



MEETING DATE: 1/20/09

ITEM NO:

5

## COUNCIL AGENDA REPORT

DATE: JANUARY 15, 2009

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

Handwritten signature of Greg Larson in cursive.

SUBJECT: ADOPT RESOLUTION AMENDING TOWN COUNCIL AGENDA FORMAT AND RULES

### RECOMMENDATION:

Adopt resolution amending Town Council Agenda Format and Rules.

### BACKGROUND:

The Town Council Agenda Format and Rules (Attachment 1) adopted by Council resolution was last modified by Council on April 5, 2004. The policy sets a standard agenda order with consideration of Council Matters and Manager Matters at the end of the agenda prior to Adjournment. The policy allows the Mayor to change the order of the agenda only during any individual meeting. In addition, the policy sets deadlines for citizens or Council members to place items on the agenda.

### DISCUSSION:

The Mayor has expressed a desire to change the order of consideration of Council Matters and Manager Matters to after Presentations and before the Consent Calendar. His reason for requesting this change is to provide an opportunity for the council and Manager to share information and make announcements earlier in the meeting when more members of the public are typically present.

The language concerning for citizens or Council members to place items on the agenda is inconsistent with current practice. Therefore, staff recommends that this language be deleted from the policy.

A resolution is required to modify the Town Council Agenda Format and Rules policy. The attached resolution (Attachment 2) if adopted by Council would affect the changes discussed above.

Handwritten signature of Pamela S. Jacobs in cursive.

PREPARED BY: PAMELA S. JACOBS  
Assistant Town Manager

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Reviewed by: \_\_\_\_\_ Assistant Town Manager OK Town Attorney  
\_\_\_\_\_ Clerk Administrator \_\_\_\_\_ Finance \_\_\_\_\_ Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: ADOPT RESOLUTION AMENDING TOWN COUNCIL AGENDA FORMAT AND  
RULES

JANUARY 15, 2009

ENVIRONMENTAL ASSESSMENT:

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

FISCAL IMPACT: None.

Attachments:

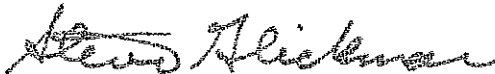
1. Current Council Policy -- Town Council Agenda Format and Rules
2. Resolution (with policy revision attached as Exhibit A)

**COUNCIL POLICY  
TOWN OF LOS GATOS**

Subject: Town Council Agenda  
Format and Rules

Enabling Actions:  
1986-183; 1987-24; 1988-124;  
1993-181; 1994-57; 1996-108;  
2001-77; 2004-33

Approved:



Effective:  
12/15/86

Revised Date:

12/15/86; 3/2/87; 6/6/88; 6/15/92; 12/6/92;  
12/6/93; 4/4/94; 8/5/96; 7/2/01; 4/5/04

**PURPOSE**

To establish procedures which standardize the Town Council agenda and insure an orderly meeting.

**POLICY**

The following policies have been established:

A. Order of the Agenda

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

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

B. Closed Session Report

At the first Council meeting following any closed session, the Town Attorney will report on the closed session describing what occurred, 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

- (1) Verbal Communications. Comments by members of the public during the Verbal Communications portion of the agenda shall be limited to no more than three (3) minutes per speaker.
- (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 ten (10) minutes for all speakers. Appellants and applicants shall be provided no more than five (5) 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) 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.
- (4) Mayor's Discretion. All time limits shall be subject to change at the Mayor's discretion in order to control the length of a meeting.

D. Consent Calendar

The Mayor will ask if any member of the Council, Town staff or public wishes to comment on any item on the consent calendar. At the Mayor's discretion, items removed from the consent calendar may be considered either before or after the Public Hearings portion of the agenda.

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. Preparation of the Agenda

The agenda is prepared by staff for the Mayor's approval. In this manner the Mayor determines the agenda. Any member of the Council may request that the Mayor make a change or addition to the agenda. Such requests may be made through the Town Manager or directly to the Mayor. 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 portion 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.

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.

#### I. Agenda Schedule and Preparation of Schedule

Thursday, 11 days prior to meeting

All agenda reports are due to the Town Manager's Secretary. Reports should be submitted as soon as possible to allow time for review and revision. The deadline for all reports is the Wednesday prior to the Council meeting.

Wednesday, Noon, prior to meeting

Cut-off for requests for placement of items on agenda by members of the public.

Wednesday, 5:00 p.m., prior to meeting

Cut-off for placement of items on the agenda by members of Town Council.

Thursday, prior to meeting

Written agenda is finalized and printed. Agenda packets distributed to Town Council members.

J. 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.

K. Reconsideration of Items

No item acted upon by the Town Council will be reconsidered by the Council within 90 days of the Council action unless the item is requested for reconsideration by a member of the Town Council. A motion for reconsideration may only be made at the meeting of the original Council action or at the meeting immediately following the original action provided the matter appears on the agenda, unless a request for reconsideration is made by at least two (2) members of the Council at the meeting immediately following the original action, in which event the item will be placed on the next available agenda for Council action. See schedule in section H concerning placement of items on the regular agenda by members of the Town Council.

L. Motions by the Chair

The Chairperson of the meeting may make or second motions.

The Mayor may restate, or ask that the maker restate, all motions immediately prior to any vote.

APPROVED AS TO FORM:



Perry P. Korb, Town Attorney

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
AMENDING TOWN COUNCIL AGENDA FORMAT AND RULES

**WHEREAS**, the Town Council has adopted Town Council Agenda Format Rules, which, among other things, sets forth the order of items for Council meeting agendas; and

**WHEREAS**, that the Town Council Agenda Format and Rules were last amended by the Town Council on April 5, 2004; and

**WHEREAS**, the Town Council Agenda Format and Rules sets a standard agenda order with consideration of Council Matters and Manager Matters at the end of the agenda prior to Adjournment; and

**WHEREAS**, the Town Council Agenda Format and Rules sets deadlines for citizens and Council members to place items on the agenda; and

**WHEREAS**, Town Council desires to change the order of consideration of Council Matters and Manager Matters to after Presentations and before the Consent Calendar in order to provide an opportunity for the Council and Manager to share information and make announcements earlier in the meeting where more members of the public are typically present and to delete the language setting deadlines for citizens and Council members on the agenda which is inconsistent with current practice

**RESOLVED**, by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that the Town of Los Gatos

1. That the Town Council Agenda Format and Rules are amended to read as shown in Exhibit A attached to this resolution, which is by this reference incorporated herein.
2. That Resolution 2004-33 is hereby rescinded.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 20<sup>th</sup> day of January, 2009 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

**SIGNED:**

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

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





**COUNCIL POLICY  
TOWN OF LOS GATOS**

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