

**COUNCIL POLICY  
TOWN OF LOS GATOS**

Subject: Public Access to Council  
Decision Making

Page 1 of 1

Enabling  
Action: Town Council Action  
5/18/92

Approved: 

Effective  
Date: 5/18/92

Revised  
Date:

**PURPOSE**

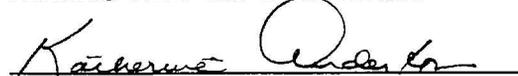
To establish procedures which insure that the public has access to Council decision making.

**POLICY**

The following policies are established:

1. 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, c) any employee's privacy interests. In addition, the Closed Session agenda will clearly identify the subject of each agenda item.
2. 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.
3. An elected official has the right to meet with constituents and discuss their issues. He or she also has the right to confer with a colleague about public business. However, a public official may not interact directly or indirectly with a quorum of the Council on Town business outside the context of a public meeting. This means that two Council Members can speak with each other about an item. However, one Council member cannot interact with two other Council Members on an item without violating the Brown Act. In addition, Council Members shall refrain from discussions with third parties where that discussion involves how other Council Members may vote on Council business. There may be nothing improper or unethical about the substance of a serial meeting. The problem is the process itself, which deprives the public of the opportunity to contribute to the decision making process.
4. Council meetings outside of the Town limits are prohibited.
5. Council Members may not sit on Boards of Directors of non-profit organizations which receive funding or in-kind contributions from the Town.

APPROVED AS TO FORM:

  
Katherine Anderton, Town Attorney

DWK:pm

**TOWN OF LOS GATOS  
OFFICE OF THE TOWN CLERK**

**COUNCIL POLICY**

PUBLIC ACCESS TO COUNCIL DECISION MAKING  
TOWN COUNCIL ACTION 5/18/1992

ALL ELECTED TOWN COUNCIL MEMBERS ARE REQUIRED TO SIGN THIS DOCUMENT PRIOR TO TAKING THE OATH OF OFFICE AND YEARLY, THEREAFTER, ON JANUARY 15TH, AS EVIDENCE THAT THEY HAVE READ AND UNDERSTAND THE POLICY REGARDING "PUBLIC ACCESS TO COUNCIL DECISION MAKING"

**PURPOSE**

To establish procedures which insure that the public has access to Council decision making.

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\_\_\_\_\_  
Signature of Council Member

\_\_\_\_\_  
Date

**MEETINGS/OPEN AND PUBLIC/TOWN POLICY (30.10)**

**Mr. Blanton** gave a synopsis of the committee report and the recommendations which were submitted by himself and Mr. Ventura.

Town Attorney, Kate Anderton, explained the contrast between a semi adjudicatory decisions and legislative decisions that the Council addresses.

Mayor Carlson and Council Member Ventura indicated that a statement was needed on the policy that says that the Council will not participate in discussions with a third party.

By consensus, Mayor Carlson added to Item number three (3) of the policy "in addition.... Council Members shall refrain from discussions with third parties if that discussion involves representation of votes of how one or more Council Members may vote.

Mrs. Benjamin indicated her concerns about sitting on non profit organization Board of Directors and stated that policy has been that it would be a conflict of interest.

**Motion by Mrs. Benjamin**, seconded by Mr. Attaway, that item number five be added to the Policy Statement to read: "Council Members may not sit on Boards of Directors of non profit organizations which receive funding or in kind contributions from the Town." Carried unanimously.

Mayor Carlson suggested that each year Council Member sign the Policy Statement, like they do the FPPC Conflict of Interest Statements which will help them be more aware of the Brown Act.

**Motion by Mrs. Benjamin**, seconded by Mr. Blanton, that Council approve the Town Council Policy on public access to Council decision making with the addition of item five and item number three slightly amended. The written policies to be handed out to each Council Member once a year at the start of each year and to be given to new Council Members upon taken the oath. Carried unanimously.

**Motion by Mrs. Benjamin**, seconded by Mr. Blanton, to send a letter, under the Mayor's signature to send a letter to the State Legislature informing them of our policy. Carried unanimously.

**ADJOURNMENT**

**Motion by Mrs. Benjamin**, seconded by Mr. Blanton, that Council adjourn this evening's meeting at 11:27 p.m. Carried unanimously.

ATTEST:

  
MarLyn J. Rasmussen  
Senior Deputy Clerk