



Town of Portola Valley

Commission and Advisory Committee Policies & Procedures Handbook

Amended by the Portola Valley Town Council
May 25, 2022

**TOWN OF PORTOLA VALLEY
COMMISSION & ADVISORY COMMITTEE**

Policies & Procedures Handbook

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THE NEEDS AND REWARDS OF VOLUNTEERING

~ by Bill Lane, Former Mayor

Our nation is embarking on a time of renewed patriotism that provides an opportunity for each citizen to make a difference in their community through volunteerism. A critical component of our founding fathers' vision for our country was the importance of volunteerism. We in Portola Valley have seen over the years how important this concept has been to the foundation of our community.

During the time leading up to the Town's incorporation on July 7, 1964, there were countless volunteers who called on every household to answer questions and gain support for the legal formation of our Town. In the end, there was record-breaking support for incorporation (81% of registered voters), with reliance on volunteers to perform much of the work being a significant cornerstone of the Town's ongoing governance.

As one of the Town's first mayors elected by the voters, I am proud of all the Town has accomplished! My wife, Jean, and I have had the privilege throughout the years of volunteering in a number of ways, including service on committees.

Today, with demands from a growing population, we have seen more traffic, the need for development controls, increased use of our schools, library, trails, playing fields and so forth, not only by our own residents, but also our neighbors. It cannot be said of Portola Valley that we are a "gated community"!

So many remarkable accomplishments have been achieved, due in large part to literally hundreds of volunteers working with a small, highly capable and dedicated Town staff, along with the support of a retained Town planner and legal counsel. This partnership, with mutual respect, is essential! Our new, award-winning Town Center and Sausal Creek Day-Lighting projects are the latest examples of what can be achieved through this important partnership.

The highest level of volunteerism is the elected five-member Town Council at the top of a tier of appointed Planning Commission, Architectural and Site Commission, and several advisory committees; both permanent and special assignment in nature.

Each and every volunteer's service, irrespective of the level, is critical to this incredible community's continued success! Our commission and committee volunteers, working in concert with the Town Council, ensure the unique quality of life we all enjoy in this very special place continues. Without robust volunteer effort, the unique characteristics of our Town that we can all too often take for granted, will be lost.

Finally, it is often said that you get out of life what you give. Through volunteerism, we not only provide support for our Town; we obtain the rich rewards of friendship and of truly making a difference, while setting a meaningful example for future generations.

TOWN OF PORTOLA VALLEY GOVERNANCE

The Town of Portola Valley is a General Law City operating under a Council-Mayor form of governance. The Town was incorporated in 1964. Under State law Portola Valley is required to conduct its governance in an open and ethical manner. In addition to the requirements of the law, it has always been Town policy to so conduct its governance; the Town of Portola Valley strives to meet or exceed the legal minimums in this regard.

Town Council

The Town Council is comprised of five members elected by the citizens of Portola Valley.

The Town Council is responsible for all the Town's governmental functions except those services provided by the Woodside Fire Protection District, West Bay Sanitary District, and other utility providers. Cable and garbage services are provided through franchise agreements entered into by the Town on behalf of its residents. Law enforcement services are provided through a contract between the Town and the San Mateo County Sheriff's Department. Elementary and middle schools are governed by the Portola Valley School District.

The Town Council:

- Receives and budgets all revenues
- Appoints the Town Manager, Town Attorney, Commission members, Advisory Committee members, and establishes salary ranges
- Adopts ordinances, policies and regulations
- Grants franchises
- Considers appeals from decisions of the Planning Commission, Architectural and Site Control Commission, and Town Manager and may affirm, reverse or modify these decisions or findings
- Establishes fee schedules and charges for municipal services
- May buy, lease and hold real and personal property for the Town
- Has the power to declare an emergency

Mayor

The Mayor is elected by the Town Council and serves for a term of one year. The Mayor presides at Council meetings, acts as the Town's official representative, and signs all official documents, unless otherwise specified by the Council. The Mayor also works with the Town Manager and Vice Mayor to set the Town Council meeting agenda.

Vice Mayor

The Vice-Mayor serves in the Mayor's absence.

Council Meetings

Council meetings are open to the public and are held on the 2nd and 4th Wednesday of each month at 7:00 p.m. in the Historic Schoolhouse, 765 Portola Road, Portola Valley.

Posting of Meeting Agendas and Ordinances

Meeting agendas and new or amended ordinances are posted on outdoor bulletin boards at Town Hall, the Nathhorst Triangle and the Village Square. Copies of agendas, ordinances and minutes of meetings may be obtained at Town Hall, or may be obtained through the Town's website, where citizens may register to receive automatic notification that agendas and other important documents have been posted.

Commissions and Advisory Committees

These policies and procedures apply to *Commissions* and *Advisory Committees*. The purposes and responsibilities of the various committees vary, but they are generally governed in the same way.

A committee's responsibilities are of two types:

In its *advisory* role, a committee is responsible for advising the Town Council, and in some cases commissions, on matters within its area of responsibility. "Advising" may include such activities as review and reporting on discretionary matters such as site development permit applications; providing general information or advice in written form or at public meetings; and recommending actions, possibly including legislation. Although a committee's recommendations may affect Town policies, priorities and procedures, if adopted by the Council, the committee does not have any direct authority over policies, priorities and procedures.

In its *support* role, a committee assists and augments Town staff in the performance of the functions of Town government. For example, the Conservation Committee organizes Town volunteers for removal of invasive plants on Town land, and the Public Works Committee may inspect and report to the Town's Public Works Director the condition of Town streets, bridges and other infrastructure, making recommendations relative to priorities for repair. In this role, the committee must ensure its activities are coordinated with those of Town staff, as directed by the Town Manager. The Town Manager is responsible for the effective and efficient operation of Town government, in conformance with the policies adopted by the Council.

The various committees have differing amounts of advisory and support responsibility, but all have at least one or the other. A group lacking advisory or support roles is not a committee. For example, a group formed to facilitate meetings concerning a unique area of interest among Town residents could be granted resources, such as meeting space, and could be allowed to announce its activities using Town communication methods, but it would not be an advisory committee.

A commission has one additional responsibility beyond those of advisory committees:

In its *regulatory* role, a commission makes legally binding decisions on matters within its authority. For example, the Architecture and Site Control Commission reviews and approves most site development plans. Generally, these decisions may be appealed to the Town Council.

