediate cessation of the audio and video recording and the Council exiting the Chamber. Staff will determine if the individual should be removed or if all members of the public should leave depending on the extent of the disturbance. In the event that all public members exit, only the press would be allowed back in the meeting. Once the individual(s) leave, the Council would return to the Chamber and the Mayor would resume the meeting.

APPROVED AS TO FORM:



Gabrielle Whelan, Town Attorney



TOWN OF
LOS GATOS
CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service

Community Stewardship

Future Focus

TITLE: Town Council Code of Conduct

POLICY NUMBER: 2-04

EFFECTIVE DATE: 5/3/2004

PAGES: 8

ENABLING ACTIONS: 2004-059; 2006-111; 2021-047

REVISED DATES: 12/17/2012; 3/3/2015; 12/17/2019; 11/2/2021; 10/4/2022

APPROVED:

I. Preamble

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. These expectations of conduct also apply to all members of the Town's Boards, Committees, and Commissions.

II. 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 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.

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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 s/he deems appropriate.
- C. The title of Mayor carries with it the responsibility of communicating with the Town Council, 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 or any other member of the Town Council.
- F. In the event that one or more members of a Town Board, Commission, or Committee acts in a manner contrary to approved Board/Commission policies and procedures, the Mayor may counsel those members about the rules set forth in the Town Commissioner Handbook.³

¹ Council Agenda Format and Rules Policy

² Council Commendation and Proclamation Policy

³ Resolution 1999-167

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Vice Mayor

- A. In the Mayor's absence, the Vice Mayor shall perform the formal duties of the Mayor.⁴
- B. When the Vice Mayor performs the duties of the Mayor in his/her absence, the Vice Mayor also carries the responsibility of communicating with the Town Manager, Town Council, and members of the public.

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 or Mr., Mrs., or Ms., followed by the individual's last name.
- B. *Practice civility and decorum in discussions and debate.* 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 comment and discussion should commence upon the conclusion of all public testimony

VII. Maintaining Civility at Council Meetings

The public is welcome to participate at Town Council meetings and the Mayor should remind the public of the Town's expectations for civility in order for the business of the Town to be completed efficiently and effectively. These expectations include and are not limited to:

- A. For the benefit of the entire community, the Town of Los Gatos asks that all speakers follow the Town's meeting guidelines by treating everyone with respect and dignity. This is done by following meeting guidelines set forth in State law, in the Town Code, and on the cover sheet of the Council agenda.
- B. The Town embraces diversity and strongly condemns hate speech and offensive, hateful language or racial intolerance of any kind at Council Meetings.

⁴ Council Agenda Format and Rules Policy

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- C. Town Council and staff are well aware of the public's right to disagree with their professional opinion on various Town issues. However, anti-social behavior, slander, hatred, and bigotry statements are completely unacceptable and will not be tolerated in any way, shape or form at Town Council meetings.
- D. All public comments at the Town Council meeting must pertain to items within the subject matter jurisdiction of the Town and shall not contain slanderous statements, hatred, and bigotry against non-public officials.
- E. The Town will go through the following steps if a disturbance results from a member of the public not following these rules:
 - 1. If participating remotely, Town staff may mute the individual with an explanation for the record of why muting occurred consistent with this Policy.
 - 2. If participating in-person, the Mayor may call a recess for violation of this Policy, resulting in the immediate cessation of the audio and video recording and the Council exiting the Chamber. Staff will determine if the individual should be removed or if all members of the public should leave depending on the extent of the disturbance. In the event that all public members exit, only the press would be allowed back in the meeting. Once the individual(s) leave, the Council would return to the Chamber and the Mayor would resume the meeting.
 - 3. Persons disrupting a Council meeting may be cited for violation of the California Penal Code Section 403.

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:

- 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.

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C. Land Use Applications

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 after the Public Hearing section of the agenda, and before Council deliberations.

D. Code of Conduct Policy

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

E. Non-Profit Organizations

Council Members may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town, unless the role serves a legitimate Town purpose, such as the League of California Cities, and the participation is approved by the full Council.

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.

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:

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- 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.
- 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 that it may engage its Council Members on matters of community concern. In response, Council Members may express a preliminary opinion on general issues or policies that are in the development phase. Any such preliminary statement shall not indicate that a decision has been reached before the public hearing or create a presumption of bias on any quasi-adjudicatory decision such as a land use approval. In addition, Council Members may from time to time express opinions regarding broad policy matters which may be in conflict with currently adopted Council policies or explain an individual vote. Such

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statements are permissible if clearly characterized as personal opinion or policy change objectives rather than the opinion of the full Town Council.

XII. Enforcement

A. Purpose

The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. The purpose of the policy language is to establish a process and procedure that:

1. Allows the public, Town Council, and Town employees to report Code of Conduct policy violations or other misconduct.
2. Provides guidelines to evaluate Code of Conduct policy violations or other misconduct and implement appropriate disciplinary action when necessary.

B. Procedures

1. Reporting of Complaints

The following section outlines the process for reporting Council Member Code of Conduct Policy violations or other misconduct:

- a. Complaints made by members of the public, the Town Manager, and Town Attorney should be reported to the Mayor. If a complaint involves the Mayor, it should be reported to the Vice Mayor.
- b. Complaints made by Council Members should be reported to the Town Manager or Town Attorney to adhere to Brown Act requirements.
- c. Complaints made by Town employees should be reported to the Town Manager, who will direct them to the Mayor or Vice Mayor.

2. Evaluation of Complaints Alleging Violations

Upon report of a written complaint, the Town Manager and Town Attorney will join the Mayor or Vice Mayor as an evaluation committee to determine the validity of the complaint and, if appropriate, an initial course of action as discussed below. 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.

Within seventy-two (72) hours of receipt of the complaint by the Mayor or Vice Mayor, the Council Member in question shall be notified of the reported complaint by the Mayor or his/her designee. The notification shall include a copy of the written complaint and supporting documentation, if any, the identity of the complainant and nature of the complaint.

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3. Unsubstantiated or Minor Violations

If the majority of the Committee agrees that the reported violation is without substance, no further action will be taken. If the reported violation is deemed valid but minor in nature, the Mayor or Vice Mayor shall counsel and, if appropriate, admonish the Council Member privately to resolve the matter. Admonishment is considered to be a reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.

4. Allegations of Major Violations

If the reported violation is considered to be serious in nature, the matter shall be referred to outside legal counsel selected by the Committee for the purpose of conducting an initial interview with the subject Council Member. The outside counsel shall report his/her initial findings back to the Committee.

If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel to conduct an investigation. The investigation process would include, but is not limited to, the ascertainment of facts relevant to the complaint through interviews and the examination of any documented materials.

5. Report of Findings

At the conclusion of the investigation, outside legal counsel shall report back to the Committee in writing. The report shall either (1) recommend that the Council Member be exonerated based on a finding that the investigation did not reveal evidence of a serious violation of the Code of Conduct, or (2) recommend disciplinary proceedings based on findings that one or more provisions of the Code of Conduct or other Town policies have been violated. In the latter event, the report shall specify the provisions violated along with the facts and evidence supporting each finding.

The Committee shall review the report and its recommendations. If the consensus of the Committee is to accept the report and recommendations, the Committee shall implement the recommendations. Where the recommendation is exoneration, no further action shall be taken. Where the recommendation is to initiate disciplinary proceedings, the matter shall be referred to the Council. Where there is no consensus of the Committee regarding the recommendations, the matter shall be referred to the Council.

The subject Council Member shall be notified in writing of the Committee's decision within 72 hours. Where the decision is to refer the matter to the Council, a copy of the full report, including documents relied on by the investigator shall be provided with the notification, and a copy of both shall be provided to the whole Council.

6. Proceedings

Investigative findings and recommended proceedings and disciplinary action that are brought forward to Council as a result of a significant policy violation shall be considered at a public hearing. The public hearing should be set far enough in advance to allow the Council Member in question reasonably sufficient time to prepare a response.

Investigative findings shall be presented to the Town Council at a public hearing. The rules of evidence do not apply to the public hearing. It shall not be conducted as an adversarial proceeding.

C. Disciplinary Action

1. Considerations in Determining Disciplinary Action

Disciplinary action may be imposed by Council upon Council Members who have violated the Council Code of Conduct Policy. Disciplinary action or sanctions are considered when a serious violation of Town policy has occurred by a Council Member. In determining the type of sanction imposed, the following factors may be considered:

- a. Nature of the violation
- b. Prior violations by the same individual
- c. Other factors which bear upon the seriousness of the violation

2. Types of Sanctions

At the discretion of the Council, sanctions may be imposed for violating the Code of Conduct or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to:

- a. *Public Admonishment* – A reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.
- b. *Revocation of Special Privileges* – A revocation of a Council Member's Council Committee assignments, including standing and ad hoc committees, regional boards and commissions, and community-generated board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.
- c. *Censure* – A formal statement or resolution by the Council officially reprimanding a Council Member.

APPROVED AS TO FORM:



Gabrielle Whelan, Town Attorney



Title: Planning Commission Policies and Procedures

Policy Number: 2-05

Effective Date: 1983

Pages: 11

Enabling Actions:

Revised Date: 5/8/1985; 11/18/1987;
9/22/93; 11/16/1998; 4/16/2001;
12/6/2010; 4/21/2015; 9/20/2016;
8/20/2019

Approved:

PURPOSE

This Policy is to inform Planning Commission Members of their roles, responsibilities, and functions, as well as operating procedures for meetings.

SCOPE

Since 1983, the Town Council has adopted Planning Commission Policies and Procedures. The Procedures address topics including the agenda format, Commissioner conduct at Planning Commission meetings, absences, evidence outside of formal hearings, findings, voting, and other issues. Periodically, the Town Council adopts revisions to the Procedures.

POLICY AND PROCEDURES

1. ORGANIZATION, OFFICERS, DUTIES

1.1 Organization.

The Planning Commission consists of seven voting members and shall be organized as prescribed by Town Code Section 29.20.750 and the Town Council. All Planning Commissioners shall be appointed by the Town Council. Commissioners serve at the pleasure of the Town Council and may be removed prior to the end of his or her term by a four-fifths vote of the Town Council.

1.2 Officers.

A Chairperson (hereinafter Chair) and Vice-Chairperson (hereinafter Vice Chair) shall be elected annually from among the Commission's membership at the first meeting in January, to serve at the pleasure of the Commission for a term of office of one year.

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The Chair shall:

- a) Preside at all meetings of the Commission.
- b) Sign documents of the Commission.
- c) Determine meeting schedule and agenda items consistence with state law noticing requirements.

During the absence, disability or disqualification of the Chair, the Vice-Chair shall perform all the duties and be subject to all the responsibilities of the Chair.

The Vice-Chair shall succeed the Chair if he or she vacates the office before his or her term is completed and shall serve the unexpired term of the vacated office. (A new Vice-Chair shall be elected at the next regular meeting.)

In the absence of the Chair and Vice-Chair, any other Commissioner shall call the Commission to order whereupon a Chair pro tem shall be elected from the Commissioners present to preside.

1.3 Duties.

The functions, powers and duties of the Planning Commission shall consist of all those functions, powers and duties of a Planning Commission as provided in Chapters 3 and 4 of Title 7, commencing with Section 65100 of the California Government Code (Planning and Zoning Law) and as the same may be hereafter amended. The Planning Commission shall perform such other duties and functions as may be designated in Town Code and by the Town Council.

1.4 Support.

The Secretary of the Planning Commission is the Community Development Director or designee. The Chair shall set the Agenda in consultation with the Secretary.

