



COUNCIL REPORT

DATE: March 14, 2023

CATEGORY: Consent

DEPT.: City Clerk's Office

TITLE: **Amend City Council Policy K-2, Council Advisory Bodies, and the Council Code of Conduct**

RECOMMENDATION

1. Adopt a Resolution of the City Council of the City of Mountain View Amending City Council Policy K-2, Council Advisory Bodies, to Add Requirements for Filing Statements of Economic Interests and Brown Act Training and Removing the Ability to Appoint Alternates to Fill Potential Future Vacancies, to be read in title only, further reading waived (Attachment 1 to the Council report).
2. Adopt a Resolution of the City Council of the City of Mountain View Amending the Council Code of Conduct to Modify Section 3.6 to Clarify the Consequences of Noncompliance with Ethics Training Requirements for Boards, Commissions, and Committees, to be read in title only, further reading waived (Attachment 2 to the Council report).

BACKGROUND

The Council Policy and Procedures Committee (CPPC), consisting of Chair Matichak and Committee members Hicks and Ramirez, is a standing subcommittee of the City Council that meets on an as-needed basis to discuss issues relating to City Council policies and/or procedures. On December 15, 2022, the CPPC met and recommended revisions to City Council Policy K-2 as set forth in Exhibit A of Attachment 1. In addition, the CPPC recommended revisions to the Council Code of Conduct as set forth in Exhibit A of Attachment 2. Subsequent to the CPPC meeting, an additional change was identified by staff and is discussed in the Analysis section below.

ANALYSIS

The CPPC recommended minor modifications to City Council Policy K-2, including the:

1. Addition of language restricting advisory body member participation in meetings of the body to which they were appointed until any required and past-due Fair Political Practices Commission Statement of Economic Interests, Form 700, filing is completed.

2. Addition of language requiring advisory body members to attend Brown Act training as provided by the City Attorney's Office.
3. Addition of language restating the requirements from the Council Code of Conduct for advisory body members to sign and file Attachment 2 (Council Advisory Body Personal Code of Conduct) with the City Clerk and complete ethics training as necessary.
4. Removal of language referencing the ability for Council to appoint an alternate to fill a vacancy for unexpired terms, which is in direct conflict with the requirements of Government Code Section 54974, which states that: "[f]inal appointment to the board, commission, or committee shall not be made by the legislative body for at least 10 working days after the posting of the notice in the clerk's office."
5. Removal of the terms "five months," "four months," and "two to three months" in reference to the amount of time ahead of a term-ending that tasks are to be completed to provide staff additional flexibility.
6. Addition of text at the end of the first paragraph of section b. (Page 3 of 9 of City Council Policy K-2): "The deadline for applications should be set as near as practicable to the date interviews will be held by the recommending body."

Additionally, the CPPC recommended minor modifications to the Council Code of Conduct to reflect, where appropriate, the recommended changes to City Council Policy K-2 and more closely align with updates made to City Council Policy A-13, City Council Meetings.

Subsequent to the meeting of the CPPC, a member of the Downtown Committee inquired whether the City could require ethics training for members of boards, commissions, and committees who do not receive compensation or reimbursement for expenses incurred in the performance of official duties. The City Attorney researched the issue and determined that California law makes ethics training mandatory only for local agency officials who "receive" compensation or reimbursement for expenses incurred in the performance of official duties and, therefore, requiring ethics training for members of boards, commissions, and committees who do not receive any such compensation or reimbursement is inconsistent with State law. The language in the Council Code of Conduct and City Council Policy K-2 has been amended to recommend ethics training to all board, commission, and committee members and clarify that a member who does not have an active training certificate on file with the City Clerk's Office will not be eligible for reimbursement for conferences, training (except ethics training), or eligible to receive Shoreline Amphitheatre event tickets provided through the City's ticket distribution program at the City's expense during the period of noncompliance.

FISCAL IMPACT—There is no budgetary impact to this recommendation.

ALTERNATIVES

1. Decline to amend City Council Policy K-2 and/or the Council Code of Conduct.
2. Provide other direction.

PUBLIC NOTICING—Agenda posting.

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- Attachments:
1. Resolution Adopting Council Policy K-2
 2. Resolution Adopting Council Code of Conduct