Ultimately, the Town's commissions and advisory committees seek to fulfill the needs of the community as they are identified by the Town Council.

Both commissions and committees are encouraged to develop and communicate to the Town Council recommendations under their purview that will enhance the quality of life for residents, provided, however, the emphasis on committee work is to be placed on meeting the goals and objectives that have been identified by the Town Council.

Official Town Commissions & Committees

The Town has two commissions: the *Planning Commission* and the *Architectural and Site Control Commission*.

The Town has 16 permanent Advisory Committees:

- *Bicycle, Pedestrian & Traffic Safety*
- *Cable and Utilities Undergrounding*
- *Community Engagement*
- *Conservation*
- *Cultural Arts*
- *Emergency Preparedness*
- *Finance*
- *Geologic Safety*
- *Historic Resources*
- *Nature and Science*
- *Open Space Acquisition*
- *Parks & Recreation*
- *Public Works*
- *Sustainability*
- *Trails & Paths*
- *Wildfire Preparedness*

From time to time, special ad hoc committees are appointed by the Council to make recommendations on issues of importance to the community.

A monthly calendar is published with committee and commission meeting times and agendas on the Town's website.

Town Manager

The Town Manager is the Town's administrative head and is appointed by the Council. The Town Manager supervises all other staff members and is responsible for managing the delivery of programs and services authorized in the Town Council adopted budget.

Portola Valley Sphere of Influence

The Sphere of Influence of Portola Valley has been established by the Local Agency Formation Commission (LAFCO) and includes: portions of the Stanford lands known as the Webb Ranch; the communities of Ladera, Los Trancos Woods and Vista Verde; and an area north of Skyline Boulevard and west of Page Mill Road. These areas are closely related to the Town in issues relating to traffic,

geography and land use. If these areas were annexed, LAFCO has recommended they become part of Portola Valley rather than part of any other jurisdiction.

Currently, while residents of these areas have a Portola Valley address and zip code, they are not legally considered part of Portola Valley for voting and other purposes. However, upon approval of the Town Council, residents of these areas or others may be appointed to serve on Town committees to ensure desired expertise or diversified representation on issues is obtained. In making and confirming appointments, the Mayor and Town Council shall give preference to those applicants who reside in the incorporated area of the Town of Portola Valley other factors being equal.

Town Governance Documents

The Town, incorporated on July 7, 1964, is a community of approximately 4,600 people. Through the Town's General Plan, a document required by California State Law, the residents have expressed their strong common interests in preserving the small town character and natural conditions of the area. The General Plan is a long-range, comprehensive and general guide to the future physical development of Portola Valley. The General Plan includes eight elements as required by State Law: Land Use; Open Space; Sustainability; Housing; Circulation; Safety; Conservation; and Noise. The General Plan also includes a Recreation Element; a Historic Element; a Scenic Roads and Highways Element; and Trails and Paths Element, all of which are unique to our community.

The goals, objectives, principles and standards stated in the General Plan set the framework for the zoning, site development, subdivision and other land use regulations of the Town.

The Town's governmental organization and land use controls further the objectives contained in the General Plan and are based in large part on the voluntary efforts of the local citizens. The size of the Town staff has been kept small through the use of volunteer citizen committees as well as professional consultants for planning, geology, and legal services and contracting with the San Mateo County Sheriff's Department for law enforcement services.

The Town's ordinances were codified in 1984 to form the Portola Valley Municipal Code. The Town Council finds that resident compliance with the Municipal Code and applicable state codes throughout the Town is an important public service and enables the Town to better implement its general plan. Code compliance is vital to protection of the public's health, safety, and quality of life. The Municipal Code includes the following Titles: General Provisions; Administration and Personnel; Revenue and Finance; Business Taxes, Licenses and Regulations; Animals; Health and Safety; Public Peace, Morals and Welfare; Vehicles and Traffic; Streets, Trails and Public Places; Public Utilities; Environmental Review; Buildings and Construction; Subdivisions; and Zoning.

LIST OF COMMISSIONS & ADVISORY COMMITTEES

COMMISSIONS

Architectural & Site Control

5 Members

Meets 2nd & 4th Mondays, 7:00 p.m.

Planning

5 Members

Meets 1st & 3rd Wednesdays, 7:00 p.m.