2. LEGAL AND ETHICAL STANDARDS

Planning Commissioners must serve as a model of leadership and civility to the community and treat all members of the public, each other, and the issues before them with respect to ensure open and effective government.

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To ensure the highest standards of respect and integrity during public meetings, Planning Commissioners shall:

1. Use formal titles. The Commissioners shall refer to one another formally during Commission meetings such as Chair, Vice Chair, Commissioner, or Mr., Mrs., or Ms., followed by the individual's last name.
2. Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. This does not allow, however, Commissioners to make abusive, slanderous, and personal comments, and/or physical actions that could be construed as threatening. During public discussions, Commissioners shall be respectful of others and diverse opinions, practice objectivity, and allow for the debate of issues.
3. Honor the role of the Chair in maintaining order and equity, and respect the Chair's efforts to focus discussion on current agenda items. Objections to the Chair's actions should be voiced politely and with reason.
4. Demonstrate effective problem-solving approaches. Commissioners are role models for residents, business people, and other stakeholders involved in public debate.
5. Base decisions on the -written evidence, arguments or testimony and decisions should be made objectively and based upon the merits and substance of the matter at hand, not through established coalitions or well-defined voting blocks. Judgment of decisions should be reserved until all applicable information has been presented.
6. Be prepared and knowledgeable. To effectively lead and inform the public, Commissioners shall be prepared and informed about issues on the agenda.
7. Be respectful of other people's time. Commissioners should stay focused, listen attentively, and act efficiently during public meetings. During public testimony, Commissioners should refrain from engaging the speaker in dialogue; however, for purposes of clarification, Commissioners may ask the speaker questions. Commission comment and discussion should commence upon the conclusion of all public testimony.

3. MEETINGS, STUDY SESSIONS, AGENDAS, AND STAFF REPORTS

3.1 Quorum and Attendance at Meetings.

A quorum to conduct business shall consist of a majority of the total number of filled seats consistent with Town Council Resolution 2014-041. For example, if all seven Commissioners are seated, then a quorum consists of a minimum total of four members of the Commission. A quorum is not required for workshops.

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Requests by Commissioners to attend a Commission meeting via telephonic appearance are actively discouraged. Telephonic attendance shall only be permitted in the event of extraordinary events such as a medical, family, or similar emergency requiring a Commissioner's absence or in the event the Commissioner is out of the area on official Town business. In addition, at least a quorum of the Commission must participate from a location within the Town.

3.2 Public Meetings.

All meetings shall be held in full compliance with the provisions of state law, ordinances of the Town, and these Policies and Procedures.

3.3 Regular Meetings.

Regular meetings of the Commission shall be held on the second and fourth Wednesdays of each month in Town Council Chambers at 110 E. Main Street, Los Gatos, unless otherwise determined by the Commission. All regular meetings of the Commission will be called to order at 7:00 p.m., unless advertised otherwise, canceled, or rescheduled.

The Commission with the consent of the majority of the Commission, adjourn its meetings on or before 11:30 p.m. with any unfinished business being continued to the next regular, adjourned, or special meeting, unless the Commission votes to extend the meeting. At approximately 11:15 p.m., the Chairperson will call for review of any remaining agenda items to consider whether they will likely be completed by 11:30 p.m., or whether continuances should be considered. The Secretary of the Planning Commission, or designee, will post notice of any continued hearing or other unfinished business, as required by law.

3.4 Special Meetings.

A special meeting may be called at any time by the Chairperson of the Commission, or by a majority of its membership on its own motion, or at the direction of the Town Council. Notice shall be sent in compliance with the Ralph M. Brown Act, Government Code section 54950, *et seq.* ("Brown Act") and the Los Gatos Town Code.

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3.5 Adjourned Meetings.

The Commission may adjourn any regular or special meeting to a time and place specified pursuant to the procedures set forth in the Brown Act.

3.6 Workshops/Study Sessions.

The Commission may hold a workshop as part of a regular or special meeting. When a matter is set for a workshop, public testimony on each item will generally be limited to three (3) minutes per person, at the discretion of the Chair. A workshop shall be for discussion only and the Commission will take no action on the workshop item.

3.7 Agendas.

At least seventy-two (72) hours before a regular meeting, copies of the Commission's agenda shall be posted in a location that is available for viewing by the public and made available on the Town website and at the Community Development Department. In accordance with the Brown Act, the Commission may not take action on any item that did not appear on the posted agenda, unless an exception is made as permitted under Government Code section 54954.2. The Chair may rearrange the order of presentation of items appearing on the agenda as he or she may deem necessary or desirable for the conduct of the meeting. No person shall be entitled to rely upon the order in which public hearing items appear on the posted agenda, and any public hearing on any agenda may commence immediately upon the time the meeting is called to order.

3.8 Staff Reports.

Staff Reports shall be made public whenever they are distributed to the Commission, except in the case of attorney/client privilege memoranda. Staff reports will usually be prepared with recommendations and shall include the basis for these recommendations and included in the hearing record on any application.

If, in reviewing a staff report, a Commissioner sees omissions, has questions, or is looking for specific information, it is advisable that the Commissioner contact the Community Development Director or designee prior to the hearing.

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3.9 Order of Meetings.

The Order of Business shall be as follows subject to the Chairperson's final approval:

1. Roll Call
2. Pledge of Allegiance
3. Written Communications
4. Requested Continuances
5. Sub-Committee Reports
6. Verbal Communications
7. Consent Calendar
8. Continued Public Hearings
9. New Public Hearings
10. Continued Other Business
11. New Other Business
12. Adjournment

3.10 Chair's Rules of Order.

After issuing a warning, the Chair may order from the meeting location any person(s) who commit the following acts with respect to a regular or special meeting of the Commission:

1. Disorderly, contemptuous or insolent behavior toward the Commission, or any member thereof, which interrupts the due and orderly course of said meeting.
2. A breach of the peace, boisterous conduct or violent disturbance which interrupts the due and orderly course of said meeting.

After a warning by the Chair, if more than one individual at a given meeting continues to engage in disruptive or unruly behavior to the extent that it is preventing Commissioners from adequately participating in the meeting, the Chair may order that the meeting location be cleared of all members of the public (with the exception of members of the press who are not participating in the disruption), and/or (c) adjournment of the meeting to another time or place so that the meeting may continue uninterrupted.

Any Commissioner may move to require the Chair at the meeting to enforce the rules, and the affirmative vote of a majority of the Commissioners present shall require him or her to so act.

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4. PRESENTATION OF AGENDA ITEMS

4.1 Minutes and Recording.

Commission meetings are recorded and the recording is permanently preserved by the Town. The recording of the meeting is used by the Secretary of the Commission to prepare minutes of the hearing which must be approved by the Commission. The minutes of the Commission's proceedings shall show the vote of each Commissioner, including if they were absent or failed to vote on a matter considered.

4.2 Order of Presentation.

The order of the presentation shall be as follows:

1. The Chair shall announce the subject of the agenda item.
2. Presentation of staff report, including any environmental analysis or recommendation.
3. Questions of staff by Commissioners.
4. Public hearing opened.
5. Presentation of the applicant(s) or appellant(s).
6. Public comment.
7. Rebuttal comments by the applicant(s) or appellant(s).
8. Public hearing closed.
9. Commission discussion and action.

4.3 Public Participation.

The Commission welcomes participation and comment on any matter within its subject matter jurisdiction. It is the Commission's intent to create and maintain an environment where people feel comfortable participating in the public process and an atmosphere of respect for all who participate in the Town's public meetings. To maintain civility and respect and to allow the Commission to complete its work in a timely manner, the Commission requests that all attendees and participants show respect for every speaker regardless of his or her viewpoint, and to refrain from conduct that may inhibit others from addressing the Commission. Disrespectful conduct, such as hissing, booing, whistling, cheering, chanting, and judgmental hand gestures, are all inappropriate. The Commission also discourages profane remarks or personal attacks or insults to any member of the Commission, staff, other attendees or speakers, or the general public. Accordingly, the Commission requests the cooperation of all in maintaining a meeting

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environment where persons can feel comfortable participating in the public process and expressing their views and opinions, and an atmosphere of respect for all.

4.4 Rules of Evidence.

Hearings and meetings before the Commission need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which reasonable persons are accustomed to rely on in the conduct of serious affairs.

4.5 Written Evidence.

Written evidence that members of the public wish to submit to the Commission in advance of a Commission agenda item should be submitted by 11:00 a.m. on the Wednesday one week prior to the Commission meeting in order for such evidence to be provided to the Commission with its agenda packet in advance of the meeting. Any written evidence submitted after this day and time but prior to 11:00 a.m. on the day of the hearing will be distributed to the Commission in an Addendum or Desk Item.

Written or pictorial evidence distributed to the Commission at the meeting may not be effective, as the Commission may not have enough time to absorb its content. Although late correspondence is highly discouraged for this reason, any participant may submit written and pictorial evidence to the Commission during the public hearing on an item.

4.6 Oral Evidence, Time Limits, and Number of Speakers.

A speaker's card to speak on an item should be submitted to the Secretary of the Commission or designee.

The Chair's instructions to the audience will generally follow these guidelines:

1. Any person desiring to speak must first be recognized by the Chair.
2. All participants must speak from the podium.
3. All speakers are requested to first state their full name and full address, and to speak into the microphone as all meetings are recorded. To ensure correct spelling of names and addresses, all speakers are encouraged to submit a speaker's card to the Secretary of the Commission or designee.

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4. All comments shall be directed to the Commission as a body, and not to any particular Commissioner, staff person or audience. No person, other than Commissioners, staff, and the person having the floor shall be permitted to enter into the discussion. Commissioners shall only ask questions of the speakers through the Chair. Each applicant and appellant shall be limited to a five (5) minute presentation at the start of the public hearing and a three (3) minute rebuttal after all other speakers have been heard. All members of the applicant's or appellant's team shall be heard as a group within these time limits. Questions by the members of the Commission do not count against the time. Members of the public who wish to speak on any items will be limited to up to 3 minutes each. No person shall be allowed to speak a second time per item. In order to assure the opportunity for all those desiring to speak before the Commission, there is no yielding of time to another speaker. The Chair, at his or her discretion, may allocate more or less time for speakers due to the complexity of the issues and/or due to a large number of speakers on a particular item. Except for the applicant or appellant, all speakers shall be limited to the same amount of time to speak.

4.7 Evidence Received Outside a Hearing.

Applications before the Planning Commission involve quasi-judicial matters, legislative matters and matters that have attributes of each. On quasi-judicial matters California law requires decisions to be based on findings, and findings to be based on evidence presented at the hearing. Accordingly, the actual decision of the Commission on a quasi-judicial matter must be supported by evidence presented at the hearing, i.e. the staff report, testimony given during the hearing and comments from other Commissioners. A Commissioner may not state or predetermine his or her decisions on an application prior to the hearing.

In order to avoid the appearance of bias or impropriety, individual Commissioners are prohibited from discussing, outside of the public hearing process, the substance of any project with project proponents, opponents and member of the public. This prohibition shall apply to all projects, whether conceptual or proposed, that can be considered by the Commission in reviewing an application, on appeal or on remand. Study sessions may be used as a means of facilitating informal communication. Individual Commissioners who have engaged in prohibited discussions shall recuse themselves from consideration of the project.

Incidental contacts that do not address the substance of any project are not prohibited. Incidental contacts are those that are not reasonably understood to influence a Commissioner's decision and include speaking with an interested party to obtain approval to enter a property and to

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obtain information intended to orient the Commissioner about the physical aspects of the property or a project.

