



COUNCIL REPORT

DATE: December 17, 2024
CATEGORY: Consent
DEPT.: City Clerk's Office
TITLE: **Amend City Council Policy K-2, Council Advisory Bodies**

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 a Definition for Advisory or Decision-Making Committees Created by Ordinance or Resolution of the City Council, to be read in title only, further reading waived (Attachment 1 to the Council report).
2. Direct staff to return to the City Council with updated establishing resolutions to convert the following bodies to committees: (1) Human Relations Commission; and (2) Tennis Advisory Board.

BACKGROUND

The Council Policy and Procedures Committee (CPPC), consisting of Chair Ramirez and Committee members Hicks and Showalter, 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 June 11, 2024, the City Council referred to the CPPC an item to consider defining membership requirements of committees to better align with the purpose of some Council-created bodies. On November 20, 2024, the CPPC met and recommended revisions to City Council Policy K-2 as set forth in Exhibit A of Attachment 1.

ANALYSIS

City Charter § 900 lays out general requirements for advisory or decision-making boards and commissions, namely: (1) members of boards and commissions may not hold any paid office or employment in the City government; and (2) members of boards and commissions must be qualified electors of the City (see California Elections Code § 321). Since "committees" are not specifically mentioned in the Charter as bodies that would be held to the requirements of City Charter § 900, the CPPC recommended modifications to City Council Policy K-2 to include a

definition of “committee” advisory or decision-making bodies created by ordinance or resolution of the Council:

“Committees: Advisory or decision-making bodies created by ordinance or resolution of the Council pursuant to the Council’s general and broad legislative power outside of City Charter Section 900. Committees may, unless otherwise specified in the establishing resolution or ordinance, have members who are not 18 years of age or older, not a resident of Mountain View, and not a United States citizen (otherwise known as a qualified elector) and may serve regardless of immigration status. Members may include individuals employed by the City of Mountain View if there is no conflict between the duties, functions, or responsibilities of the committee and the roles and duties of the City employment position. This definition does not apply to the Rental Housing Committee created by City Charter Section 1709.”

The addition of this definition will allow for broader participation from members of the Mountain View community and will more fully meet the needs of already formed bodies. In line with this amendment, the CPPC also recommended the conversion of the following bodies to “committees”:

- Human Relations Commission
- Tennis Advisory Board

The CPPC recommendation originally included a recommendation to convert the Public Safety Advisory Board to a committee. That recommendation was omitted from this report after the City Council voted to dissolve the Public Safety Advisory Board at its December 10, 2024 meeting.

Upon adoption of this amended City Council Policy K-2, City staff will work to bring establishing resolutions back to the Council to accurately reflect the membership guidelines of each body including those that would be amended under this new definition of “committee.”

Other amendments contained in Attachment 1 include the removal of the word “advisory” as the policy applies to bodies that are and are not advisory to the City Council. Additional amendments generally consolidate redundant language and align the policy more closely with the processes of the City.

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

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$250 from a party, participant, or

agent of a party or participant in the proceeding within the last 12 months. A city official is similarly prohibited from accepting, soliciting, or directing a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant to any proceeding involving a license, permit, or other entitlement for use for 12 months after a final decision is rendered in said proceeding.

Please refer to the "X" in the checklist below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

SUBJECT TO THE LEVINE ACT

- Land development entitlements
- Other permit, license, or entitlement for use
- Contract or franchise

EXEMPT FROM THE LEVINE ACT

- Competitively bid contract
- Labor or personal employment contract
- General policy and legislative actions

For more information about the Levine Act, please see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html.

ALTERNATIVES

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

PUBLIC NOTICING—Agenda posting.

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Attachments: 1. Resolution Adopting City Council Policy K-2
 2. City Council Policy K-2 (redline)