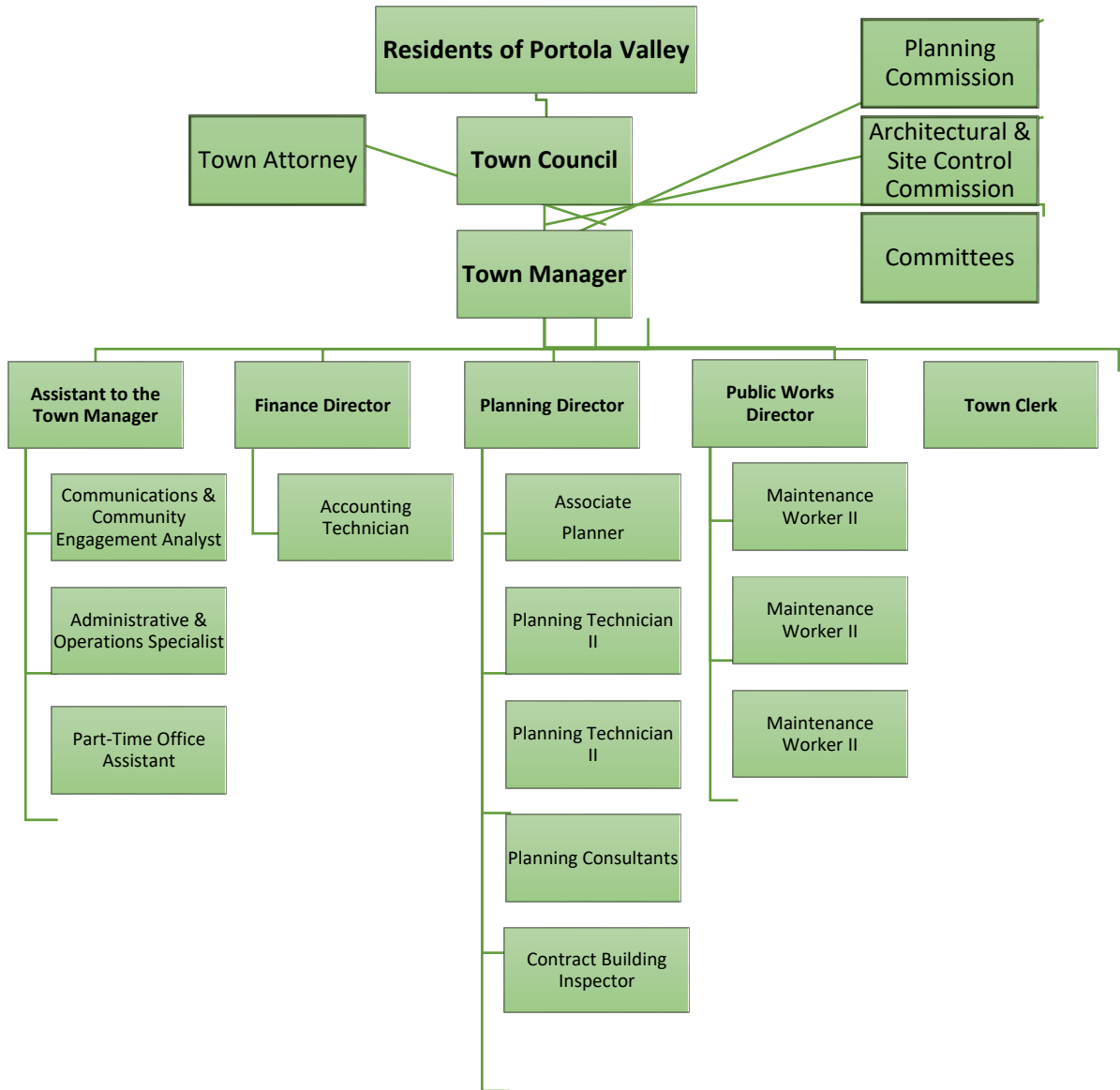
ADVISORY COMMITTEES

Each committee shall have a minimum of five (5) members and a maximum of nine (9) members¹. Exceptions to these minimum/maximum requirements can be granted by the Town Council.

Committees	
Bicycle, Pedestrian & Traffic Safety	Historic Resources
Cable & Utilities Undergrounding	Nature & Science
Community Engagement	Open Space Acquisition
Conservation	Parks & Recreation
Cultural Arts	Public Works
Emergency Preparedness	Sustainability
Finance	Trails & Paths
Geologic Safety	Wildfire Preparedness

¹ Exceptions to the size of a committee may be granted in consultation with the Mayor.

ORGANIZATION CHART



COMMISSION & ADVISORY COMMITTEE MEMBERSHIP

Membership Qualifications

Any interested residents who live within the geographic limits of the Town of Portola Valley can submit an application to the Town Clerk for positions on advisory committees. The Town Council may, on a case-by-case basis, waive the Town residency requirement for residents within the Town's sphere of influence or Portola Valley School District depending upon:

- The number of vacancies on a specific committee
- The number of applications that have been received
- Relevant experience/qualifications and prior community involvement and service on the part of the applicant(s).

Volunteers for the Planning Commission and the Architectural Site Control Commission shall live in the Town of Portola Valley, and no applications from residents of lands in the sphere of influence shall be considered.

Notice of Vacancies

Notice of vacancies and requests for applications are posted on the Town website (www.portolavalley.net), at Town Center, Nathhorst Triangle, and Village Square, and may be published in *The Almanac* or posted to the PV Forum.

Application and Selection Process

Residents interested in serving on a **commission** must submit a letter of interest to the Council. At a noticed public meeting the Council will conduct an interview and selection process as determined by the Council in advance. When a commissioner's term expires he/she must apply to be reappointed. Vacancies are filled as necessary.

Residents interested in serving on a **committee** must complete an application and submit it to the Town Clerk. The Town Clerk will then forward the application to the Mayor and committee chair. The Mayor, in consultation with the committee chair, will review the application. Once approved, the committee chair will contact the applicant and notify them that their appointment will be agendized at the next regular meeting of the Town Council. Committee appointments are made by the Mayor with the concurrence of the entire Town Council. Vacancies are filled as necessary.

Applications may be obtained from the Town Clerk or through the Town's website.

Terms of Office

Advisory committee members are appointed for a one-year term, which may be renewed by the Mayor subject to confirmation by a majority vote of the Town Council at a meeting in January of each year. If no action is taken by the Town Council, committee members continue to serve in the interim.

Commissioners are appointed to 4-year terms expiring on December 31st.

Conflict of Interest

Committee members must fulfill the letter and spirit of state law by avoiding any conflict between their personal or financial interests and their public duties. Committee members are asked to actively avoid taking on projects or activities that would impact the committee member's economic interests and create a conflict of interest with their role on the committee.

Meeting Attendance & Recusals

For commissions and committees to function effectively and accomplish their goals, all members must be active participants.

Commission and committee members are expected to attend a minimum of seventy-five percent (75%) of all regular meetings held within a calendar year. Members who do not attend at least 75% of regular meetings are deemed to have resigned from office, unless excused by the Town Council for good cause.

When a commission or committee member has a conflict of interest that requires recusal on a specific agenda item, the recusal impacts the commission/committee in a way similar to an absence. Therefore, members who must recuse themselves from more than four agenda items per year may be removed pursuant to the removal proceedings below, unless excused by the Town Council for good cause.

The chair is responsible for tracking commission and committee attendance and recusals and providing that information to the Town Clerk on a regular basis.

If a commission or committee member is unable to attend a meeting, the member should notify the chair as soon as possible, to ensure it can be cancelled if a quorum cannot be met.

Participating in Multiple Committees

Members may participate in multiple committees to the extent they are able to fulfill their duties to all committees and such service is not incompatible. For example, it would be incompatible for a member to serve on both the Planning Commission and ASCC because the Planning Commission reviews ASCC decisions.

If members are appointed to multiple committees, they shall only serve a leadership role (eg Chair or Vice Chair) in one committee. Limited exceptions may be granted by the Town Council.

Resignation

If a member wishes to resign from a commission or committee, s/he should first notify the committee chair of their intention to resign, write a letter announcing the resignation, and submit it to the Town Clerk, who will forward it to the Town Council.