5. MOTIONS

Action upon an order, resolution, ordinance, or any other action of the Commission may be proposed by any Commissioner by a motion. Before a motion can be considered or debated it must be seconded, at which time it shall be on the floor and must be considered. If not seconded, the motion dies for lack of a second and shall be so declared by the Chair. Substitute motions and other parliamentary procedures shall follow Robert's Rules of Order.

Pursuant to Planning Commission Resolution No. 78-4, adopted May 10, 1978, the Planning Commission will not accept requests for continuances from applicants after 12:00 noon of the Friday preceding any Commission meeting, provided, however, that the Commission retains the right to make exceptions when it finds that a genuine emergency exists which was not known to the applicant.

A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified be deemed to include adoption of all proposed findings and execution of all actions recommended in both the written staff report on file on the matter, any verbal staff report, and other evidence presented during the hearing.

6. VOTING AND ABSENTEES

Voting of not less than three (3) votes shall be required to carry a motion, unless a larger number of votes is required by applicable ordinance or other law.

If a Commissioner is not eligible to participate in the consideration of an item due to a conflict of interest, the Commissioner shall be disqualified and shall recuse him or herself from the voting, in which case the Commissioner cannot be included in the quorum. Prior to consideration of the matter, the conflicted Commissioner shall recuse on the record, stating the basis for the recusal, and shall then leave the room, unless legally entitled to remain under applicable law.

If a majority of the Commission shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the Commission shall select by lot, or other means of random

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selection, that number of disqualified Commissioners which, when added to the Commissioners eligible to vote, shall constitute a quorum.

A Commissioner who expects to be absent should notify the Chair and the Community Development Department prior to the meeting.

Pursuant to Resolution 2011-012, any Commissioner who is absent from eight (8) regular meetings held in a twelve (12) consecutive month period, shall, as a result, surrender his or her office on the Planning Commission and the office shall be considered vacant.

A Commissioner who is absent from any portion of a hearing conducted by the Commission may vote on the matter at the time it is acted upon, provided that he or she viewed the video recording of the entire portion of the hearing from which he or she was absent, and he or she has examined all of the staff reports and minutes presented during the portion of the hearing from which he or she was absent; and he or she states for the record before voting that the Commissioner deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.

7. LEGAL REQUIREMENTS

The Planning Commission 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 Commission on these matters.

The Ralph M. Brown Act requires that meetings of the Planning Commission be open and public. "Meetings" occur whenever four (4) or more members of the Commission hear, discuss, or deliberate on any matter that is relevant to the Town. This includes discussions that occur face to face, serially, through third parties, or through written, telephonic, or e-mail communications.

The Political Reform Act controls conflicts of interests through disclosure of financial interests and prohibition in participating in decision making. Commissioners are prohibited from making, participating in or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. Financial interests can arise out of property ownership, business investment, leadership in a business entity, and receipt of money or gifts.

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8. CONSTRUCTION AND EFFECT

These Policies and Procedures shall be construed and applied so as to ensure a full and fair hearing of relevant evidence which is offered on a land use matter and to facilitate an orderly analysis of evidence and issues by the Commission. Failure to comply with the strict provisions of these Policies and Procedures shall not necessarily invalidate any action taken by the Commission.

9. RULES OF ORDER.

Except as otherwise provided in these Policies and Procedures, Roberts Rules of Order shall be used as a guide for the conduct of the meetings of the Planning Commission. No omission to conform to said rules of order shall in any instance be deemed to invalidate any action taken by the Commission.

10. AMENDMENT.

These Policies and Procedures may only be amended by the Town Council.

APPROVED AS TO FORM:



Robert Schultz, Town Attorney



TOWN OF
LOS GATOS
CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service

Community Stewardship

Future Focus

TITLE: Residency and Attendance Requirements, and Establishing a Quorum

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;
12/7/21, 3/15/22, 8/2/22; 9/20/22;
10/03/23; 11/21/23; 3/5/2024

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

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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 ex-officio members of other Boards, Commissions, and Committees, or Commission members (hereinafter referred to as "Commissioners") serving as representatives of their Commission who have been appointed by 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 Commission's enabling resolution and includes a Los Gatos business owner/employee, faith leader who leads a congregation in Los Gatos, and Los Gatos non-profit employee who may or may not reside in Los Gatos.

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.

** 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.

PROCEDURES

The following procedures will be followed by the applicant, the Town Clerk, and the Town Council for the appointment of applicants to Town Commissions:

Responsibility and Actions: Town Clerk

A. Annual Recruitments

Adult Commissioners' terms begin on January 1 and end on December 31, Youth Commissioners' terms begin on September 1 and end on May 31. The Town Clerk shall perform the following duties in conducting an annual recruitment for Commissioners:

1. Notify Town Council of vacancies on Commissions by indicating the names of the Commissions, the number of terms expiring or being vacated, names of individual(s) with expiring terms or vacating seats, advertising periods (at least 30 days) and the date of interview.
2. Advertise the vacancies, including the application deadline and the interview date. Interviews and appointments for Adult Commissioners shall occur after annual Mayor and Vice Mayor selection, and in the case of election years, after new Council Members have been seated. Interviews and appointments for Youth Commissioners shall occur by the fourth Wednesday in May, no earlier than 4:00 p.m.
3. Prepare and maintain easily understood applications for appointment to Commissions. Applications shall include the following policy information:
 - a. Prior to initial appointment to any Commission, non-incumbent applicants must be interviewed by the Town Council, with the exception of the Finance Commission which will be interviewed by the appointing Council Member. The applications of those not interviewed will be held for the next recruitment.
 - b. If an incumbent Commissioner is requesting reappointment to the same Commission and is not available to be interviewed, the incumbent may submit a letter prior to the interviews, describing the reason why the applicant cannot be present via teleconference or in person for the interview, and why the applicant should be reappointed to the Commission.
 - c. Submission deadlines are mandatory; no exceptions are permitted.
4. Applications:
 - a. *For adult applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council prior to the interviews for appointment.
 - b. *For student applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council Selection Committee, consisting of the Mayor, Vice Mayor, Police Chief, and Youth Commission Chair (if not reapplying), prior to the interviews for appointment.
5. Notify the applicant by letter or email as to the date and time of the interview and provide the option for an in person or teleconference interview.

6. Facilitate the Council voting process set forth below by informing the Council as to how many votes are possible on each Commission, calling out applicants' names, and identifying the applicants receiving sufficient votes for appointment. This voting process does not apply to Youth Commission or Finance Commission applicants.
7. Applicants:
 - a. *For adult applicants* — After the interviews and the Council votes are completed, notify all applicants of the Council's action, and explain the Town's policy of keeping applications active for one year with notification of subsequent openings on that Commission to the interested applicants.
 - b. *For Youth Commission applicants* — After the interviews are completed, notify all applicants of the Council Committee's action, and prepare a staff report for the Town Council to ratify the Committee's appointment at the first Town Council meeting in June.

Interview Process

To ensure the interview process is consistent, fair, and equitable, each applicant shall be asked the same standard questions, as provided below. Notwithstanding, no Council Member shall be prevented from asking appropriate questions of applicants.

1. If appointed, what ideas would you like to see the Commission explore?
2. Please expand beyond the written response on your application: your experience, interest, and/or expertise that you feel would be most useful to the Commission.
3. Please elaborate on any written response provided in the application to assist the Council learn more about you.
4. If you did not answer any of the questions on the application, please explain why.

The standard questions are limited in number to allow an applicant sufficient time to respond. While the intent is for each Council Member to be able to ask one question of each applicant, the Council may decide not to ask all of the provided questions, change the order of the questions, or rotate which Council member asks a specific question. Applicants will be given a two-minute time limit to answer each question.

Balloting Process

Unless determined otherwise, the Council shall conduct a ballot vote for the appointment of individuals to fill the vacancies for each Commission with the exception of the Finance Commission. Such ballot vote may be conducted at either a regular, adjourned or special meeting of the Town Council. The ballot vote process shall be conducted as follows:

1. The Town Clerk shall provide a ballot to each Town Council member listing the names of all applicants and "None of the above" for each respective Commission. Prior to the vote, the Town Clerk shall publicly announce the position vacancy and all applicant names that are listed on the ballot.

2. 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.
3. The Town Clerk shall collect all ballots and shall publicly announce the name of each Town Council member and how that Council member cast his or her vote. In the case of a tie vote, the Town Clerk will announce that there is a tie and that a run-off vote shall be conducted but will not announce the names of the applicants in the run-off. Once all voting is concluded and a decision made, the votes will be made public. The run-off ballot will also include a “None of the above” option.
4. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the event of a tie, a run-off vote shall be conducted among the applicants receiving the highest number of votes from the previous round. This shall continue until a majority consensus on an applicant(s) is reached for the number of vacancies to be filled. In the event of an unbreakable tie, the Council may determine an alternative method for selecting the appointee(s) or direct the Town Clerk to re-advertise the vacancy.
5. If an applicant(s) is appointed to a Commission that has vacancies for both full and partial, unexpired terms, the length of the appointee’s term will be determined by the Mayor.

B. Mid-Term Recruitments

During the year, Commissions may experience vacancies that drop the number of filled seats to a number of members that is not sufficient to conduct Commission business. The Commission may request the Council to conduct a mid-term recruitment to fill seats. To the extent possible, the Town Clerk will consolidate mid-term recruitments to minimize the number of recruitments occurring throughout the year. In the event of a vacancy on the Planning Commission, the Town will automatically conduct a mid-term recruitment. Mid-term recruitments will not be conducted for Youth Commissioners. The Town Clerk shall advertise mid-term vacancies on Commissions for at least 15 days.

Responsibility and Action: Applicant

1. Read the Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy, complete and submit to the Town Clerk the application for appointment to a Town Commission by the advertised deadline date and time.
2. *For adult applicants:* Attend the Council meeting to be interviewed for the Commission appointment. The applicant is required to notify the Town Clerk no later than 4:00 p.m. three business days before the scheduled interview date whether they will not attend in person or via teleconference.
3. *For student applicants:* Attend the Council Selection Committee interview session. The applicant is required to notify the Town Clerk no later than 4:00 p.m. the three business days

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before the scheduled interview date whether they will not attend in person or via teleconference.

4. If an incumbent Commissioner is requesting reappointment to the same Commission and is not available on the date of the interview, the incumbent must submit a letter by 4:00 p.m. the three business days prior to the interviews, describing the reason why the applicant cannot be present via teleconference or in person for the interview, and why the applicant should be reappointed to the Commission.
5. If appointed, prior to starting the Commission term, appointees are required to attend a Commissioner Orientation and take the "Oath of Office."
6. Attend Commission meetings once term begins.
7. Read the Commissioners' Handbook available online.

Responsibility and Action: Town Council

1. Review applications.
2. *For adult applicants* – Interview applicants by Commission at a public meeting with all applicants present.
For student applicants – Town Council Selection Committee interviews applicants.
3. Determine if the incumbents not in attendance and having submitted a letter pursuant to this Policy should be considered for reappointment.
4. If there are limited applications for any vacancy to a Commission, the Mayor, on behalf of the Council, may request that the Town Clerk re-advertise the vacancy, reschedule the interviews, and notify all applicants of the new interview date.

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

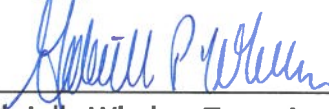
Under the Fair Political Practice Act, a Commissioner has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on his or her personal finances or other financial interests. In such cases, there is a risk of biased decision-making 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 comply

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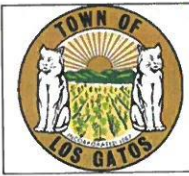
with the Fair Political Practice Act regulations, they should avoid the appearance of a conflict of interest.

