

COMMISSION HANDBOOK

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CITY OF SARATOGA COMMISSION HANDBOOK

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The City of Saratoga Welcomes You



City of Saratoga Commission Handbook

Congratulations on your recent appointment to one of Saratoga's Commissions. Your appointment is an honor, reflecting the City Council's confidence in your ability and judgment. The City Council and staff look forward to working with you and receiving the benefit of your insight and guidance.

As a Commissioner you will serve in an advisory capacity to the City Council and will be helping to address community needs. In this role, you have the opportunity to share your vision and to help mold Saratoga's future.

This handbook has been prepared to provide information about the functions and responsibilities of a Commissioner. The handbook is designed to contribute to your general knowledge and understanding of public affairs and to aid in identifying the scope and parameters of your role as a Commissioner.

Service to the City provides an opportunity to gain a greater understanding of the issues facing municipal government and to become actively involved in resolving those concerns in a manner that reflects the best interests of the community. The City hopes that you will enjoy your tenure as a vital part of the City's team and sincerely thanks you for your willingness to serve your community.

About Saratoga's Commissions



City of Saratoga Commission Handbook

The City Council is assisted by six Commissions: the Heritage Preservation Commission, Library Commission, Parks and Recreation Commission, Planning Commission, Traffic Safety Commission, and Youth Commission. Created by Council legislation, all of Saratoga's Commissions were established to provide citizen input and advice in specific areas.

The primary purpose of a Commission is to gather information, weigh public opinion, and carefully examine issues in order to make recommendations to the Council. The City's Commissions play an essential component in the decision-making process. Each Commission studies issues within its area of specialization, expands the opportunity for citizen input and participation, and ultimately provides valued recommendations to the Council. As advisory bodies, the Commissions are not authorized to set City policy. However, the Planning and Heritage Preservation Commissions are authorized to make decisions on certain types of development applications. These decisions may be appealed to the City Council.

Most of the City's Commissions are comprised of five or seven members. The Library and Parks and Recreation Commissions have five members. The Heritage Preservation Commission, Planning Commission, and Traffic Safety Commission have seven members. The Youth Commission has a total of eleven members, who are Saratoga residents in school grades seven through twelve.

Heritage Preservation Commission — The primary function of the Heritage Preservation Commission is to implement the City's Heritage Preservation Ordinance by working with the Council, the Planning Commission, and City staff.

The Commission is responsible for considering proposed modifications to designated historic landmarks, lanes and districts, advising the Community Development Department in connection with projects that may affect heritage resources, conducting property surveys to establish an official inventory of heritage resources within the City of Saratoga, and for recommending proposals for historic landmarks, lanes, district designations, and heritage trees to the City Council.

One member is nominated by the Saratoga Historical Foundation and two members must be trained or experienced in the field of construction and structural rehabilitation, such as a licensed architect, engineer, contractor or urban planner.

All members of the Heritage Preservation Commission must attend at least one training class per year on the topic of historical preservation.

Meetings are held the second Tuesday of the month at 8:30 a.m. at Saratoga City Hall, located at 13777 Fruitvale Avenue.

Library Commission — The Library Commission serves as an advisory body on library policies, budgets, plans, and procedures to the City Council, City staff, and the Santa Clara County Library staff. The Library Commission has no administrative authority over the library's operations, but may participate in the general planning of the library operation and library-related programs and policies. One member is nominated by the City of Monte Sereno.

Meetings are held in even-numbered months (February, April, June, August, October, and December) on the fourth Wednesday of the month at 4:00 p.m. in the Saratoga Library, located at 13650 Saratoga Avenue. Meetings in December are typically rescheduled for dates earlier in the month.

Parks and Recreation Commission — The Parks and Recreation Commission advises the Council on a variety of matters as they relate to parks and recreation. Principally, the Commission serves as a conduit between the public and the Council, assesses public input, collects information, and makes recommendations to the Saratoga City Council.

Meetings are held on the second Tuesday of the month on odd-numbered months (January, March, May, July, September, and November) at 6:30 p.m. at Saratoga City Hall, located at 13777 Fruitvale Avenue.

Planning Commission — The Planning Commission works to maintain the unique character of Saratoga by ensuring that the physical development of the City is consistent with the environmental, social, and economic goals set forth in the City's General Plan. The Planning Commission is also responsible for considering appeals of decisions made by the Community Development Department and acting on applications for use permits, design reviews, and other planning approvals.