Removal

Members serve at the pleasure of the Council. The Council, acting through the Mayor, reserves the right to remove one or more members of a commission/committee at any time, for any reason, including but not limited to, legal or ethical violations, failure to abide by Commission/Committee handbook rules, repeated absences, misconduct towards staff, colleagues, or the public or actions that undermine the public trust in the commission/committee. A member who has been removed by the Mayor shall have the ability to appeal to the full Council.

If the Mayor, after consulting with the council liaison, decides that a member should be removed, the Mayor may revoke the appointment of a commission/committee member. If the Mayor is the council liaison then the Vice Mayor would act in place of the Mayor. If there is no council liaison assigned, then the Vice Mayor would act in place of the council liaison.

Compensation

Service on commissions and committees is voluntary; there is no monetary compensation.

Insurance

Commission and committee members are covered under the Town's general liability insurance policy for actions taken in the course and scope of their duties.

ADVISORY COMMITTEE AUTHORITY, ROLES & RESPONSIBILITIES

Jurisdiction

The Town Council establishes the Town’s Advisory Committees, and their duties are set forth in each committee’s Charter. Before placing an item on the committee’s agenda, committee members should consider whether or not the matter falls within its jurisdiction. Council liaisons are available to provide guidance on agenda setting, should the need arise.

When needed, a committee may propose Charter changes to the Town Council. The procedure for Charter changes is covered in the Policies and Procedures chapter of this handbook.

Occasionally committees may be requested to review and comment on work done by another committee. Such review and comment should normally be limited to the scope of review requested unless the subject reviewed is otherwise covered by the reviewing committee’s charter.

Annual Committee Calendar

<u>TIMEFRAME</u>	<u>ACTIVITY</u>
<i>January</i>	Committee reappointments Committee elects new Chair Representative from each committee attends a priorities planning workshop with the Town Council
<i>March to April</i>	Committee develops budget request for upcoming fiscal year – Due April 30 th to Town Manager
<i>March to April</i>	Committee annual reports to the Town Council
<i>May</i>	Annual meeting of Chairs to foster inter-committee discussion and collaboration
<i>May to June</i>	Staff assembles town-wide budget; submits to Finance Committee & Town Council for review and approval
<i>July</i>	Distribution of Town Council adopted budget
<i>November</i>	Annual meeting of Chairs with Mayor & Vice Mayor
<i>December</i>	Committee chair notifies the Town Clerk of its committee reappointments for the coming year

Town Council Priorities Workshop

In January of each calendar year, committees shall attend a priorities-setting workshop with the Town Council. Committees and the Town Council will discuss their anticipated priorities for the coming fiscal year. This workshop will assist in harmonizing the Town Council priority setting process and the Committee's goals, and help Committees with their budget requests for later in the year.

Committee Annual Report

In April of each calendar year, committees will be asked to make an annual report presentation to the Town Council that outlines the following:

1. Accomplishments and project updates, fiscal year to-date
2. Recommended work plan for the upcoming fiscal year, including budget requests
3. Requests for Town Council direction or for staff and consultant resources
4. Updates to the Committee charter or membership

Committee work plans identify measurable goals and objectives that each committee will work toward achieving during the fiscal year. These objectives should generally fall within the scope of the committee's Charter. In addition, plans for appointment of new members and any reorganization of officers for the coming year are also made to ensure a smooth transition to allow important committee work benefiting the community to continue. Committees should use feedback received as part of the annual report discussion with the Town Council to help guide their budget development.

Scope of Authority

Advisory bodies are not involved in administration or operation of Town departments. Unless a committee is authorized in advance to do so by the Town Council, committees or committee members may not:

- direct staff to initiate programs
- conduct major studies
- establish policy
- determine departmental work programs or staff priorities
- take unilateral action as an official representative
- expend public funds without prior authorization
- enter into agreements or contracts
- employ staff
- sign documents on behalf of the Town
- negotiate real estate transactions
- apply for or accept grant funds
- fundraise on behalf of the Town or for a program that benefits the Town or otherwise bind the Town in any way.

Council liaisons can assist Committees should scope of authority issues arise.

Ad Hoc Committees

From time to time the Town Council establishes ad hoc committees to gather information on a particular area of interest or concern and to make recommendations to the Town Council as a whole. A member of the Town Council may be appointed to serve as the chair of the ad hoc committee, although this is not a requirement. Once the ad hoc committee has completed a final report and/or recommendation and the Town Council has received the report/recommendation, the committee is disbanded.

Code of Conduct

Volunteer work and citizen participation is at the core of Portola Valley's government. Our community depends on the willingness and ability of our residents to spend their time working together in all of our interests. This Code of Conduct aims to foster an environment where such volunteerism is welcomed and encouraged, and where positive communal engagement thrives.

It is important that members treat each other and the public with respect, even through disagreement. Volunteers, and elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve the public in order to preserve and protect the present and the future of the Town. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

The Town encourages positive and respectful dialogue and strives to value and support all volunteers and members of the public. Therefore, members shall at all times refrain from abusive or aggressive conduct, personal charges, hostile body language, disrespectful language or attacks upon the character or motives of others, including fellow committee/commission members, members of other committees and commissions, town staff, members of the town council, and members of the public. It is both encouraged and expected that the chair of each commission/committee intercedes when the conduct of another member is rude or violates this code of conduct. It is up to each and every commission and committee member to foster an atmosphere of collegiality and respect towards all who give of their time to participate.

Role of the Chair

In January of each year, each committee should select a chair from among its members.

An individual committee member is normally limited to two consecutive one-year terms as chair, unless a successor cannot be found, in which case the Mayor, with concurrence of the Town Council, may recruit another candidate to serve as chair, or may allow the current chair to stand for re-election by the committee if necessary.