The Fair Political Practice Act does not prohibit a Commissioner from participating in a decision simply by virtue of holding a position as a board member, director, officer, or employment with a nonprofit corporation. However, the Town strongly encourages that in the event that a decision concerns a nonprofit corporation for which a Commissioner is a board member, director, officer, or employed with that nonprofit corporation, the person should recuse him or herself and at a minimum shall disclose the potential conflict of interest before any discussion and decision.

APPROVED AS TO FORM:



Gabrielle Whelan, Town Attorney



TOWN OF
LOS GATOS
CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service

Community Stewardship

Future Focus

TITLE: Social Media Policy

POLICY NUMBER: 2-16

EFFECTIVE DATE: 09/02/2015

PAGES: 1 of 7

ENABLING ACTIONS:

REVISED DATES: 10/04/2022

APPROVED:

PURPOSE

The Social Media Policy governs the operation of social media accounts by the Town of Los Gatos ("Town"), its Departments, and Town Elected/Appointed Officials to ensure that the community has access to timely, useful, and important information. The intended purposes of these Town social media accounts are to disseminate information regarding the Town's mission, meetings, current issues, programs, projects, services, and events; strengthen relationships; foster communication; and engage the community.

The Town has an important interest in assuring the accuracy and consistency of information associated with its social media accounts. The Town also respects the First Amendment to the United States Constitution and the constitutional right to freedom of speech. This Policy also establishes guidelines for the public's use of social media that balances these values.

Social media users who submit content to any official Town social media account acknowledge they have read, understand, and agree to the Town's terms and conditions by virtue of such use.

This Policy is not meant to address one particular form of social media; rather social media in general as advances in technology will occur and new tools will emerge.

DEFINITIONS

Town Social Media Account – An official account or page on social media maintained by the Town of Los Gatos.

Elected/Appointed Town Officials – Town Mayor, Vice Mayor, Councilmembers, and people appointed by the Council to serve on a legislative body such as a Town Board, Commission, Committee.

Post – The addition of information of any kind in the form of text, links, graphics, photos, videos, etc. to social media.

Social Media – Publicly accessible technologies used to publish and/or share information using the internet. Examples of social media include: Nextdoor, Facebook, Instagram, Twitter, LinkedIn, and YouTube.

SCOPE AND AUTHORITY

This Policy applies to all employees of the Town including temporary personnel, interns, volunteers, or other individuals performing work and/or engaged in external communications on the Town's behalf and to Town Elected/Appointed Officials.

Town employees shall operate Town social media accounts and post items on behalf of the Town only as authorized and in conjunction with the Town Communication Team consistent with the administrative procedures outlined in the Town Communication Plan.

GENERAL POLICY

Town employees shall follow these general guidelines when posting items to social media and/or operating the Town's social media accounts. Employees should also refer to and comply with the Town's Communication Plan.

1. The Town's official website (www.LosGatosCA.gov) will remain the Town's primary means of digital communication. When possible, social media posts should contain a link directing viewers to the Town website for more information.
2. Posts should specifically address information regarding Town services, Departments, officials, programs, safety and disaster preparedness, emergency alerts, meetings, recognition, recruitment, history, community, and/or offerings specifically related to or originating from the Town.

The Town may post information from Town Departments, Town government agency partners, organizations that are under contract with the Town for programming (e.g., Music in the Park, Los Gatos-Saratoga Recreation, etc.), and/or relevant media outlets (local, regional, State).

The Town may post information from non-profits providing housing or philanthropic services in Los Gatos with whom the Town has a contractual partnership. Information from non-profits providing housing or philanthropic services in Los Gatos that are not in

a contractual partnership with the Town may be “shared” on the Town’s social media accounts, but not posted directly to the Town’s social media accounts.

The Town may post information from the official sites or accounts of local, State, and Federal government or quasi-government agencies.

The Town may post information from utility, energy, water, recycling, waste management and/or other Los Gatos service providers. Examples include: PG&E, Silicon Valley Clean Energy, West Valley Collection & Recycling, etc.

The Town reserves the right to deny requests to post external links or information that do not fall into any of these categories.

3. Social media content may include information, graphics, photos, videos, and links.
4. Official Town accounts should clearly identify that they are operated by the Town and use an official Town or Department name and logo.
5. Where possible, this Social Media Policy should be linked on all Town social media accounts.
6. Social media posts will supplement and not replace legally required notices and standard methods of communication.
7. No confidential information may be posted.
8. Posts should not contain any personal information except for the names of employees whose job duties include being available for contact by the public.
9. Posts should be professional, respectful, timely, and factual.
10. All necessary permissions should be obtained prior to posting (e.g., permission to use photos if applicable).
11. All posts must comply with usage rules and regulations required by third party providers of Town social media accounts. The Town reserves the right to report any violation of those rules and regulations to the third party social media providers so that those third party social media providers can take appropriate and reasonable responsive action.
12. Posts must comply with all applicable Town Policies and Procedures pertaining to communications including the Town Communication Plan, employee electronic

TITLE: Social Media Policy	PAGE: 4 of 7	POLICY NUMBER: 2-16
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communications usage requirements, and any restrictions on the forum such as limitations to specified activities or topics.

CONTENT MODERATION

The Town's social media accounts are limited public forums moderated by Town staff. Members of the public are invited to view and, where possible, provide comments or other engagement on Town social media accounts in accordance with this Policy and any other restrictions specific to the forum such as limitations to specific activities or topics. Any public comment posted to a Town social media account is the opinion of the commenter. The presence of that content in connection with a Town social media account shall in no way imply Town endorsement of, or agreement with, the content.

The Town may hide and/or delete comments that are not related to the topic of the post or are not protected speech protected by the First Amendment. The Town shall not hide and/or delete comments solely because such comments are critical of the Town or its officials. It is understood that social media is a 24/7 medium and the Town may not see every inappropriate comment right away. The Town is trusting in the community to allow reasonable time for off-topic, inappropriate or harmful speech to be reviewed and/or removed.

The following types of content shall not be permitted in connection with Town social media accounts and will be removed:

1. Content unrelated to the Town or specified post topic.
2. Violent and/or pornographic content.
3. Content promoting discrimination on the basis of race, creed, color, age, religion, sexual orientation, gender, disability, veteran status, national origin, or any other legally protected class.
4. Profane language or content.
5. Solicitations of fundraising or commerce, including but not limited to advertising of any business or product for sale.
6. Violations of any law, threats, and/or promotion of violence or illegal activity.
7. Content compromising public safety or security.

8. Content supporting or opposing any political candidate or campaign, including ballot measures.
9. Content that violates a legal ownership interest of any other party.
10. Apparent spam, content posted by automatic software programs (i.e., "bots"), or comments containing links to malware and/or malicious content that affects the normal functioning of a computer system, servers, or browser.
11. Duplicate comments posted repeatedly within a short period of time.
12. Personal attacks or comments containing actual defamation against a person, either as determined by a court or comments that are patently defamatory by easily discovered facts.
13. Private or personal information posted without consent.

Public comments that do not conform with these restrictions shall be removed following approval by the Town Manager or designee in consultation with the Town Attorney. Any public comment removed based on this Policy shall be retained in a manner consistent with the Town's Records Retention Policy.

NO LIABILITY/GUARANTEE

The Town operates its social media accounts as a public service to provide information about the Town. The Town assumes no liability for any inaccuracies its social media accounts may contain and does not guarantee its social media accounts will be uninterrupted, permanent, or error-free.

All users of social media should review and understand all applicable privacy and other policies, including those established by the third-party social media providers. Town social media accounts may contain content, including but not limited to, advertisements or hyperlinks, over which the Town has no control. The Town does not endorse any hyperlink or advertisement placed on a Town social media account by anyone other than the Town.

Shares, likes, follows, etc. by any Town social media account are not endorsements.

Town social media accounts are not monitored 24 hours a day, seven days a week and no one should utilize Town social media accounts to seek emergency services. Anyone in need of emergency help should call 9-1-1.

TITLE: Social Media Policy	PAGE: 6 of 7	POLICY NUMBER: 2-16
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The Town does not guarantee it will respond to comments or messages on Town social media accounts. The Town will use its discretion in determining when to reply publicly, reply privately, or not reply at all.

ELECTED/APPOINTED OFFICIALS

If Elected/Appointed Town officials have their own social media accounts, the Town recognizes that they may choose, in their individual capacity, to post items relevant to Town business. In such situations, Elected/Appointed Town officials shall make it clear that they are speaking for themselves, not for the Town or for their legislative body. Elected/Appointed Officials shall individually ensure that they comply with all applicable laws, including, but not limited to, the United States Constitution and the First Amendment, the Ralph M. Brown Act, the California Public Records Act, and the Town's Records Retention Policy.

The Town does not create or provide support for individual social media accounts for Elected/Appointed officials and those who maintain personal social media accounts should be aware that (similar to Town email or any other written or recorded communication related to the official conduct of Town business), digital communications, social media posts, and messages by Elected/Appointed Town officials regarding matters that are related to Town business are subject to laws and policies regarding freedom of speech, records retention and production, and public transparency.

Elected/Appointed Officials are prohibited from using the Town logo or seal or any variation of the Town logo or seal, representing the Town, or representing that they speak on behalf of the Town within their official or personal social account(s).

To avoid violations of the Brown Act, consistent with the update provided by AB 992, Town officials are permitted to use social media to engage in conversations or communications on matters within the subject matter jurisdiction of their legislative body to answer questions, provide information to the public, and/or to solicit information from the public. However, the Brown Act prohibits Elected/Appointed Officials from communicating directly with the social media of any other member of the legislative body on a subject within the legislative body's jurisdiction. Elected/Appointed Officials should be careful not to post, respond, like, react, share, retweet, etc. any content from another member of their legislative body in a manner that could constitute an improper serial meeting or otherwise violate the Brown Act.

Elected/Appointed Officials may share or like official Town social media account postings. If there is any concern about whether an action or content falls within the Brown Act or other legal limitations, the Elected/Appointed Official should check with the Town Manager and Town Attorney prior to posting.

When possible, news of Town-wide importance should first be announced by the Town's official social media accounts including the Town website. This information can then be shared by Elected/Appointed Officials, linking back to the original post or Town website, when possible. Unless the Elected/Appointed Official has been designated to serve as a spokesperson, a Town Elected/Appointed Official should never represent themselves as a spokesperson for the entire legislative body or the Town. Elected/Appointed Officials should be mindful of recognizing that accomplishments of the Town or legislative body are achieved by collective action of the entire body or organization.

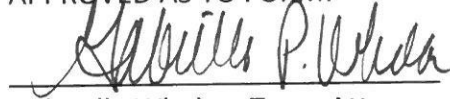
Digital records relating to public business are required to be handled in a manner capable of maintaining the record for the applicable retention period. Elected/Appointed Officials should avoid deleting comments or blocking individuals on any social media accounts they maintain that are related to Town business. Social media content should be treated the same as any written document retained in accordance with the Town records retention schedules.

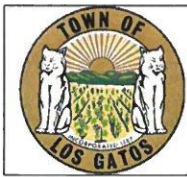
When an Elected/Appointed Official engages in public social media discussion on matters related to Town business, it is strongly recommended that the Elected/Appointed Official capture relevant comment threads and forward such communications to the participant's own Town of Los Gatos email address, the Town Manager, or staff liaison for the legislative body so that such communications are captured and preserved.