Meetings are held the second and fourth Wednesday of the month at 7:00 p.m. in the Civic Theater, located at 13777 Fruitvale Avenue.

Traffic Safety Commission — The Traffic Safety Commission investigates, reviews, and analyzes traffic safety issues raised by the residents and Public Safety Agencies. This Commission provides a venue for the public to express concerns regarding traffic safety issues. The Traffic Safety Commission makes recommendations to the City regarding traffic safety.

Meetings are held on the second Thursday of the month on odd-numbered months (January, March, May, July, September, and November) at 6:30 p.m. at Saratoga City Hall, located at 13777 Fruitvale Avenue.

Youth Commission — The Youth Commission works to enhance the well being of local youth, offer positive influences to teens, and provide opportunities for youth involvement in the community. Youth Commissioners serve as teen leaders, communicate with the City Council regarding current youth issues, plan, promote, and participate in community events, fundraisers, and social and educational activities.

Meetings are held monthly on the second Tuesday of the month at 7:00 p.m. in the Warner Hutton House, located at 13777 Fruitvale Avenue.

Commission Administration



City of Saratoga Commission Handbook

This section of the handbook describes the process of being selected for a Commission and includes information on a range of issues that typically arise while serving on a Commission.

Eligibility — All applicants must be residents and registered voters in the City of Saratoga with the exception that one member of the Library Commission must be a resident of Monte Sereno. Youth Commissioners are not required to be registered voters. Two members of the Heritage Preservation Commission must be trained or have experience in the field of construction and structural rehabilitation, such as a licensed architect, engineer, contractor, or urban planner. One member of the Heritage Preservation Commission must also be nominated by the Saratoga Historical Foundation. Elected officials and City employees are not eligible to apply. Membership on City Commissions is limited to service on one Commission at any one time. All applicants must attend at least one Commission meeting prior to the interview process.

Application and Selection Process — When a vacancy occurs on a Commission, information about the recruitment will be posted on the City's website to solicit applications. Applicants are required to complete the application and supplemental questionnaire and submit both forms to the City Clerk's Office by the given deadline.

A separate application is required for each Commission to which the applicant wishes to apply. Applications are maintained by the City Clerk's Office in an active status for one year, after which time they become inactive and a new application must be submitted.

The City Council interviews Commission applicants as part of a City Council meeting. Interviews are typically held at City Hall in the administrative conference room prior to the 7:00 p.m. Council Meeting. The Mayor or City Clerk will notify the applicants of the results the day after the interviews.

Terms and Limits — Commissioner terms are for four years except for members of the Youth Commission, who are appointed to two year terms. No Commissioner may serve more than two full consecutive terms on a single Commission. A Commissioner who has served two full consecutive terms on a Commission may not be reappointed to that Commission for at least one year following the expiration of his or her term. Youth Commissioners appointed after April 6, 2011 may not serve consecutive terms.

A partial term served, as a result of an appointment to fill a vacancy or realign term staggering, is not a full term. For each Commission, the terms of the Commissioners are staggered such that each year the four-year terms of approximately an equal number of the Commissioners will expire. For example, a seven-member Commission would have two terms ending each year and one term ending on the fourth year. Staggering of terms does not apply to the Youth Commission.

The City Clerk notifies Commissioners when they approach the end of their term. For those interested in and eligible for reappointment, an updated application is required.

Oath of Office — Commissioners are required to take an Oath of Office prior to assuming their duties. Commissioners are usually scheduled to take the Oath of Office at the beginning of a City Council Meeting, which are held on the first and third Wednesday of the month at 7:00 p.m.

Assuming Office Statement — All Commissioners, except members of the Youth Commission, must file the Fair Political Practices Commission’s (FPPC) Form 700 Statement of Economic Interests within 30 days of taking the oath of office. The form is available from the City Clerk and is discussed in the section on Legal Issues later in this Handbook.

Saratoga Code of Ethics and Values — The City Council has adopted a Code of Ethics and Values stating that the proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The Code of Ethics and Values promotes and maintains the highest standards of personal and professional conduct in the City’s government. All elected and appointed officials, City employees, volunteers, and others who participate in the city’s government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its nine core values in their work. The Code applies to all Commissioners. A copy of the Code of Ethics and Values is included in the appendix.

