



**DATE:** January 26, 2021

**CATEGORY:** Consent

**DEPT.:** City Clerk's Office

**TITLE:** **Amend Council Policy K-2**

### **RECOMMENDATION**

Adopt a Resolution of the City Council of the City of Mountain View Amending Council Policy K-2, Council Advisory Body Appointments, and Approving the Council Policy and Procedures Committee's Recommendations from December 5, 2019 Regarding Eligibility Requirements for the Bicycle/Pedestrian Advisory Committee, Visual Arts Committee, Performing Arts Committee, and Senior Advisory Committee, to be Reflected in Each Committee's By-Laws and the Council Advisory Bodies Handbook, to be read in title only, further reading waived (Attachment 1 to the Council report).

### **BACKGROUND**

On February 27, 2018, the City Council approved a revision to Council Policy K-2, Council Advisory Body Appointments (Council Policy K-2), to include a two-year pilot program allowing City employees to serve on non-Charter advisory bodies, as set forth in Section 2 of the policy, which states that:

"...for all other non-Charter advisory bodies, appointments made during a two-year pilot period, beginning February 27, 2018, may include individuals employed by the City of Mountain View if there is no conflict between the duties, functions, or responsibilities of the Council advisory body position and the roles and duties of the City employment position, and provided the individual meets other advisory body eligibility requirements. The pilot program will terminate February 27, 2020, unless further action is taken by the City Council."

The Council Policy and Procedures Committee (CPPC) is a standing Council committee that meets on an as-needed basis to discuss issues relating to City Council policies and/or procedures. The CPPC met on August 27, 2019 and December 5, 2019 to consider the pilot program. At that time, the CPPC members were Councilmembers Abe-Koga,

Matichak, and McAlister. At its December 5, 2019 meeting, the CPPC voted to recommend to the City Council that City employees be allowed to serve on advisory bodies with the addition of a requirement that the City employee also be a resident of Mountain View.

The CPPC also considered revisions to other aspects of Council Policy K-2 regarding attendance requirements and the appointment of alternates. In addition, the CPPC discussed possible changes to membership eligibility for individual advisory bodies, which are generally defined in each body's individual by-laws and the Council Advisory Bodies Handbook. (The staff report and minutes for the December 5, 2019 meeting are included as Attachments 3 and 4 to this report.)

The CPPC concluded its discussion and voted to approve recommendations on several of the advisory body-related matters before it at the December 2019 meeting with some items continued for further CPPC discussion. With the impacts of the COVID-19 pandemic and the transition in the City Clerk position, there has been a delay in staff bringing the CPPC recommendations to Council for approval. During this time, the pilot program allowing City employees to serve on City advisory bodies has expired.

## **ANALYSIS**

This report addresses the CPPC's recommendations to amend the existing Council Policy K-2 as set forth as Exhibit A to the attached resolution (Attachment 1) and as described below. Attachment 2 provides a "strike-through" version of Council Policy K-2 showing the recommended changes. This report also proposes the CPPC's recommendations for changes to eligibility requirements for specific advisory bodies, which would be documented in revisions to those advisory bodies' individual by-laws and the Council Advisory Bodies Handbook.

### **Eligibility Requirements**

The CPPC considered and discussed membership eligibility options as outlined in the December 5, 2019 staff report and recommended approval of the following:

1. City Employees: May serve on specified advisory bodies if no conflict of interest exists with their employment and if they are also Mountain View residents; nonresident City employees currently appointed to advisory bodies may carry out their terms.
2. Bicycle/Pedestrian Advisory Committee: Mountain View residents only. This is a change from the current eligibility requirement that members may live or work

within the City limits and that a majority of the members be Mountain View residents.

3. Visual Arts Committee: Two of the members should be recognized specialists in one or more aspects of the creation of art, the judgment of quality of art, or the placement of art, and one of these members may be a nonresident. This is a change from the current eligibility requirement that the majority of members be Mountain View residents.
4. Performing Arts Committee: One member may be a nonresident if that member has demonstrated special interest or training in the performing arts. This is a change from the current eligibility requirement that preference be given to those residing in or employed in Mountain View.
5. Senior Advisory Committee: Remove “senior” age requirement, allow a senior service provider to be a nonresident, and a majority of members must be Mountain View residents. This is a change from the current eligibility requirement that members must be seniors and/or senior service providers from the general citizenry.

With Council approval, the recommendation to continue to allow City employees to serve on specified advisory bodies will be implemented through the proposed revision to Council Policy K-2. If approved by Council, the other recommendations above related to individual advisory body membership eligibility will be documented in changes to each body’s individual by-laws and the Council Advisory Bodies Handbook as appropriate.

### **Attendance Requirements**

The CPPC discussed the definitions and processes related to excused and unexcused absences and for reporting attendance to the City Council. A number of possible clarifications and changes were considered, with the CPPC voting to recommend the following changes to Council Policy K-2 to the Council for approval:

1. Specify the expectation that members are expected to attend all regularly scheduled meetings.
2. When an advisory body member knows in advance that the member will be absent from a meeting, the member shall give advance notice to the Chair and staff liaison.
3. The advisory body Chair, in consultation with the staff liaison, shall propose that each absence be defined as “excused” or “unexcused” at the meeting at which the

advisory body member is absent. Each advisory body will then determine by general consent (or, failing to achieve general consent, by majority vote) the status of the absence as excused or unexcused and include that record in the meeting minutes.

4. Specify that failure to inform the Chair or the staff liaison of an absence prior to the meeting will result in an unexcused absence, unless extenuating circumstances prevent advance notice.
5. Specify that Council will take into consideration attendance records when evaluating the overall performance of advisory body members.
6. Consider annual attendance reporting by staff to Council.

Two items related to advisory body attendance, the definition of absences considered excused and how absences for Special Meetings would be recorded, were tabled to a future meeting.

### **Appointment of Alternates**

Council Policy K-2 currently allows for appointment of alternates when a vacancy occurs as a result of an advisory body member being elected to the City Council. Current practice, however, is to allow alternates to fill vacancies in unexpired terms without regard for the reason for the vacancy. The CPPC voted to recommend to Council that the policy be amended to reflect this practice.

### **Other Recommended Changes**

The CPPC also recommends changing the name of Council Policy K-2 from “Council Advisory Body Appointments” to “Council Advisory Bodies.”

### **FISCAL IMPACT**

There is no budgetary impact to this recommendation.

### **ALTERNATIVES**

1. Decline to amend Council Policy K-2.
2. Provide other direction.

**PUBLIC NOTICING** – Agenda posting.

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- Attachments:
1. Resolution
  2. Existing Council Policy K-2 (Redlined)
  3. CPPC Staff Report from December 5, 2019
  4. CPPC Minutes from December 5, 2019