RECORDS

There is no expectation of privacy on any of the Town's social media accounts. Town social media records are subject to the California Public Records Act. Any content maintained on a Town social media account that is related to Town business, including posts, public comments, replies, and information about subscribers/followers, may be considered a public record and subject to public disclosure.

APPROVED AS TO FORM:


Gabrielle Whelan, Town Attorney



Title: Solicitation and Donation Policy

Policy Number: 2-17

Effective Date: 10/6/15

Pages: 4

Enabling Actions:

Revised Date: 08/01/2023

Approved:

PURPOSE

The purpose of this policy is to effect Town donations and solicitations in a manner that complies with both the letter and spirit of California 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.

SOLICITATION GUIDELINES

Targeted Solicitation

Targeted solicitation is defined as the direct petition or contact of specific individuals, companies, foundations or other entities initiated by the Town Council and other elected officials, Council advisory bodies, and Town employees herein called "Town Officials" for the purpose of receiving goods, services, or other contributions for the Town. Targeted solicitation excludes the direct petition for government, private, or non-profit grants for Council-approved programs, projects, and services. Unless prior approval has been given by the Council, Town Officials shall not engage in targeted solicitation activities on behalf of the Town.

BROAD OUTREACH GUIDELINES

Broad Outreach

Broad outreach is defined as the process of informing a broad spectrum of individuals, companies, foundations, non-profit organizations, or other entities of donation opportunities through various communication vehicles, including but not limited to written, electronic, or internet-related publications, flyers, brochures, news releases, and television or radio announcements. Broad outreach is permitted by the Town Manager or designee subject to the guidelines provided in this policy.

The following broad outreach guidelines apply when communicating a Town need for goods, services, or other contributions:

Title: Solicitation and Donation Policy	Page: 2 of 4	Policy Number: 2-17
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- Broad outreach must relate to a Town Council-approved purpose, service, project, or program.
- Broad outreach for goods, services, or other contributions should be made by using a variety of communication methodologies to ensure outreach to the entire community.
- Donations shall not be made under the guise, pretense, or presumption of receiving official Town endorsement or approval of the donating party, product, project, or activity.

PROCEDURE FOR ESTABLISHING COUNCIL APPROVED TOWN NEEDS

The Council shall direct the Town Manager to develop a list of recommended Town needs for donation opportunities, including but not limited to items related to the Town Council's Strategic Priorities, Town programs, and/or capital project needs. Council consideration and approval of the list of Town needs may occur as part of the annual operating and capital budget development process and can be amended by Council at any time.

DONATION ACCEPTANCE GUIDELINES

All goods, services, or other contributions offered by individuals, companies, foundations, non-profit organizations, or other entities will be considered for acceptance or rejection, including items offered for donation that are identified on a Council approved list of needs. The acceptance of all donations to the Town will be based on the following guidelines.

- Purpose of the donation.
- Community or municipal need for the donation.
- Compatibility of the donation with Los Gatos Municipal Code, policies, programs, and other applicable laws.
- Timeliness of the donation as it relates to implementation.
- Level of benefit and financial impact to the Town.

All donations should be reviewed by the Town Manager or designee in advance of acceptance to ensure consistency with established policy guidelines.

AUTHORITY TO ACCEPT DONATIONS

The authority to accept all donations is based on the market value of the donation as reasonably determined.

Donations \$25,000 and Under

The Town Manager or designee is authorized to accept or reject all minor donations that have a market value equal to or less than \$25,000.

Donations over \$25,000

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The Town Council shall consider and accept or reject all major donations that have a market value greater than \$25,000.

Ongoing Annual Donations from 501(c)(3) Organizations dedicated to supporting specific Town Departments in Offering Community Services:

- Potential uses for donation funds will be discussed and agreed upon with the respective non-profit bodies, in accordance with the Council approved Solicitation and Donation Policy.
- Funds donated will be placed into accounts as designated by the Finance Director.
- The departments may expend donated funds once received and deposited into the appropriate account only for items identified on the Council approved Town of Los Gatos Donation Opportunities List of Town Needs, which is approved annually with the Town's operating budget.
- At the end of each fiscal year, a written listing of items purchased from these accounts, in accordance with the Donation Policy, shall be provided to the Town Manager and Town Council.

PROCEDURES FOR ACCEPTING MAJOR DONATIONS

For all major donations, a staff report, containing analysis based on the donation acceptance guidelines established in this policy, will be written to guide the Council when considering major donations. The report will also provide donation recognition alternatives for Council consideration should the donation be accepted. The Council will determine on a case by case basis if the donation should be accepted or rejected.

DONOR RECOGNITION GUIDELINES

Acceptance of donations shall be acknowledged by the Town. Donation recognition practices shall be implemented in a consistent manner and adhere to Town Municipal Code, all applicable laws, regulations, and policies. Recognition of donations will be determined by the Council or Town Manager and shall be consistent with acceptance requirements of this policy and the guidelines set forth below:

Donations accepted by the Town may be acknowledged through one or more of the forms of recognition as indicated below. Other forms of recognition may be approved by the Town Council via resolution if compelled by special circumstances which shall be specified in the resolution.

- Written and/or verbal recognition.
- Public recognition at Town Council meetings.
- Inclusion in Town public communication materials, such as electronic media and selected publications.

Title: Solicitation and Donation Policy	Page: 4 of 4	Policy Number: 2-17
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- Plaques.

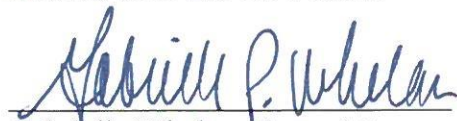
Plaques may be used to commemorate donations accepted by the Town from persons, businesses, and organizations according to the following standards:

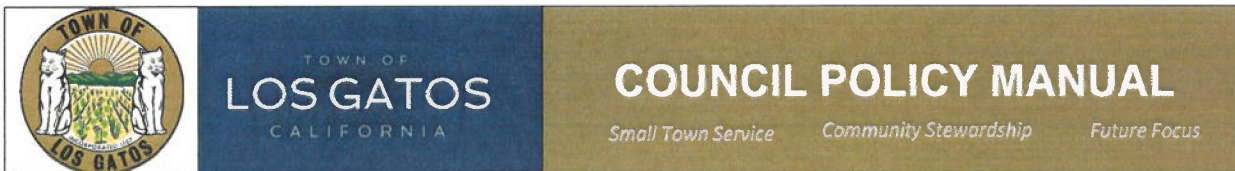
Plaques used for recognition purposes may be affixed to an appropriate Town facility, which includes, but is not limited to a building or any portion thereof, structure, equipment, furniture or natural asset. Plaques shall include the name(s) of the person(s) being recognized and applicable date, with standard wording limited to:

- The Town of Los Gatos recognizes and appreciates _____ [and his/her family] for [his/her/their] donation to [identify facility].
- The Town of Los Gatos recognizes and appreciates _____ [business or organization] for its donation to [identify facility].
- The Town of Los Gatos recognizes and appreciates _____ for [his/her/its] donation to [identify facility] in the name of _____.
- Or language acceptable to the Town Council.

The size of the plaque shall not exceed 8"x10," unless the number of donors exceeds the allowable space. For multiple donors, the names of the donors should be proportioned thereto, and the size of the plaque shall not exceed four (4) square feet. The location, materials, size and color of plaques shall be consistent with acceptance requirements of this policy or by Council on a case by case basis should special circumstances exist, which shall be specified in a resolution. Unless compelled by special circumstances and approved by the Town Council via resolution, Town facilities shall not be named after an individual, group, organization or business as a result of any donated good, service, or other contribution to the Town.

APPROVED AS TO FORM:


 Gabrielle Whelan, Town Attorney



TITLE: COMMISSION BUDGETS

POLICY NUMBER: 5-03

EFFECTIVE DATE: 04/17/2024

PAGES: 2

ENABLING ACTIONS:

REVISED DATES: 09/17/2024

APPROVED:

Mary Badame

I. PURPOSE:

The Town Council may allocate funding to Town Boards, Commissions, and/or Committees (hereafter, Commissions) for the purpose of communicating the work of the Commission to the Los Gatos community. This Policy sets forth the criteria for the use of these funds, should they be allocated.

This Policy works in concert with the Town's Purchasing Policy and other procedures.

II. USE OF COMMISSION BUDGET

A. Appropriate Uses: Appropriate uses of a Commission's budget, include:

1. Purchasing supplies and materials for Commission activities
2. Printing flyers or other materials for distribution to the community
3. Purchasing give away items at Town events (e.g., the Youth Commission giving away succulents at Spring into Green) or events as authorized by the Commission Events Policy
4. Paying for the registration for a table or booth at a non-Town event in conformance with State law
5. Attending relevant workshops (registration only)
6. Hosting a Town Council approved "Commission Hosted Event" in accordance with the Commission Events Policy and the Town's Purchasing Policy

B. Inappropriate Uses: Inappropriate uses of a Commission's budget, include:

1. Hiring a vendor to perform services
2. Paying Town employees or other individuals
3. Granting or donating funds to a third-party organization(s), including being a sponsor or financially supporting a third-party organization's activities and/or events

- C. **Modification of Appropriate Uses:** Should a Commission identify a new use for its Town funds, this Policy must be updated by the Town Council.

III. PROCEDURE FOR EXPENDITURES

- A. **Prior to Expenditure:** Prior to any expenditure that is an appropriate use, the following procedure must be followed:
1. The request for use of the Commission's budget must be agendized for Commission consideration.
 2. The staff liaison to the Commission would verify that the intended use of the funds meets this Policy.
 3. The staff liaison would verify available funds for the expenditure.
 4. If approved by the Commission, the staff liaison would explain how the purchase would occur.
- B. **Expenditure:** The staff liaison would be responsible for the expenditure, following the Town's Procurement Policy, State law, and local regulations.
- C. **Post-Expenditure:** The staff liaison would be responsible for submitting all receipts and documentation associated with the expenditure to the Finance Department, and retaining the documentation consistent with Town policies, procedures, and practices.

APPROVED AS TO FORM:



Gabrielle Whelan, Town Attorney



TITLE: COMMISSION EVENTS		POLICY NUMBER: 5-04
EFFECTIVE DATE: 09/17/2024		PAGES: 3
ENABLING ACTIONS:	REVISED DATES:	
APPROVED: <i>Mary Badame</i>		

I. PURPOSE:

The Town Boards, Commissions, and/or Committees (hereafter, Commissions) may have interest in engaging the public through community events. This Policy sets forth the criteria for Commission participation in events and the use of Town resources for such activities. For the purposes of this Policy, participation in events refers to serving in a formal Town Commission role in an event for purposes of engaging the attendees and does not refer to simply attending an event. This Policy pertains to a Commission’s participation in events in its official capacity and does not apply when a Commissioner is not acting in their official capacity.

This Policy works in concert with the Town’s Purchasing Policy and other policies and procedures.

II. COMMISSION EVENTS

A. Applicability

- a. The following sections of this Policy will apply to all Commissions with the exception of the Youth Commission. In the Youth Commission’s enabling resolution, one of its duties is to hold forums. In addition, youth may not be able to operate as independently as adult Commissioners and different considerations may need to be made for safety and successful event participation. Due to this specific duty and the additional considerations for participating youth, Youth Commission events may occur with the approval of the Police Chief to ensure adequate consideration of budget, safety, liability, logistics, and staffing resources, unless otherwise requested by the Town Council.

B. General Guidelines:

- a. A Commission’s participation in an event must directly relate to its enabling resolution and be within the scope of the Commission.