Attending Meetings — If a Commissioner is absent without permission for three consecutive regular Commission meetings, the Commissioner’s position becomes vacant and is filled as any other vacancy. Commissioners should notify the Chair and City staff supporting the Commission well in advance of any absences.

Any Youth Commissioner who misses two regular meetings will be automatically removed from the Commission. If this occurs, a member of the Youth Commission may appeal the removal to the City Council.

Resignation — Members wishing to resign from their Commission prior to the expiration of their term should submit a letter to the City Council stating their intention and the effective date of the resignation.

Removal — All Commissioners serve at the pleasure of the City Council. The City Council may remove any Commissioner from office prior to the expiration of the Commissioner’s term by a majority vote.

Use of Title or City Resources for Non-City Business — Like all City officials, Commissioners may not use their official title or City equipment for non-City business.

Participation in Political Activities — Acceptance of an appointment to a Commission does not generally restrict individual citizen participation in political activities of the individual’s choosing at any level of government, be it local, state, or federal. Commission members may not, however, use their appointed office, title, or City resources in the conduct of such activity. State law provides that City Council Members, Commissioners, and employees may not:

- Use their office, authority or influence to obtain a change in position or compensation in exchange for a particular vote or political action by the official or employee. This includes urging or discouraging an individual employee to engage in specific action. (Government Code 3204)
- Directly or indirectly solicit political funds or contributions from other officers or employees of the local agency unless the communication is made to a significant segment of the public, which may include officers and employees of the local agency. (Government Code 3205)
- Directly or indirectly offer to increase the compensation or salary of another in exchange for a contribution or loan to any committee controlled directly or indirectly by the person who holds or is seeking election to an office. (Government Code 3205.5)
- Accept, solicit, or direct a campaign contribution of more than \$250 from any applicant or others with a financial interest participating in a proceeding on a license, permit, or other entitlement before the Commission while the proceeding is under consideration or within 3 months following the date of the final decision. If a Commissioner receives a contribution of more than \$250 from an applicant or others with a financial interest in a proceeding on a license, permit, or other entitlement in the 12 months

before the proceeding, then the candidate must disclose the contribution and cannot participate or in any way influence the decision on the proceeding. (Government Code 84308)

Expression of Opinions by Commissioners — In accordance with the City Council Norms of Operation, when a Commission member addresses the City Council, another Commission, or the public, the Commissioner should make it clear whether he or she is speaking on behalf of the Commission or as an individual citizen.

Individual members of Commissions may not represent their personal opinions or recommendations as those of the Commission unless the Commission has voted to approve such views and authorized the individual to speak on the Commission's behalf. Commissioners expressing views not formally approved by the majority of a Commission should clearly state that their opinions are being expressed as a "private citizen."

In addition, when a Commissioner makes a public statement on behalf of his or her Commission it should not include promises that may be construed to be binding on the City. Because Commissions are advisory to the City Council, when making a public statement, members should indicate that Commission actions are recommendations only and that final action will be taken by the City Council. This does not apply to matters that the Heritage Preservation Commission and Planning Commission are authorized to decide without further action by the City Council.

Compensation — Commissioners do not receive compensation or benefits of any kind, except for Planning Commissioners who receive a stipend of \$150.00 per month.

Commission Budget — All Commission operational expenses and revenues must be approved in advance by the City Council. Appropriations and revenue sources for the City Council and other City programs, including Commissions, are shown in the City's budget.

Reimbursement — Actual and necessary expenditures incurred by Commissioners while engaged on official Commission business authorized by the City budget may be reimbursed in accordance with the City's policies on reimbursement of business expenses, provided such expenditures have been previously approved by the director of the City Department responsible for staffing the Commission. Additionally, Commissioners are required to participate in Assembly Bill (AB) 1234 ethics training described in the following section on ethics, public records, and open meeting laws. Commissioners should work with their staff liaison to process reimbursements.

E-Communications — Per the City's E-Communications Policy, all Commissioners are issued City email address to be used for City business. The City issued emails should be used for all communications associated with City and Commission business, such as emails from the public to a Commissioner regarding upcoming agenda items or email discussions between City staff and Commissioners. Commissioners may not use City emails for personal matters, nor may a Commissioner use a personal email address to conduct official Commission business.