The chair is responsible for ensuring the effectiveness of the group process. The chair's responsibilities include:

- Assisting new members or an incoming chair with orientation
- Preparing the meeting agenda and submitting it to the Town Clerk no later than 8:30 a.m. the Wednesday of the week prior to the committee meeting
- Communicating important committee activity, questions, or concerns to the Council Liaison
- Monitoring attendance of committee members and utilizing discretion relative to excused/unexcused absence of members
- Ensuring meeting minutes are prepared and submitted in a timely manner
- Becoming familiar with parliamentary procedures
- Ensuring a balanced and inclusive discussion of issues
- Maintaining a watchful eye concerning the potential for perceived or actual conflict of interest
- Ensuring the meeting moves along in a timely fashion
- Maintain meeting decorum and ensure a positive and collaborative environment where all attendees feel comfortable participating
- Directing discussion and deliberation to matters on the agenda
- Encouraging participation from all members present
- Clarifying ideas and restating motions presented to ensure members understand the item(s) on which they are voting
- Actively participating in debate by expressing his/her views
- Mediating conflicts within the committee
- Serving as sole liaison between the committee and Town staff, unless another member of the committee has been designated by the chair to work directly with staff on a particular project
- Working with the assigned Town Council liaison on matters requiring Town Council input or assistance
- Ensuring its activities are coordinated with those of Town staff with consultation with the Town Manager.
- Solicitation of committee members
- Serve as liaison to the Town's Communications and Community Engagement Analyst
- Review and approval of Town website postings relating to the committee
- Monitoring the committee's budget
- Ensuring that committee events are scheduled using the required event registration process

Role of the Secretary

Recording of minutes and submittal to the Town Clerk is the responsibility of the committee. Each committee should designate a secretary to prepare the minutes of each meeting. This role can rotate among committee members, but should be established at the beginning of the meeting.

Should the committee desire their minutes be posted to the Town's website, it is required that the secretary prepare the meeting minutes by using a minute template. Committees are strongly encouraged to post their meeting minutes to the Town's website.

Once the minutes have been agendized and approved by the committee, the secretary will provide the final set of minutes to the Town Clerk, who will then post them to the Town's website.

As noted in the Policies and Procedures Chapter of this handbook, minutes are the official record of a committee's activities, are public documents, and need to be kept accurately for all committee meetings.

Role of the Council Liaison

A member of the Town Council is assigned to each committee to serve as its liaison and provide the committee chair with guidance as necessary. The Liaison should not participate in committee debate or discussion on an issue. The Liaison should remain impartial and avoid "steering" the discussion and/or work of the committee, remembering the primary role is to listen and provide guidance to the Chair and not speak on behalf of the Town or Town Council. The role of the Liaison is to:

- Provide the Town Council with information regarding noteworthy committee events, projects and achievements
- Provide the Chair with:
 - Input received from the Town Council under "Council Liaison Reports"
 - Guidance on Town policies and procedures, including initial feedback on the committee's Annual Report and budget in advance of submittal to the entire Town Council.
 - Advice on inter-committee topic areas
 - Provide guidance on scope of authority or agenda setting issues as needed

Liaisons are not expected to attend all committee meetings, but may attend at their discretion and should upon the specific request of the committee chair. If a Liaison does not attend the committee's meeting, the Liaison shall contact the committee chair following each committee meeting to learn of any specific requests the chair may have of the Council.

The Council liaison appointments are made annually by the Mayor in January.

Role of the Staff Liaison

The Town Manager shall designate staff members to work collaboratively with the committee chairs to fulfill the Town Council adopted work plan for each committee.

Committee members are responsible for agendas, material supporting agenda item discussions, meeting minutes, and compliance with applicable rules and regulations, etc. The staff liaison is not expected to attend committee meetings except on the rare occasion that his/her presence is necessary for the committee to reach a consensus on an item in the adopted work plan.

The staff liaison will also assist the committee with organizing its *support* role, in areas where the committee assists and augments Town staff in the performance of the functions of Town government. For example, when the Conservation Committee organizes volunteers for removal of invasive plants on Town land or the Public Works Committee inspects and reports to the Town's Public Works

Director on the condition of Town streets, bridges and other infrastructure, making recommendations relative to priorities for repair. In this role, the committee must ensure its activities are coordinated with those of Town staff, as directed by the Town Manager. The Town Manager is responsible for the effective and efficient operation of Town government, in conformance with the policies adopted by the Council.

The Communications and Community Engagement Analyst is available to assist all committees, through the Chair, on external communications issues, event promotion and production of marketing materials, and other similar support.

ADVISORY COMMITTEE POLICIES & PROCEDURES

I. Meetings

Ralph M. Brown Act

The Ralph M. Brown Act (Brown Act -- Government Code Sections 54950-54963) is a state law governing meetings conducted by local legislative bodies. It requires local government business to be conducted at meetings open and accessible to the public.

The requirements of the Brown Act apply to all “legislative bodies” of local governmental agencies. The term “legislative body” is defined to include Town Councils and all standing and ad-hoc commissions and committees:

“Any congregation of a majority of members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.”

All meetings must have an agenda, the agenda must be made public (noticed), and the public must be given an opportunity to comment. **Committees can only hear or discuss items that are on the agenda, and only if a majority of members are present.** Generally speaking, all meetings of a legislative body must occur at a public place in Town (at Town Center, not a residence, restaurant, etc.).

NOTE: The Brown Act applies to all forms of communication used in the deliberation of any public business, including but not limited to written reports and correspondence, phone, fax, electronic mail, instant messaging, and any new technologies that may be devised.

Temporary Change of Meeting Time/Day (“Special Meeting”)

You may call a “special meeting” of your committee by informing the Town Clerk of the new date and time and that it will be a special meeting. The Town Clerk must receive notice of your special meeting in time to post a notice that provides a minimum of 24 hours notice prior to the meeting.

Agendas

Meeting agendas must indicate the date, time and place of the meeting and describe each item of business. All agenda listings should be specific enough to give members of the public due notice of topics that are to be discussed. **All agendas must be approved by the Town Manager or his/her designee before being published.**

Action may be taken **ONLY** on items that properly appear on the meeting agenda.

⇒ “Urgency Items” (matters that must be considered due to a deadline or other requirement that was not known at the time the agenda was prepared and require immediate action) may be added to an agenda through the following process:

The chair announces the urgency item and calls for a vote of all present concerning adding the item to the agenda. The item is added if two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action “came to the attention of the local agency subsequent to the agenda being posted.”

Once an urgency item has been added to the agenda, the item may be acted upon through the regular motion, second and voting process more fully described in the “Motions” section to follow.

⇒ “Oral Communications” is an item on the agenda that enables members of the public to make comments or ask questions about items NOT on the agenda or to suggest new items for placement on future agendas. The chair may ask a member of the public if s/he would like to identify themselves for the record, however pursuant to state law, the individual may decline. The public may also submit written statements or request for entry into the meeting record.