TITLE: Commission Events	PAGE: 2 of 3	POLICY NUMBER: 5-04
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- b. Participation and activities must be appropriate for the type of event and provide meaningful interaction with the event attendees.
- c. Commissions may not participate in events that are:
 - i. Related to lobbying or for endorsing political candidates or parties; or
 - ii. Expressly in opposition to the Town’s Vision Statement, Guiding Principles, and Core Values.
- d. A Commission’s budget must be used to fund any necessary expenditures for a Commission event and must be done in accordance with Council Policies 5-03, “Commission Budgets” and 4-06 “Purchasing Policy.” Any additional funds require Council approval and allocation.
- e. Commissioners are responsible for preparing for and staffing their portion of any event and Town staff is not expected to participate. Exceptions may be made by the Town Council when the use of staff time has been considered and approved by Town Council; exceptions may only be granted if staffing resources are available, budget is available to cover any necessary overtime, and the event is approved by the Town Council and is found to be in compliance with this Policy.

C. Guidelines Specific to the Type of Event:

- a. **Commission Participation at Existing Town Hosted Events:**
 - i. Existing Town Hosted Events are events hosted by the Town that are already part of a Town Department’s planned work, independent of Commission interest in the event. These events could include annual Town events (e.g. Spring into Green), public meetings, workshops, or similar activities.
 - ii. Where there is a nexus between the work of a Commission and the intent of an event, or the Commission can provide an activity that creates this nexus, staff may invite Commissions to participate in an event and will provide guidance on how Commissions may participate, should they choose to do so. The guidance will be designed to ensure the success of the event for both Commissioners and staff and will vary depending on the nature of each event. If the provided guidance is followed, no additional Town Council approval is required for Commissioners to participate, unless otherwise requested by Town Council.
 - iii. Not all Town Hosted Events are suitable for Commission participation due to limitations including timing, logistics, space requirements, event intent, and staff bandwidth. Staff will strive to provide Commissions opportunities to participate in Existing Town Hosted Events to the extent reasonably practicable and appropriate.
- b. **Commission Participation at an Externally Hosted Event:**
 - i. Externally Hosted Events are events hosted by entities other than the Town and not hosted by a Town Commission. For example, these events may be

TITLE: Commission Events	PAGE: 3 of 3	POLICY NUMBER: 5-04
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implemented by non-profits, businesses, community groups, and other community and neighborhood stakeholders.

- ii. In their official capacity, Commissions may only participate in Externally Hosted Events that:
 - a. Serve a public benefit or purpose in alignment with the Commission's purpose as stated in the enabling resolution.
 - b. Are hosted by a non-profit organization, government organization, or official Town partner;
 - c. Are located in the Town of Los Gatos or targeted for the Los Gatos community; and
 - d. Are free to attendees.
- iii. If these provisions and the General Guidelines are met, no additional Town Council approval is required for Commissioners to participate, unless otherwise requested by Town Council. Exceptions to these provisions require Town Council approval.

c. Commission Hosted Events:

- i. Commission Hosted Events are events hosted, funded, and implemented by the Commission.
- ii. Commissions are advisory bodies to Council and do not typically host or produce events, unless requested by Town Council. Therefore, Commissions are encouraged to participate in existing Town Hosted or Externally Hosted Events as outlined above, rather than hold Commission Hosted Events. If no Town Hosted or Externally Hosted Event exists, alternatives could be for an appropriate non-profit to develop an Externally Hosted Event or to pursue the event outside of the Commission's or Commissioner's official capacity.
- iii. In the rare instance a Commission is interested in holding a Commission Hosted Event, the Commission should make a recommendation to the Town Council for its consideration.
- iv. All Commission Hosted Events require Town Council approval prior to implementation to ensure adequate staff and financial resources are available, alignment with Town Council priorities, and consideration of liability and logistics. If staff attendance is necessary, events past 8:00 p.m. or on weekends should be avoided whenever possible and staff availability should be taken into account when planning the date and time.

APPROVED AS TO FORM:


 Gabrielle Whelan, Town Attorney

ADMINISTRATIVE CODE
CITY MANAGER'S
DIRECTIVE-PROCEDURE

CMD NUMBER 70
DATE 12-1-88
CANCELS None



CMD 70

GIFTS TO THE CITY

Policy: Only the City Council may accept gifts to the City.

Scope: Gifts may be tangible or intangible. A service or a good will gesture rendered free or below cost to the City government may be considered a gift to the City. Before the Council accepts gifts of any kind, it should review any conditions imposed by the donor and be satisfied that acceptance would be beneficial and not unduly burdensome to the City.

Responsibility

Action

- | | |
|-----------------|--|
| Employee | 1. If a gift is offered to the City (as opposed to individuals) or to any unit of City government, refer the donor to your department head. |
| Department Head | 2. Express appreciation to potential donor and explain City's policy regarding acceptance of gifts.

3. Prepare a report to the City Manager. Discuss all aspects of the offer. The report should cover the following: |

Reasons for the offer.

Conditions attached to the gift.

Potential liability to the City, the donor, or the public.

Benefits and drawbacks.

Costs to City, including estimated maintenance and repair.

Public perception and inferred (rightly or wrongly) commitments.

Suggested conditions under which the offer could be accepted.

Post-It™ brand fax transmittal memo 7671		# of pages <u>2</u>	
To <u>Dave Knapp</u>	From <u>Jennifer Sparachio</u>		
Co. <u>Los Gatos</u>	Co. <u>Santa Clara</u>		
Dept.	Phone # <u>984-3100</u>		
Fax # <u>354-8431</u>	Fax # <u>241-6771</u>		

CMD NUMBER 70

Any other pertinent comments.

Recommendation whether to accept or reject

- | | |
|-----------------|---|
| City Manager | 4. Forward report to City Manager, with own recommendation and any further comments. |
| Department Head | 5. Forward report to City Council with recommendation. Advise department head of Council action |
| | 6. Inform donor of Council action and prepare a thank-you letter for the Mayor's and City Manager's signatures. |

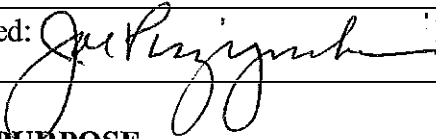
ADMINISTRATIVE MANUAL
TOWN OF LOS GATOS

Subject: Town Council and Board
Member Expense
Reimbursement Policy

Page:

Section Number:

Approved:



Effective Date: 1-6-11

Revised Date:

A. PURPOSE

1. Los Gatos takes its stewardship over the use of its limited public resources seriously and is committed to the ethic that public resources should only be used when there is an identifiable benefit to the Town and the community.
2. This policy documents the parameters pursuant to which the Town will reimburse specified Town officials for actual and necessary expenses incurred in the performance of official Town duties.
3. This policy recognizes that legislative and other regional, state, and federal agency business is frequently conducted over meals and that sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused, and uninterrupted communication about the community's policy concerns.
4. This policy satisfies the requirements of Government Code sections 53232.2 and 53233.3 and supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources.
5. This policy also applies to any charges made to a Town credit card, cash advances or other line of credit and supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws.

B. SCOPE

This policy applies to the Mayor and members of the Town Council and members of the Town's boards and commissions. It covers the expenditure of Town funds and reimbursement of expenses for authorized Town business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

1. Communicating with representatives of regional, state and national government on Town adopted policy positions;
2. Attending educational seminars designed to improve officials' skill and information levels;

3. Participating in special events held by local, regional, state and national organizations whose activities affect the Town's interests. These organizations include, but are not limited to, professional organizations for government (e.g., League of California Cities; National League of Cities; U.S. Conference of Mayors); service clubs/non-profits (e.g., Kiwanis, Rotary, Friends of the Library, Los Gatos Community Foundation); Business-related (e.g., Los Gatos Chamber of Commerce; Joint Venture Silicon Valley); and other events of other organizations which provide service to Town residents, the region or otherwise further the stated goals of the Town Council;
4. Attending Town, county, regional and interagency events;
5. Implementing a Town-approved strategy for attracting or retaining businesses to the Town through activities that will typically involve at least one staff member.

C. APPLICATION

This policy applies to the members of the Town Council and members of all the Town's boards and commissions.

D. AUTHORIZED EXPENSES

1. Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.

(a) Airfare. Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities, the California State Association of Counties and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. The charge for the first piece of personal baggage may be reimbursed under this policy.

(b) Automobile. Town Council receives a nominal auto allowance of \$50 per month, which generally covers local mileage costs. Council members may receive reimbursement for authorized travel in a personal vehicle beyond a one-way fifty (50) mile radius of Los Gatos, or beginning destination, whichever is closer to the ending destination. Reimbursement is for miles in excess of the fifty-mile radius, and therefore does not include the first fifty miles each way. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (*see* www.irs.gov). For 2010, the rate is 49.5 cents per mile. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. Reimbursement for mileage will be limited to the lesser of the value of mileage costs or the least expensive cost of air transportation available at least 30 days prior to travel.

(c) Car Rental. Rental rates that are equal or less than those available through the

State of California's website (<http://www.catravelsmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.

(d) Taxis/Shuttles. Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time efficiency. Receipts are required.

2. Lodging

Lodging expenses will be reimbursed or paid for when travel on official Town business reasonably requires an overnight stay.

(a) Conferences/Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see (b) Other Lodging.

(b) Other Lodging. Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelsmart.com/lodguideframes.htm>. Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.

3. Meals

The Town will pay the actual amount of meals and tips or per diem allowance according to IRS Publication 1542 per meal for out of town meetings, workshops, and conferences. Food/beverage purchases that are not part of a breakfast, lunch, or dinner meal (i.e. snacks, coffee) are not authorized for reimbursement and will be at the cost of the official.

Travelers are expected to consume any meals provided at the conference or meetings. The per diem allowance will typically be reduced accordingly for any meals provided and included in the registration fees.

The Town will not pay for alcohol/personal bar expenses. For group meal events organized by others such as conferences and other types of activities that fall within the list of "authorized expenditures" above, the Town recognizes that the per-person cost may exceed these maximums. In this event, these costs would be reimbursed.

4. Airport Parking

If the official takes a personal car to the airport, long-term parking must be used for travel exceeding 24 hours.

5. Other

- Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed.
- The expense of daily Internet access will be reimbursed.
- Any questions regarding the propriety of a particular expense should be resolved by the approving authority before the expense is incurred.

6. Credit Card Use Policy

Town does not issue credit cards to individual office holders but does have an agency credit card for selected Town expenses. Town office holders may use the Town's credit card for such purposes as airline tickets and hotel reservations. Receipts documenting expenses incurred on the Town credit card and compliance with this policy must be submitted within five business days of use, unless otherwise included in the expense report discussed below. Town credit cards may not be used for personal expenses, even if the official subsequently reimburses the Town.

7. Expense Report Content and Submission Deadline

All cash advance expenditures, credit card expenses and expense reimbursement requests must be submitted on an expense report form provided by the Town. This form shall include the following advisory:

All expenses reported on this form must comply with the Town's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the Town's policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability.

Expense reports must document that the expense in question met the requirements of this policy. Officials must submit their expense reports within thirty (30) days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

E. LIMITATIONS ON REIMBURSEMENTS

1. All other expenditures not expressly authorized by this policy require prior approval by the Town Council. All reimbursements shall be consistent with those allowed under state and federal law which shall prevail over interpretation of this policy, express or implied.
2. The following expenses also require prior governing body approval:
 - (i) International travel;

- (ii) Expenses which exceed the annual limits which may be established from time to time for individual categories of reimbursement through the Town's annual budget process.
- 3. Reimbursement is expressly conditioned upon sufficient funds being budgeted as part of the annual Town budget.
- 4. Excluded from Reimbursement. Examples of personal expenses that the Town will not reimburse include, but are not limited to:
 - (i) The personal portion of any trip;
 - (ii) The charitable contribution portion of the price of admission to an event;
 - (iii) Political events and/or fundraisers;
 - (iv) Events benefitting religious organizations;
 - (v) Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children or pet-related expenses;
 - (vi) Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
 - (vii) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
 - (viii) Personal losses incurred while on Town business.
 - (ix) Monthly service club luncheons or meetings.
 - (x) Expenses for which Town officials receive reimbursement from another agency are not reimbursable.
- 5. The Town may promulgate administrative directives providing further interpretations or guidelines consistent with this policy.