A City email address will be issued upon Commissioner appointment. The City Clerk will provide Commissioners with information on how to access email addresses and login credentials. Instructions on how to access a City email address is included in the appendix. Commissioners who wish to access their City email address via a smart phone or other electronic device, may seek assistance from City staff. Arrangements can be made with the City Clerk.

Commissioners should be careful to abide by the requirements of the Brown Act and City E-Communications Policy when communicating via email or other electronic media. The City's E-Communications policy states that Commissioners may not discuss or exchange facts about City issues via E-Communications, which may include email, online forums, social media, or blogs.

When E-Communications from the public are addressed to a quorum of the Commission, the Commission Chair or staff liaison is expected to respond on behalf of the Commission. If the Chair chooses to respond, the Chair may request assistance from staff in preparing a response. Additionally, the Chair should include the staff liaison in the response.

Use of E-Communications by Commissioners during Commission meetings is prohibited. This does not include telephone calls or text messages sent by family members in the event of an urgent family matter.

A copy of the E-Communications Policy is included in the appendix.

Commission Recognition Event — Every year, the City holds a special event to recognize City of Saratoga Commissioners. The Commission Recognition Event, typically a dinner, provides the Council with the opportunity to thank each of the City's Commissioners for their hard work and contributions to the community.



Once appointed, there are a number of State laws that Commissioners must comply with. Some of the most significant State laws include the Political Reform Act, Public Records Act, and the Brown Act.

POLITICAL REFORM ACT AND CONFLICTS OF INTEREST

The Political Reform Act is intended to prevent potential economic conflicts of interest. The law requires that most state and local government officials disclose their personal income and assets, as well as disqualify themselves from participating in decisions that may impact their personal economic interests. As a result, local elected officials and Commissioners (except Youth Commissioners) in Saratoga must annually disclose their economic interests through the Form 700 – Statement of Economic Interests.

Using the Form 700, public officials disclose all financial interests, such as investments, interests in real estate (real property), or sources of income, which may possibly affect the official's judgment. The Form 700 is public record. Any member of the public is permitted to inspect and copy any statement during normal business hours.

As required by the Political Reform Act, Saratoga has adopted its own Conflict of Interest Code that specifies who must submit annual Statements of Economic Interests and which schedules Form 700 filers must complete. The Code includes a listing of all positions in the organization that involve making or participating in making decisions that could have a material effect on any financial interest. This includes making substantive recommendations that are regularly approved without significant amendment or modification, as well as advising or making recommendations to a decision-maker directly or without significant intervening substantive review. Per the City's Conflict of Interest Code, Saratoga Commissioners (except Youth Commissioners) must complete all of the disclosure categories. A copy of the Conflict of Interest Code is included in the appendix and the most current version is available on the City of Saratoga website.

People in positions identified in the Code are required to annually file a Form 700 – Statement of Economic Interest. This annual disclosure is intended to avoid conflicts between government decisions and the economic interest of local government decision-makers.

Commissioners must return a completed Form 700 - Statement of Economic Interests to the City Clerk at the following times:

- Assuming office statements must be filed within 30 days after assuming office.
- Annual statements must be filed no later than 5:00 p.m. typically due the first week of April each year. Such statements shall cover the period of the preceding calendar year.
- Leaving office statements must be filed within 30 days of leaving office.

A penalty of \$10 per day, up to a maximum of \$100, may be imposed for late filings.

If a public official has a conflict of interest, the Political Reform Act may require the official to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence a governmental decision. In general, the Political Reform Act provides that a conflict of interest exists where:

- An official makes, participates in, or uses his or her official position to influence governmental decisions;

- It is foreseeable that the decision will affect the official’s financial interest;
- The effect of the decisions on the official’s financial interest will be material; and
- The effect of the decision on the official’s financial interest will be distinguishable from its effect on the public generally.

This is a summary of a more complicated set of rules. For more information, see the website of the Fair Political Practices Commission at www.fppc.ca.gov. A conflict of interest may exist under other rules as well. Commissioners are encouraged to consult with the City Clerk whenever they believe they may have a conflict.

If a Commission member has a conflict of interest, the Commissioner must not make or participate in making, or in any way attempt to use their official position to influence, a governmental decision relating to the matter in which the Commissioner, or a member of the Commissioner’s immediate family, possess a financial interest.