NOTE: The committee cannot take action or deliberate on items raised during oral communications. The committee may discuss placing such an item on a future agenda or referring it to the Town Council or Town staff.

Meeting agendas should be coordinated with the Town Clerk at Town Hall (851-1700, ext. 210). S/he will help you with agenda preparation, posting and mailing.

In order to have sufficient time to prepare post and mail the agenda, it is due at Town Hall **no later than 8:30 a.m. on Wednesday of the week prior to the committee’s scheduled meeting.**

If the agenda is not received by 8:30 a.m. on the Wednesday prior to your meeting, the Town Clerk will automatically post a meeting cancellation notice.

Meeting Notification (“Noticing”)

In order to “publicly notice” a meeting, the Town posts the meeting agenda at three locations: Town Center, Nathorst Triangle, and the Village Square, and on the Town’s website.

There are two types of meetings: Regular and Special

Regular: Advisory committee meetings that are scheduled to meet at designated times.

Special: Advisory committee meetings that are called in order to consider an important issue that needs to be addressed immediately.

- Regular advisory committee meetings must be publicly noticed **at least 72 hours in advance of the meeting.**
- Special Advisory Committee meetings must be publicly noticed **at least 24 hours in advance of the meeting.**

Quorum

Definition of a quorum:

A quorum is a majority in attendance of all committee members as listed on the committee roster. If a quorum is not present, the meeting cannot be called to order and no formal actions may be taken.

ANY time a majority of committee members meets to conduct business, even if it’s for a “working” or “task” group, it is considered a meeting and must be publicly noticed.

In the event there is no quorum, the members should disband and the meeting should not be held.

Meeting Cancellation

If the committee knows ahead of time that there will not be sufficient business to discuss at a meeting, or there will not be a quorum present, a scheduled meeting can be cancelled. In order to cancel a meeting, inform the Town Clerk **prior** to the meeting and s/he will post a notice canceling the meeting.

If your meeting has already been posted, you must inform the Town Clerk if you cancel your meeting for any reason, including lack of a quorum. S/he will post a meeting cancellation notice for you.

If a quorum of members does not appear for a regularly scheduled meeting, the meeting should be canceled. In this case, a notice of cancellation should be posted on the door(s) of the meeting room.

Minutes

Minutes are the official record of a committee's activities and need to be kept for all committee meetings. Recording of minutes and submittal to the Town Clerk is the responsibility of the committee. Minutes should be prepared using the minute template and include:

- Date, start and adjournment time, and place of the meeting
- An attendance list of committee members present/absent
- A recording of actions taken

Any additions and/or corrections to meeting minutes may only be made at a noticed, public meeting. Such changes cannot be made without an affirmative majority vote.

Once meeting minutes have been agendized and approved by the committee, the secretary will provide the final set of meeting minutes to the Town Clerk who will then post them to the Town's website.

In order to have sufficient time to include meeting minutes for approval on an agenda, they are due to the Town Clerk no later than **8:30 a.m., on Wednesday of the week prior to your scheduled meeting.**

Motions

Any Advisory Committee member other than the chair may make a motion pertaining to a subject that is listed on the agenda. A motion is a formal proposal that the committee act on an idea or proposition that has been included on the agenda. (The chair is free to request that a motion be made.)

1. Main Motion (The committee does not necessarily have to be this formal.)
 - a. A member makes a motion, stating, "I move that . . ." It is usually best to try and include only one proposal per motion, so that the motion can be clearly understood and followed by the other members.
 - b. Another member must second the motion. The chair can second the motion. If no second occurs, no further action can be taken on the motion.
 - c. After the motion is seconded, the chair asks for discussion on the motion.
 - d. When everyone who wants to speak has done so (including people in the audience) the chair puts the motion to a vote. At this point, it is often a good idea to restate the motion, then call for the vote by saying "All those in favor", then "All those opposed", and finally "Are there any abstentions?" Upon completion of the voting process, the

chair should announce the results of the vote (i.e. “the motion passes” or “the motion fails”).

- e. Members can vote “yes” or “aye” or raise their hand in the affirmative, or “no” or “nay” or raise their hand negating the motion. Members may also “abstain”.
 - f. In order to be approved, a majority of the members present must vote “yes” or “aye” or raise their hands in the affirmative. A tie vote results in the motion failing. No proxy or absentee voting is allowed.
 - g. A motion may be withdrawn by its maker unless an objection is made. If an objection is stated, the chair must call for a vote to determine whether or not the motion may be withdrawn.
2. Amending a Motion
- a. A motion can be amended, as long as the amendment pertains to the main motion, even if it effectively voids the motion.
 - b. A “substitute motion” is a form of amendment that completely restates the main motion.
 - c. An amendment or substitute motion is stated, seconded, discussed and voted upon the same as a main motion.
3. Motion for Adjournment
- a. When a committee has finished the business on its agenda, a motion to adjourn is in order. This motion is not debatable. Therefore, it is very important that the Chair ensures that no important business has been overlooked prior to requesting a motion for adjournment.

Subcommittees

Subcommittees can be formed by a majority vote of the committee for the purpose of performing tasks that can best be handled by a smaller group, such as doing research or preparing draft documents to be considered later by the full committee. The committee appoints members to the subcommittee; **the subcommittee must include less than a quorum of the committee members.**

Subcommittees can meet privately and informally and are not required to keep minutes, have a formal agenda or publicly notice their meetings. However, when the subcommittee presents their work to the whole committee, the meeting must be noticed, agendaized and open to the public. The subcommittee has no legislative (decision-making) authority.

II. Finances

Annual Budget Process

Following the committee's annual report to the Town Council, committees are asked to submit their budget requests that coincide with their proposed work plan for the next fiscal year (July 1 to June 30). A Budget Request Form will be provided for the committee to use. Committees should prepare the budget request and by motion and affirmative vote approve its submittal to the Town Manager. All budget submittals for the fiscal year beginning July 1st are due to the Town Manager by the end of the preceding April. Late budget submittals will be excluded from the budget document and the committee will be given a nominal amount of \$500. Late budget submittals will be considered in July/August, but will only be funded if a surplus is anticipated in the adopted budget.

The Town Manager will work with the Mayor and Vice Mayor to determine which committee budget requests are recommended for Town Council approval upon complete review of the Town's projected finances and the town-wide work program. The Town Council has the ultimate authority to approve the Town's budget and expenditures.