F. AUDITS OF EXPENSE REPORTS

All expenses are subject to verification that they comply with this policy.

G. REPORTS TO GOVERNING BOARDS

At the next public governing body meeting following the travel and/or expenditure, each official shall briefly report on meetings, conferences or seminars, attended at Town expense. If multiple officials attended, a joint report may be made. The report may be made orally or in writing.

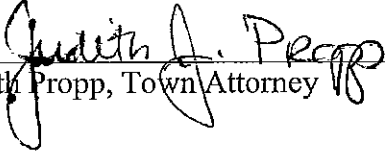
H. COMPLIANCE WITH LAWS

Town officials should keep in mind that some expenditure may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act and other laws.

I. VIOLATIONS OF THIS POLICY

Under state law, use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to the Town, 3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to \$1,000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.

APPROVED AS TO FORM:


Judith Propp, Town Attorney

RESOLUTION 1994-48

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ESTABLISHING COUNCIL FISCAL POLICY
FOR VOLUNTEERS**

WHEREAS, the Town has adopted fiscal procedures contained in the Town Code and Town Purchasing Manual for purchases, contracts, and budgets; and

WHEREAS, these policies and procedures apply to all Town volunteers, including commission, committee, and board members; and

WHEREAS, Town volunteers are subject to the same obligations and procedures contained in the Town Code and the Town Purchasing Manual for purchases, contracts, and budgets; and

WHEREAS, no person may obligate the Town without complying with those requirements.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY RESOLVE AS FOLLOWS: That the following policies and procedures be adopted:

COMMISSIONER/VOLUNTEER POLICIES AND PROCEDURES

PROJECT IMPLEMENTATION

- I.** Project/Program Budget
 - A.** All projects must have a written budget clearly detailing revenues and expenses, including justification for any non-expendable supplies exceeding \$100.

- B. The budget must be approved by the Department Head, Town Manager and Council with authorization by the Department Head and Town Manager.
- C. All project revenues must be received by the Town of Los Gatos before any expenditures are made.
- D. All payments require Department Head's prior approval.

II. Contracting for Services

- A. All service costs must be included in the Council-approved budget.
- B. All services received by the Town must be defined by written contract. All service contracts must be approved by the Department Head, the Town Attorney, and executed by the Town Manager. Any contracts exceeding \$4,000 must receive prior approval by the Town Council.
- C. Payment is made directly to the vendor except if another payment method is arranged with the Department Head in advance of the expenditure net 30 days.
- D. Contract amendments must be approved by Council.

III. Materials Purchase

- A. All materials purchases must be included in the Council-approved budget.
- B. Payment is made directly to the vendor except if another payment method is arranged with the Department Head in advance of the expenditure.

IV. Other Payment Methods

- A. Petty cash - Only to be used for emergency or one-time expenditures by authority of the Department Head. Commissioners may be reimbursed for eligible documented expenses under \$20.00 within two working days.
- B. Claim for reimbursement - Eligible documented expenses exceeding \$20.00 for any project will be reimbursed within three weeks of receipt.
- C. Advance - Requests for advance of funds and claim for reimbursement shall be in written form approved by the Town Manager. These costs shall approximate the out-of-pocket expenses to be incurred. Sufficient documentation to support such requests or claim shall be provided.

V. Publicity/Outreach Materials

All publicity and outreach materials must be approved by the Department Head prior to duplication and or distribution.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 21st day of March, 1994, by the following vote:

COUNCIL MEMBERS:

AYES: Joanne Benjamin, Steven Blanton, Linda Lubeck, Patrick O'Laughlin
Mayor Randy Attaway

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

Resolutions

- **Resolution 1999-167 Delegation to the Mayor the Authority to Counsel Members of Subordinate Boards**
- **Resolution 2017-024 – Reaffirming the Town’s Commitment to a Diverse, Supportive, Inclusive Community and to Protecting the Constitutional and Human Rights of its Residents, Workers, and Visitors**
- **Board, Commission, and Committee, Time and Place Resolutions**

RESOLUTION 1999 - 167

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DELEGATING
TO THE MAYOR OR DESIGNEE THE AUTHORITY TO COUNSEL MEMBERS OF
SUBORDINATE BOARDS AND COMMISSIONS REGARDING PROPER CONDUCT IN
PUBLIC MEETINGS

WHEREAS:

A. The Town of Los Gatos Commissioner Handbook sets forth the functions and activities, including the rules of conduct in public meetings, of the various Town boards and commissions.

B. While any individual, including members of the Town Council, may discuss proper conduct in public meetings, Council has not delegated to any person the authority to do so on behalf of the entire Council.

C. Council believes that the rules set forth in the Commissioner Handbook, both express and reasonably implied therefrom, are critical to the conduct of Town business and necessary to ensure that the public interest is fully represented and respected by all members of Town boards and commissions.

D. Delegating authority to the Mayor or, in the Mayor's absence or by delegation, the Vice-Mayor, will ensure that individual members of boards and commissions can, when necessary, be counseled regarding the rules and their importance to Council and the Town.

RESOLVED:

1. That the Mayor or, in the Mayor's absence or by delegation, the Vice-Mayor, is hereby delegated the authority to counsel members of subordinate boards and commissions regarding

the rules, both express and reasonably implied therefrom, as set forth in the Town of Los Gatos Commissioner Handbook.

2. That this delegation is limited to instances where one or more members of subordinate boards or commissions have in a public meeting acted in a manner that is contrary to the rules, both express and reasonably implied therefrom, as set forth in the Commissioner Handbook.

3. The authority may be exercised by the Mayor or, as appropriate, the Vice-Mayor, holding a meeting with the subject member of a board or commission at which the Mayor or Vice-Mayor would give notice of the relevant rule(s), the specific violation, and Council's concern for compliance with the rules, both express and reasonably implied therefrom.

4. Exercising the authority would not require further action by Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California held on the 1st day of November, 1999, by the following vote:

COUNCIL MEMBERS:

AYES: Randy Attaway, Steven Blanton, Linda Lubeck, Joe Pirzynski,
Mayor Jan Hutchins.

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:


MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:


CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

RESOLUTION 2017-024

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REAFFIRMING THE TOWN'S COMMITMENT TO A DIVERSE, SUPPORTIVE, INCLUSIVE COMMUNITY AND TO PROTECTING THE CONSTITUTIONAL AND HUMAN RIGHTS OF ITS RESIDENTS, WORKERS, AND VISITORS

WHEREAS, the Town of Los Gatos values a community characterized by diversity, multiculturalism, and unity and acknowledges that the dignity, health, rights and privacy of all our residents, workers, and visitors must be respected; and

WHEREAS, the Town is committed to protecting the constitutional and human rights of all of our residents, workers, and visitors; and

WHEREAS, each person is naturally and legally entitled to live a life without harassment, discrimination, persecution or assault, whether perpetrated by individuals, groups, businesses or governments; and

WHEREAS, there exists concern among our residents, workers, and visitors based upon recent national and regional incidents of hate crimes, intolerance of religious beliefs, discrimination, sexual harassment and assault, and the fear of a trend-toward more of these crimes in the future; and

WHEREAS, there also exists concern in our Town about the potential risks for discrimination, harassment, persecution, assault, and deportation; and

WHEREAS, the Town and its residents, workers, and visitors continually reject bigotry and affirm their commitment to a diverse, supportive, inclusive community; and

WHEREAS, all members of the Town are valued regardless of religion, immigration status, ethnicity, disability, gender, sexual orientation, or gender identity.

NOW THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Los Gatos hereby reaffirms its commitment to a diverse, supportive, equitable, and inclusive community and resolves as follows:

- The Town of Los Gatos will promote safety, a sense of security, and equal protection of constitutional and human rights, leading by example through equitable treatment of all by Town Officials and Departments.
- The Town of Los Gatos rejects bigotry in all its forms, including, but not limited to, Islamophobia, anti-Semitism, racism, nativism, misogyny and homophobia; and

- The Town of Los Gatos does not tolerate discrimination based on race, national origin, ethnicity, religion, age, gender, sexual orientation, color or disability; and
- The Town of Los Gatos does not tolerate hate crimes, harassment, or assault; and
- The Town of Los Gatos will oppose any attempts to undermine the safety, security, and rights of members of our community and will work proactively to ensure the rights and privileges of everyone in the Town, regardless of religion, country of birth, immigration status, disability, gender, sexual orientation, or gender identity; and

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 2nd day of May 2017 by the following vote:

COUNCIL MEMBERS:

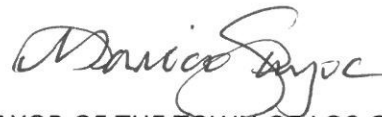
AYES: Marcia Jensen, Rob Rennie, Barbara Spector, Mayor Marico Sayoc

NAYS: None.

ABSENT: Steve Leonardis

ABSTAIN: None.

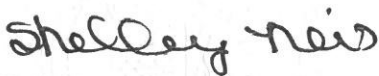
SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 5.3.17

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 5-3-17

RESOLUTION 2022-1

**RESOLUTION OF THE ARTS AND CULTURE COMMISSION
OF THE TOWN OF LOS GATOS
ESTABLISHING A NEW TIME AND PLACE FOR REGULAR MEETING**

WHEREAS, on September 3, 2003, the Arts and Culture Commission adopted Resolution 2003-1 establishing the time and place for the regular meetings of the Arts Commission; and

WHEREAS, this resolution is intended to rescind Resolution 2003-1 and establish a new time and place for the regular meetings of the Arts and Culture Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Arts and Culture Commission of the Town of Los Gatos, that pursuant to Government Code Section 54954, the time and place for the regular meeting of the Art Commission shall be as follows:

Day:	Third Wednesday
Time	5:00 p.m.
Frequency:	Once a Month
Place:	Los Gatos Library 100 Villa Avenue Los Gatos, CA 95030

PASSES AND ADOPTED at a regular meeting of the Arts and Culture Commission of the Town of Los Gatos, California, held on the 28th day of September 2022.

COMMISSIONERS:

AYES: Commissioners Alicia-Romero, Cappon-Javey, Lamborn, Spilsbury
NAYS:
ABSENT: Commissioner Mahbouba
ABSTAIN:

SIGNED:


**CHAIR
ARTS AND CULTURE COMMISSION**

ATTEST:


TOWN CLERK

RESOLUTION 2023-2

**RESOLUTION OF THE COMMUNITY HEALTH AND SENIOR SERVICES
COMMISSION OF THE TOWN OF LOS GATOS
ESTABLISHING A NEW TIME AND PLACE FOR REGULAR MEETING**

WHEREAS, on February 28, 2023, the Community Health and Senior Services Commission adopted Resolution 2023-1 establishing the time and place for the regular meetings of the Community Health and Senior Services Commission; and

WHEREAS, this resolution is intended to rescind Resolution 2023-1 and establish a new time and place for the regular meetings of the Community Health and Senior Services Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Community Health and Senior Services Commission of the Town of Los Gatos, that pursuant to Government Code Section 54954, the time and place for the regular meeting of the Community Health and Senior Services Commission shall be as follows:

Day:	4 th Tuesday of the Month
Time	5:00 p.m.
Frequency:	Once a Month
Place:	Los Gatos Chamber of Commerce Visitor Center 10 Station Way Los Gatos, CA 95030

PASSES AND ADOPTED at a regular meeting of the Community Health and Senior Services Commission of the Town of Los Gatos, California, held on the 25th day of APRIL, 2023.