- The safest way to address a conflict of interest that arises in a public meeting is for the Commissioner to state the basis for the conflict of interest immediately after the Chair announces the item for consideration. The member must then refrain from participating in the deliberations, abstain from voting, and leave the room in which the meeting is being held.
- The minutes will reflect the Commissioner’s stated conflict and recusal.
- Commissioners and other public officials are barred from attempting to influence government decisions in which they have conflict outside of public meetings as well. For example, a Commissioner with a conflict of interest generally may not discuss the matter creating the conflict with a member of the City staff, other Commissioners involved in the decision, or the City Council.
- Penalties for violating the conflict of interest laws are serious and may include fines and a prohibition against serving in public office. Questions regarding a potential conflict of interest should be directed to the City Clerk. The Fair Political Practice Commission’s website at www.fppc.ca.gov and the hotline number 1-866-ASK-FPPC (1-866-275-3772) are additional sources of information.

Additionally, the Political Reform Act also requires members of local legislative bodies that receive any type of compensation, salary, stipend, or reimbursement for expenses from the local agency, to participate in a minimum of 2 hours of ethics training every two years. Because Planning Commissioners receive a stipend, they are required to participate in ethics training every two years. Commissioners who wish to receive reimbursement for reimbursable expenses must also complete the training. The City Clerk is responsible for maintaining ethics training records and notifying those subject to ethics training when their certification expires.

CALIFORNIA PUBLIC RECORDS ACT

The California Public Records Act was adopted in 1968 and allows any member of the public to inspect local government records. While there are a few exceptions to the law, the public may generally request any public record. Government Code Section 6252 defines public records as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”

All records pertaining to the Commission’s business are public records. This includes agendas, minutes, staff reports, emails, and other letters to or from Commissioners on issues within the jurisdiction of the Commission, and reports from City consultants that are distributed to the Commission. Commissioners should be aware that all their correspondence concerning Commission business is a matter of public record. Additional information about the Public Records Act is available at <http://ag.ca.gov/consumers/general/praphp>.

THE BROWN ACT

Passed in the 1950s, the Brown Act guarantees the public's right to attend and participate in the meetings of local legislative bodies. The State law requires that:

- Meetings of a legislative body, including City Commissions, are properly noticed and open to the public;
- Members of the public have the opportunity to comment before or during the meeting on agenda items or items not on the agenda; and
- The legislative body conducts votes (except those permitted to take place in closed session) in a public meeting.

Essentially, the Brown Act requires that Commission meetings must be noticed and open to the public. There generally may be no action or discussion by Commissioners on any item not appearing on the posted agenda. Commissioners may only briefly respond to statements made or questions posed about items not on the agenda; they may request that the topic be agendaized for a future meeting. The Brown Act also requires that Commission meetings be held in a facility that is accessible to handicapped individuals.

The definition of "meeting" includes any action among a majority of the Commission members to hear, discuss, or deliberate upon an item that is within the subject matter jurisdiction of the Commission. The Brown Act specifically prohibits the use of any series of communications of any kind (e.g., telephone, fax or email) directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the Commission's subject matter jurisdiction.

A Commission majority may attend the following gatherings without following the notice and other rules pertaining to regular meetings (provided City business is not discussed as part of the meeting or in breaks): (1) meetings or conferences on general issues that are not City specific; (2) meetings organized by others to address topic(s) of local community concern; and (3) social or ceremonial functions.

Regular and Special Meeting agendas must include opportunities for public input. A public comment period is allowed at the beginning portion of the meeting when members of the public may speak to any relevant topic, regardless of whether that issue is on the agenda for that meeting. Commissioners may only briefly respond to statements made or questions posed about items not on the agenda, and then request that the topic be agendaized for a future meeting. The public is also allowed to speak to each item on the agenda as it is being discussed in the meeting. Public testimony in both portions of the meeting is limited, typically to three minutes.

Although the City encourages individuals testifying before City Commissions and the City Council to identify themselves to facilitate staff follow-up where needed, the Brown Act makes clear that the City may not require that disclosure or require any other information. Additionally, the Commission may not prohibit public criticism of the policies, procedures, programs, or services of the Commission or of the acts or omissions of the Commission.

Any person attending an open and public meeting of a Commission has the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera unless it constitutes a persistent disruption of the proceedings.

In addition to the above provisions, the Brown Act includes rules for proper noticing of various types of public meetings, regulations relating to the conduct of closed sessions, and penalties for the conduct of an unlawful meeting. The Brown Act is complex. Questions concerning the Act should be directed to the staff person assigned to the Commission. Additional information is also available at http://ag.ca.gov/open_meetings/.