Town and committee budgets are annual budgets and they do not carry over to the next fiscal year.

Annual Budget Appropriation

After the Town Council adopts the final budget, each committee will be notified of its budget appropriation for the fiscal year. If the committee expends its allotted budget and is in need of an additional appropriation, a request can be made to the Town Manager.

Expending Committee Budgetary Funds

In order to expend budgeted funds, the committee must:

1. Convene a meeting with a quorum of committee members at which the committee votes to approve expenditures on specific item(s) and/or service(s)
2. Record the decision in the meeting minutes, including the date of the meeting
3. Notify Town staff of the committee's decision.

Staff will then take the necessary steps – order merchandise, approve an agreement for service, issue a Purchase Order for items over \$500 or agendize the item for Council approval if it is over \$25,000.

Requests for check payments should be provided to staff no less than three weeks prior to the payment due date to allow for processing in accordance with the Town's adopted internal controls.

Reimbursement for Small Items (\$100 or less)

Committee members can pay for small items for Town events (e.g. Holiday Party, Town Picnic) and request reimbursement from the Town provided the committee has voted to approve the expenditures and reimbursement in advance of any purchase. The reimbursement will be made through petty cash or on the next warrant (check) list. All requests for reimbursement must include a receipt.

NOTE: Even for small, reimbursable items, the committee **MUST** approve expenditure for these items **PRIOR** to reimbursement.

Monies Received by Committee (Fundraising, Donations, Fees, Sales, Etc.)

If your committee receives money (usually related to sponsoring an event, such as the Town Picnic, recreational leagues), you must deliver the money to Town staff in a timely manner – no more than three (3) working days after receiving the money. Monies received from fundraisers, sales or fees should be counted by the committee, and then verified by Town staff. Staff will deposit the money into the appropriate Town account.

Sponsorship of events is prohibited.

It is a violation of Town policy for committees to maintain their own bank accounts.

III. Charter Changes

A Charter is essentially the mission statement for a committee, and contains information such as the number of members, the date, time and location of regular meetings.

The Charter is a very important document to each committee, and it serves to guide committee members in their deliberation of matters that come before the committee. Changes to the Charter may be made, but only after careful consideration.

Committees may recommend changes to their Charter (e.g. mission, number of members, date and time of meetings) to the Town Council for approval. In order to do so, the committee should:

1. List the proposed change on the committee's agenda
2. Convene a meeting with a quorum of committee members at which the committee votes to recommend a Charter change(s)
3. Record the decision in the meeting minutes
4. Prepare a memo to the Town Council requesting the recommended Charter change
5. Forward the memo to the Town Clerk who will then forward it to the Mayor and Town Manager for consideration.
6. If the Town Council approves the Charter change, the committee can implement this change at its next committee meeting

IV. Process for Committee Requests for Action

Requesting Placement of Item(s) on Town Council Agenda

A committee may request that the Town Council consider a recommendation from the committee concerning an item on a future agenda. In order for an item to be placed on the Town Council agenda, the committee must prepare a memo and/or report about the item(s) and the Chair shall forward it to the Town Manager. The memo/report should include sufficient information or a specific recommendation so that the Council will be prepared to make a decision.

The Town Manager, Mayor and Vice Mayor meet regularly to determine the items to be included on each Town Council agenda. The Town Clerk or staff liaison to the committee will inform the chair when the Town Council agenda includes this item.

It is normally required that at least one committee member attend the Town Council meeting at which the committee's item is being considered. If no committee member is present, the item may be continued.

Referral of Items to Other Committees

A committee chair may request that an item be placed on another committee's agenda to obtain comments and insight into an item. When requesting placement on another committee's agenda, the chair must make contact with the chair of that committee. When an item is agendaized, a report must be provided to the Town Clerk for inclusion in the committee packet and a committee representative must be present at the meeting where the item has been agendaized. If there is no representative present, no action will be taken unless arrangements have been made with the staff prior to the day of the meeting.

If the item is time-sensitive and a committee member cannot attend the meeting, staff must be fully informed of the committee request and be provided full information concerning the item prior to the day of the meeting.

V. Miscellaneous Policies

Harassment

The Town prohibits commissioners and committee members from engaging in any harassment or discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, genetic information, sexual orientation, military and veteran status, or any other basis protected by law ("Protected Status"). This policy prohibits harassment against Town Councilmembers, commissioners, committee members, employees, applicants, unpaid interns, volunteers, independent contractors, and anyone else doing business with the Town or its commissions and committees. Violations of this policy may result in disciplinary action as described below.

Such harassment includes physical, verbal, and visual conduct when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Harassment on the basis of Protected Status is also prohibited.

The Town Council may discipline commissioners and committee members who are found to have violated this policy.

Should a member of any town commission or committee allege harassment, as defined, the following reporting and grievance policy should be followed:

1. Between Committee Members – the member alleging harassment should schedule a meeting between the Chair of the Committee, the Town Manager, the Council liaison and the Mayor to discuss. A follow-up meeting with the alleged harasser should be held with the same parties listed above. Depending on the severity of the allegation, and evidence to support, a warning may be issued, education may be assigned, or the committee member may be removed.
2. Between a committee member and the Chair - the member alleging harassment should schedule a meeting between, the Town Manager, the Council liaison and the Mayor to discuss. A follow-up meeting with the alleged harasser should be held with the same parties listed above. Depending on the severity of the allegation, and evidence to support, a warning may be issued, education may be assigned, or the chair may be removed from chairmanship or the committee itself.
3. Between a committee member and staff - the member alleging harassment should schedule a meeting between the Chair of the Committee, the Town Manager, the Council liaison and the Mayor to discuss. A follow-up meeting with the alleged harasser should be held with the same parties listed above. Depending on the severity of the allegation, and evidence to support, a warning may be issued, education may be assigned, or the staff member may be reassigned to another committee or terminated.
4. Between a committee member and the Town Manager – the member alleging harassment should schedule a meeting between the Chair of the Committee, the Council liaison and the Mayor to discuss. A follow-up meeting with the alleged harasser should be held with the same parties listed above. Depending on the severity of the allegation, and evidence to support, a warning may be issued, education may be assigned, or the Town Manager may be terminated.

Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other visual, verbal, or physical conduct of a sexual nature when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of behaviors and may involve individuals of the same or different gender. Sexually harassing conduct need not be motivated by sexual desire. Examples of sexual harassment may include, but are not limited to:

1. Physical conduct including unwelcome touching, intentionally blocking normal movement, pinching, patting, or coerced sexual conduct;
2. Verbal conduct including making derogatory comments, sexually explicit jokes, slurs, sexual innuendo and insults, or comments about an individual's body or dress;
3. Visual conduct including leering, or displaying sexually oriented posters, photography, cartoons, drawings, emails, or gestures;
4. Offering employment benefits in exchange for sexual favors; and
5. Making or threatening reprisals after a negative response to sexual advances.

Should there be an allegation of sexual harassment, the reporting and grievance mechanism described above to remedy harassment will be utilized.

Committee Communications

All official communication between a committee and the Town Council or staff must be directed through the committee chair. The chair may designate another member of the committee to work directly with staff on a specific project, when necessary.

The committee chair or designated representative may use e-mail to communicate with the Town Council. All e-mail or other correspondence to a majority of the Town Council is considered public information and must be copied to the staff for inclusion in the Digest, a weekly compilation of information provided to the Town Council to ensure requirements of the Brown Act are met.

The committee must obtain **pre-approval** from the Town Manager prior to distributing any official written documents. These include but are not limited to:

- Press releases
- Fundraising materials
- Advertising
- Articles for publication
- Flyers for an event
- Banners

Letters expressing a position on a policy, issue, or event must be pre-approved by the Town Council. Town letterhead may only be used if the letter is signed by the Mayor, an authorized Town staff member, or a committee chair if the letter is pre-approved by the Town Council.

Inquiries from the press should be directed to the chair for response. The chair is responsible for providing impartial and factual information on behalf of the committee. Always remember, you are representing the entire committee.

When expressing your own personal opinion on an item, be sure to let the reporter know that it is your opinion and not that of your committee.

The Town maintains a website that includes a page specific to each committee. Each committee chair is responsible to review and approve the web page content

that pertains to their respective committee, keeping it fresh and up to date. All web page content material submitted for posting is subject to review and approval by Town staff.

Using the Town's Bulk Mail Permit

The committee must obtain a letter and certificate of bulk mailing from the Administrative Technician authorizing use of the Town's Bulk Mailing Permit in order to process the mailing at the Post Office.

Committee Events

Committees must reserve Town facilities and resources prior to scheduling or hosting a committee event (whether at the Town Center or at another location) using the following procedures:

1. Once the Committee has agreed to a date for the event, the committee chair completes a reservation form and submits it to the Town Manager **as soon as the Committee has selected potential dates, but no less than two months prior** to the event. Reservation forms are available via the Town's website or from Town staff. Completed forms can be submitted to the Town Manager by email to towncenter@portolavalley.net.
2. Upon receipt of the reservation form, staff will review the information provided to ensure there are no conflicts with other events and that the event is in accordance with committee and Town goals.
3. Within three business days following receipt of the reservation request, staff will email the requesting committee chair a confirmation of the reservation (i.e., returned application with "approved" stamp), or a notice if the date is unavailable.

Please note: Committees should not advertise their event or purchase banners or signs until the reservation confirmation is received from staff. As noted above under "Committee Communications," flyers and communications regarding events must also be pre-approved by the Town Manager.

Food/Beverage Service & Insurance

If *any* food or beverages (including alcoholic beverages) will be served to the public at a Committee event, the committee chair must work with Town staff to ensure that all of the required permits are obtained from the County Environmental Health Department and/or the California Department of Alcoholic Beverage Control within the required time, in advance of the event. In addition, the Committee must work with Town staff to provide any information and or documentation if it is determined that additional insurance is needed for the event.

Staff Support for Committee Events

Due to limited staff resources, volunteers are responsible for all aspects of the event coordination, including setup and cleanup of chairs and

equipment.

VI. Fundraising

Fundraising includes activities to collect cash, acquire real estate, securities, and similar assets.

Committees are not authorized to undertake fundraising activities without **prior** authorization by the Town Council.

Overview

There are two general types of fundraising covered by this section:

1. One-time fundraising for specific projects, programs and/or facilities (e.g. Millennium Open Space Challenge; Historic Schoolhouse renovation; Little Peoples' Park renovation)
2. Ongoing fundraisers (Blues & Barbecue; Portola Valley Primer sales; Herb Dengler wildflower watercolor print sales).

Authorization to Undertake Fundraising

The Town Council must authorize all fundraising activities related to the municipal government of the Town prior to the implementation of the fundraising effort. The Council may choose to establish an ad hoc committee to undertake the fundraising, or to employ an existing committee, such as the Community Events Committee, which currently undertakes the Blues & Barbecue fundraiser, or the Parks & Recreation Committee, which undertook a fundraiser to renovate Little Peoples' Park at Town Center.

Initiating a One-time Fundraising Event

If an individual, group or existing Town Committee wants to initiate a one-time fundraising event, it must:

- Prepare a memorandum to the Town Council with an outline of the proposed event, including the purpose, beneficiary (project, program and/or facility), estimated timeline, estimated costs, (printing, postage, advertising, etc.) monetary goal and contact person(s)
- Send the memorandum to the Town Manager at Town Hall requesting that the item be placed on the Town Council agenda
- Attend the Council meeting at which the fundraising proposal will be considered to present the proposal and provide additional information, if requested.

Fundraising Group/Committee Responsibilities

Once your group/committee has received authorization from the Town Council to proceed with fundraising activities, you must ensure that all checks are payable to

the “Town of Portola Valley” (in order to be tax deductible) and that they are received by the Town within three days.

Anonymous Donors

If someone wishes to make an anonymous donation, the donor should arrange for the donation to be issued from an institution, such as a bank or foundation, or from another third party, on the donor’s behalf. The Town has no ability to protect the donor’s anonymity if the donor sends a personal check and/or letter to the Town regarding the donation, because these transmissions would be considered public records under the California Public Records Act, and, therefore, available to the public – including the press – upon request.

Gifts of Securities

Tax-deductible donations may be made to the Town of Portola Valley in the form of securities. All gifts of securities must be coordinated through the Town Manager.

Thank You Letters

The fundraising group/committee must periodically provide a list of donors and amounts received to the Town Manager. Upon staff verification that the funds were received and deposited to the Town’s account, the Town Manager will produce and sign a thank you letter for each donation received.