COMMISSIONERS:

AYES: Blum, Khanal, Konrad, Norcia, Yick
NAYS: Rossmann
ABSENT: Bernholz
ABSTAIN:

SIGNED:



CHAIR
COMMUNITY HEALTH AND SENIOR SERVICES COMMISSION

ATTEST:



TOWN CLERK

RESOLUTION 2020 -001

**RESOLUTION OF THE COMPLETE STREETS & TRANSPORTATION COMMISSION
OF THE TOWN OF LOS GATOS
ESTABLISHING A TIME AND PLACE FOR REGULAR MEETINGS**

RESOLVED, by the Complete Streets and Transportation Commission of the Town of Los Gatos, that pursuant to Government Code Section 54954, the time and place for the regular meetings of the Complete Streets and Transportation Commission shall be as follows:

Day: Second Thursday

Time: 7:30 a.m.

Frequency: Once a month

Place: Parks and Public Works Conference Room,
41 Miles Avenue, Los Gatos, CA 95030

PASSED AND ADOPTED at a regular meeting of the Complete Streets and Transportation Commission of the Town of Los Gatos, California, held on January 9, 2020, by the following vote:

COMMISSIONERS: Robert Buxton, Bill Ehlers, Peter Hertan, Maria Ristow, Jeff Thompson, Gillian Verga and Youth Commissioner Adam Moore

AYES: Robert Buxton, Bill Ehlers, Peter Hertan, Maria Ristow, Jeff Thompson & Gillian Verga

NAYS: None

ABSENT: Adam Moore, Youth Commissioner

ABSTAIN:

SIGNED: _____



Robert Buxton, Chair

Complete Streets and Transportation Commission

ATTEST: _____



Shelley Neis, Town Clerk

RESOLUTION 2001-1

**RESOLUTION OF THE GENERAL PLAN COMMITTEE
OF THE TOWN OF LOS GATOS AMENDING ITS
ESTABLISHED TIME AND PLACE FOR REGULAR MEETINGS**

RESOLVED: Pursuant to Government Code section 54954, The General Plan Committee of the Town of Los Gatos establishes a regular meeting schedule as follows:

Day: Wednesday
Time: 5:30 p.m.
Frequency: The second and fourth Wednesday of every month
Place: Town Council Chambers
Los Gatos Town Hall
110 E. Main Street
Los Gatos, CA 95030 OR

Los Gatos Neighborhood Center
208 E. Main Street
Los Gatos, CA 95030

PASSED AND ADOPTED at a regular meeting of the General Plan Committee of the Town of Los Gatos, California, held on the 10th day of October 10, 2001, by the following vote:

COMMITTEE MEMBERS:

AYES:

NAYS:

ABSTAIN:

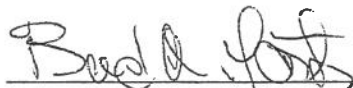
ABSENT:

SIGNED: _____



MICHAEL BURKE, CHAIR
GENERAL PLAN COMMITTEE
LOS GATOS, CALIFORNIA

ATTEST:



BUD N. LORTZ, SECRETARY
GENERAL PLAN COMMITTEE
LOS GATOS, CALIFORNIA

RESOLUTION 2010-001

RESOLUTION OF THE HISTORIC PRESERVATION COMMITTEE
OF THE TOWN OF LOS GATOS
ESTABLISHING A TIME AND PLACE FOR REGULAR MEETINGS

RESOLVED, by the Historic Preservation Committee of the Town of Los Gatos, that pursuant to Government Code Section 54954, the time and place for the regular meetings of the Historic Preservation Committee shall be as follows:


Day: Wednesday
Time: 4:00 p.m.
Frequency: Fourth Wednesday of every month
Place: Town Council Chambers
Los Gatos Town Hall
110 E. Main Street
Los Gatos, CA 95032

PASSED AND ADOPTED at a regular meeting of the Historic Preservation Committee of the Town of Los Gatos, California, held on April 14, 2010, by the following vote:

COMMITTEE MEMBERS:

AYES: Robert Cowan, Charles Erekson, Philip Micciche, Leonard Pacheco
NAYS: None
ABSENT: None
ABSTAIN: None

SIGNED:



BOB COWAN, CHAIR
HISTORIC PRESERVATION COMMITTEE
TOWN OF LOS GATOS, CALIFORNIA

ATTEST:



SUZANNE DAVIS, ACTING SECRETARY
HISTORIC PRESERVATION COMMITTEE
TOWN OF LOS GATOS

RESOLUTION 2024-1

**RESOLUTION OF THE LIBRARY BOARD
OF THE TOWN OF LOS GATOS
ESTABLISHING A TIME AND PLACE FOR REGULAR MEETINGS
AND RESCINDING RESOLUTION 2002-1**

RESOLVED, by the Library Board of the Town of Los Gatos, Resolution 2002-1 is rescinded, and that pursuant to Government Code Section 54954, the time and place for regular meeting of the Library Board shall be as follows:

Day: Second Wednesday of the Month
Time: 3:30 p.m.
Frequency: Once every two months (Jan, May, May, Jul, Sept, Nov)
Place: Los Gatos Library Conference Room
100 Villa Ave, Los Gatos CA 95030

PASSED AND ADOPTED at a regular meeting of the Library Board of the Town of Los Gatos, California, held on the 10th day of January, 2024 by the following vote:

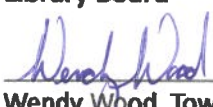
BOARD MEMBERS:

IN FAVOR: Capatosto, Chen, Chunawala, Horowitz, Lowe, Madeiros, White
OPPOSED: None
ABSENT: None
ABSTAIN: None

SIGNED:


Richard Capatosto, Chair
Library Board

ATTEST:


Wendy Wood, Town Clerk
Town of Los Gatos, CA

RESOLUTION 2017-001

**RESOLUTION OF THE PARKS COMMISSION
OF THE TOWN OF LOS GATOS
ESTABLISHING A TIME AND PLACE FOR REGULAR MEETINGS
AND RESCINDING RESOLUTION 2008-001**

RESOLVED, by the Parks Commission of the Town of Los Gatos, that pursuant to Government Code Section 54954, the time and place for the regular meetings of the Parks Commission shall be as follows:

Day:	First Monday
Time:	6:00 p.m.
Frequency:	Bi-Monthly (February, April, June, August, October, December)
Place:	RJ Bryant Service Center 41 Miles Avenue Los Gatos, CA 95030 *June and August: Meetings will be held at a Town of Los Gatos Park, which will be determined in February each year.

PASSED AND ADOPTED at a regular meeting of the Parks Commission of the Town of Los Gatos, California, held on the 6th day of February, 2017, by the following vote:

COMMISSIONERS:

AYES: Chair Scott, Vice Chair Tavana, Commissioners Buncic, Clemm, Corenson, Deloumi, Gordon, Zepecki

NAYS:

ABSENT:

ABSTAIN:

SIGNED: _____

Ed Scott, Chair
Parks Commission

ATTEST: _____

Shelley Neis, Clerk Administrator

RESOLUTION 2017-001

**RESOLUTION OF THE PERSONNEL BOARD
OF THE TOWN OF LOS GATOS
ESTABLISHING A TIME AND PLACE FOR REGULAR MEETINGS**

RESOLVED, by the Personnel Board of the Town of Los Gatos, that pursuant to Government Code Section 54954, the time and place for the regular meetings of the Board shall be as follows:

Day:	First Wednesday of March
Time:	4:00 PM
Frequency:	Annually
Place:	Town Council Chambers

PASSED AND ADOPTED at a regular meeting of the Personnel Board of the Town of Los Gatos, California, held on the 1st day of March 2017, by the following vote:

COMMISSIONERS: Jennifer Lewis, Larry Magglio, Rick Tinsley,
AYES: 5 Lisa Aguiar, Edward Matchak

NAYS: 0

ABSENT: 0

ABSTAIN: 0

SIGNED: _____

Edward Matchak, Chair
Personnel Board

ATTEST: _____

Shelley Neis, Clerk Administrator

RESOLUTION 2001-042

PLANNING COMMISSION

RESOLUTION OF THE TOWN COUNCIL

OF THE TOWN OF LOS GATOS

ESTABLISHING A TIME AND PLACE FOR REGULAR MEETINGS

RESOLVED, by the Town Council of the Town of Los Gatos, that pursuant to Government Code Section 54954, the time and place for the regular meetings of the Planning Commission shall be as follows:

Day: Second and Fourth Wednesdays, January through October and
Second Wednesdays in November and December

Time: 7:00 PM - 11:00 PM

Frequency: Twice a Month, January through October
Once a Month, November and December

Place: Town Council Chambers
Los Gatos Town Hall
110 E. Main Street
Los Gatos, CA 95032

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 16th day of April, 2001 by the following vote:

COUNCIL MEMBERS:

AYES: Randy Attaway, Steve Blanton, Sandy Decker, Steve Glickman, Mayor Joe Pirzynski

NOES: None

ABSENT: None

ABSTAIN: None

SIGNED: /s/ Mayor Joe Pirzynski
TOWN COUNCIL
TOWN OF LOS GATOS, CALIFORNIA

ATTEST: /s/ Marian V. Cosgrove
CLERK
TOWN OF LOS GATOS, CALIFORNIA

RESOLUTION 2021-001

**RESOLUTION OF THE YOUTH COMMISSION
OF THE TOWN OF LOS GATOS AMENDING RESOLUTION 2004-1
ESTABLISHING DATES, TIME, AND LOCATION FOR REGULAR MEETINGS**

WHEREAS, Government Code Section 54954 allows the Town of Los Gatos Youth Commission to establish a time and place for regular meetings; and

**NOW, THEREFORE, THE TOWN OF LOS GATOS YOUTH COMMISSION
DOES HEREBY RESOLVE:**

1. Pursuant to Government Code Section 54954, the time and place for the regular Youth Commission meetings shall be as follows:

Day: Second Tuesday
Frequency: Once a Month
Time: 7:00 p.m.
Place: Los Gatos-Monte Sereno Police Operations Building
15900 Los Gatos Blvd., Los Gatos, California 95030

PASSED AND ADOPTED at a special meeting of the Youth Commission of the Town of Los Gatos, California, held on the 26th day of October 2021 by the following vote:

COMMISSIONERS:

AYES: Emmanuella Arbitaylo, Esha Bagora, Sasha Balasingam, Maia Bernholz, Taj Chunawala, Kamron Emami, Anjali Kalia, Luke Lennox, Najman Mahbouba, Megan McCurrie, Brady Morgensen, Jack Noymer, Lucas Raspe, Quincy Scott, Owen Thompson, and Olivia Vinckier

NAYS: None

ABSENT: Kaelen Dougan, Colette Dougher, Arshia Mathur, and Ishani Sood **ABSTAIN:** None

SIGNED:



Sasha Balasingam/Chair
CHAIR OF THE YOUTH COMMISSION
TOWN OF LOS GATOS, CALIFORNIA

ATTEST:



Jackie Rose/Staff Liaison
DEPUTY CLERK FOR THE YOUTH COMMISSION
TOWN OF LOS GATOS, CALIFORNIA