Meetings and Procedures



City of Saratoga Commission Handbook

TYPES OF MEETINGS

Regular Meetings — Each Commission holds regularly scheduled meetings on days, times, and at places established by City Council resolution. All meetings are open to the public. Each regular meeting is noticed by posting an agenda that includes a general description of each item to be discussed. The agenda must be posted at least 72 hours before a regular meeting.

Special Meetings — A Commission may call a special meeting by providing notice 24 hours in advance of the meeting and informing media outlets which have requested notices of such meetings. The notice states the time, place, and business to be transacted at the meeting. No other business may be considered at the special meeting. Notice is required even if no action is taken. At every special meeting the Commission must provide the public with an opportunity to address the Commission on any item described in the notice before or during consideration of that item. The special meeting notice describes this right to comment.

MEETING PROCEDURES

Agenda — Commission meetings are governed by an agenda. The agenda for the meetings are prepared by the Chair and the staff person supporting the Commission. Commissioners may propose additions to a future agenda at the end of a Commission meeting. A second Commissioner must concur with the request. A Commissioner may also request an item be placed on a future agenda by speaking with the Chair. Agendas are distributed to the Commissioners and posted at least 72 hours prior to the meeting.

Commission members may only discuss or take action on items that are listed on that meeting's agenda. If a topic is raised during the public comment period or during the meeting which is not on the agenda, a Commissioner may make only a brief response and may request that the item be placed on the agenda for a future meeting.

Informational Packets — Informational packets typically contain the agenda for the upcoming meeting, supplemental materials describing the agenda items, and any communications to be presented at the meeting. This packet will be delivered to the members of the Commission and interested members of the public at least 72 hours prior to each meeting. Commissioners should review these packets prior to each meeting and contact staff with questions.

Quorum — A majority of the members of the Commission constitutes a quorum for the conduct of business. When less than a quorum appears at a noticed meeting, the Commission may not take any action.

Minutes — Minutes of all Commission meetings are prepared by City staff. Minutes are presented at a subsequent Commission meeting for approval by the Commissioners. Written minutes approved by the Commission constitute the official record of its actions. Additions and corrections to the minutes may be made only in public meetings, with the approval of a majority of the Commissioners, and not by the private request of individual members.

Public Hearings — State Law requires that certain items of business be advertised for a formal Public Hearing before being considered by a public body. Additionally, a Public Hearing may be called by the City to maximize public input on a topic even if not legally required. The City Council and Planning Commission are the City bodies that typically hold Public Hearings.

Public Hearings must be conducted in a fair and impartial manner, and the public must be given an opportunity to be heard. The Chair or Mayor may limit or extend the time each member of the public may testify; however, the time limitations must apply to all speakers, regardless of the position they represent.

The general format for a Public Hearing is as follows:

1. Staff provides an overview of the proposal and responds to any questions raised by the Commission
2. Commissioners ask questions of staff and note any relevant facts not included in the staff report or other written materials provided to the Commission
3. The Chair opens the Public Hearing
4. If the matter involves an applicant or appellant (or both), the applicant/appellant is allowed ten minutes in which to present an opening statement
5. Members of the public are each allowed three minutes to express their opinions
6. The applicant/appellant is allowed five minutes to present a closing statement
7. The Chair closes the Public Hearing
8. Commissioners ask questions regarding matters raised during the course of the Public Hearing or in written materials presented to the Commission
9. Members deliberate on the item
10. Members take action on the item

Public Input — Members of the public have the right to express their views on any item included on a Commission agenda, even if there is no formal public hearing. In addition, members of the public may express their views on any item that is not listed on the agenda under the “Oral Communications” portion of the meeting agenda. A time limitation for each speaker, typically three minutes, may be imposed.

While Commissioners or staff are permitted to respond to any questions or to seek clarification concerning a point raised, it is imperative to note that the Brown Act specifically prohibits any public body from discussing or taking action on an item that is not listed on the agenda. Therefore, if the Commission wishes to discuss the item, the topic should be agendaized for a future meeting.

Effective Meetings — Commission meetings are the time and place for discussion, deliberation, decision, and action. Each Commissioner has an obligation to prepare, discuss, evaluate, review, and select the best possible alternatives. The following guidelines will help ensure meetings are constructive:

- Review the meeting agenda and informational packet prior to each meeting
- Prepare to handle sensitive matters in a positive way
- Stick to the agenda
- Define issues and tasks clearly
- Observe the rules of order
- Encourage participation
- Discourage disruption

- Try to resolve differences
- Summarize progress from time to time
- Put items on the agenda and assign tasks to Commission members (if necessary) for the next meeting

Role of the Chair — Each Commission elects a Chair to serve a twelve-month term. No person may serve as Chair or Vice Chair of the same Commission more than once during a single term on the Commission. The Chair acts as the presiding officer at all meetings. In the absence of the Chair, the Vice Chair presides for that meeting. In the absence of both, the members elect a temporary presiding officer for that meeting until the Chair arrives. The following is a list of the Chair’s responsibilities:

- Call meeting to order
- Call for the vote, restate all motions submitted for vote, and announce decision
- Decide questions of order (pursuant to the City of Saratoga’s Rules of Parliamentary Procedure)
- Declare opening and closing of public hearings
- Lead meeting and preserve order
- Execute documents that have been approved by the Commission
- Represent the Commission at meetings when authorized by a majority of the Commission
- Work with staff assigned to the Commission to create meeting agendas

The Chair and staff should be in contact prior to each regularly scheduled meeting in order to review and discuss the agenda. In the event that a personality conflict arises between individual Commissioners, it is the Chair’s responsibility to try to mediate and resolve the problem. If the conflict cannot be resolved, the Chair should approach the Director of the City Department staffing the Commission to discuss possible strategies to address the issue.

Meeting Decorum — The City Council Norms of Operation provide some standards for meeting decorum that minimize disruptions and maintain a respectful environment. It is recommended that Commissioners consider maintaining the meeting decorum standards below:

- Members of a Commission should not engage in debate with a member of the public or staff at meetings since these debates seldom resolve concerns and many times inflame feelings at a public meeting. Any concerns by a member of a Commission over the behavior or work of a City employee during a meeting should be directed to the City Manager privately to ensure the concern is resolved. (Council Norms of Operation, Section 1, G)
- Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting. Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact. Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session. Appropriate attire, including shoes and shirts, are required in the Council Chambers and other meeting rooms at all times. Persons in the audience will not place their feet on the seats in front of them. No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and other Council meeting rooms, except as otherwise pre-approved by City staff. All persons entering the Council Chambers and other Council meeting rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials. (Council Norms of Operation, Section 1, J)

- No person who addresses a Commission shall make any belligerent, personal, impertinent, irrelevant, redundant, slanderous, loud, threatening, abusive or disparaging remark, statement or commentary toward the Commission, staff or other individuals in a manner which disrupts, disturbs or otherwise impedes the orderly conduct of the meeting, nor shall any person engage in any other disorderly conduct which so disrupts, disturbs or impedes the orderly conduct of the meeting. Any violation of this rule shall be grounds for terminating the person's comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, also shall be grounds for removal from the meeting. Commissioners shall not be belligerent or make disparaging commentary toward the speaker. Nothing in this section shall prohibit or discourage orderly criticism of any City decision or policy within the limits of these rules. If a member of the public fails to follow these rules after being warned once, that individual may be barred from further testimony for the evening or may be removed from the meeting. (Council Norms of Operation, Section 6, C)

City of Saratoga Rules of Parliamentary Procedure



City of Saratoga Commission Handbook

These rules of parliamentary procedure are based on *Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century* written by Dave Rosenberg and published by the League of California Cities in 2003. The procedures set forth in *Rosenberg's* have been modified slightly to reflect custom, practice, and specific Code requirements in Saratoga. While these rules have been drafted to conform with requirements of State law and the Saratoga City Code, in the event of a conflict between these procedures and those laws, the laws shall govern.

Saratoga's rules of parliamentary procedure are supported by the following four principles:

1. **Rules should establish order.** The first purpose of the rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear. Simple rules lead to wider understanding and participation.** Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.
3. **Rules should be user-friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

THE CHAIRPERSON SHOULD TAKE A BACK SEAT DURING DISCUSSIONS

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well versed in those rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions, and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

THE BASIC FORMAT FOR AN AGENDA ITEM DISCUSSION

All City Council and Commission meetings have a written, published agenda. The meeting is governed by the agenda and the agenda constitutes the agreed-upon road map for the meeting. Each agenda item should be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed. If any member of the body has a conflict of interest, that member announces the conflict and need for recusal and leaves the dais at this time.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body, a staff person, or a committee chair charged with providing information about the agenda item.

Third, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

Fourth, the chair should invite public comments or, if appropriate at a formal public hearing, open the hearing. Speakers are typically limited to 3 minutes; shorter time limits may be imposed if numerous members of the public indicate a desire to speak to the subject. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

Fifth, the chair should invite members of the body to make remarks on the matter. This is an opportunity for members of the body to state their views on the subject before any formal motions are made.

Sixth, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

Seventh, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

Eighth, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

- The chair can ask the maker of the motion to repeat it;
- The chair can repeat the motion; or
- The chair can ask the secretary or the clerk of the body to repeat the motion.

Ninth, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

Tenth, the chair takes a vote. Simply asking for the “ayes” and then the “nays” is normally sufficient. If members of the body do not vote, then they “abstain.” Unless specific laws or procedures provide otherwise, a simple majority determines whether the motion passes or is defeated.

Eleventh, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days’ notice for all future meetings of this governing body.”

MOTIONS IN GENERAL

Motions are the vehicles for decision making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

The chair usually initiates the motion by:

- Inviting the members to make a motion: “A motion at this time would be in order.”
- Suggesting a motion to the members, for example: “A motion would be in order that we give 10-days notice in the future for all our meetings.”
- Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made, but no other member seems willing to do so.

THE THREE BASIC MOTIONS

Three motions are the most common:

The basic motion — The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend — If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion — If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would “move a substitute motion.” A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed. A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way. A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair’s designation governs.

WHEN MULTIPLE MOTIONS ARE BEFORE THE GOVERNING BODY

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the first vote should be on the last motion made. So, for example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passes, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend passed, the chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

TO DEBATE OR NOT TO DEBATE

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action. There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn — This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess — This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

A motion to fix the time to adjourn — This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

A motion to table — This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion may contain a specific time in which the item can come back to the body: “I move we table this item until our regular meeting in October.” Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate — The most common form of this motion is to say: “I move the previous question” or “I move the question” or “I call for the question”. When a member of the body makes such a motion, the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar action is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

MAJORITY AND SUPER-MAJORITY VOTES

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a five-member body, a vote of 3-2 passes the motion. A vote of 2-2 with one abstention means the motion fails. If one member is absent or recused and the vote is 2-2, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

Motion to limit debate — Whether a member says, “I move the previous question,” “I move the question,” “I call for the question” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations — When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question — Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules — This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or for a particular agenda item.

THE MOTION TO RECONSIDER

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made. The standards for reconsideration are set forth in the City Code.

COURTESY AND DECORUM

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly, and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege — The proper interruption would be: “Point of privilege”. The chair would then ask the interrupter to “state your point”. Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order — The proper interruption would be: “Point of order”. Again, the chair would ask the interrupter to “state your point”. Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal — If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day — This is simply another way of saying, “Let’s return to the agenda”. If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion — During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

SPECIAL NOTES ABOUT PUBLIC INPUT

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy.

Working Relationships



City of Saratoga Commission Handbook

Working with Other Commission Members — Commissions achieve optimum participation when members strive to establish effective working relationships with each other by showing respect for each other’s viewpoints and allowing others to fully present their views. Supportive relationships with fellow Commission members, based upon mutual respect, are essential to a Commission’s success.

Working with City Staff — City staff serve Commissions in an advisory capacity—much the same as the Commission serves the Council. Staff members are selected on the basis of their technical and professional abilities and are expected to provide Commissions with recommendations based upon their professional analysis of the situation, regardless of personal opinion or consideration of political consequence. It is not expected that every staff recommendation will be followed; however, because of staff’s technical expertise, full consideration should be given to their recommendation.

The staff assigned to a Commission also handle administrative duties such as preparing meeting agendas, staff reports, and meeting minutes. Staff members are not considered members of a Commission and have no power to vote in Commission matters. Because of their support position, staff does not respond to questions from the public at a meeting unless requested to do so by the Chair. Commission members may not direct staff to initiate programs, conduct major studies, or establish official policy without the approval of the City Council.

Working with the City Council — The purpose of the City’s Commissions is to expand the opportunity for citizen input and participation, study issues, and make recommendations to the City Council. The Council possesses the ultimate political and legal responsibility for the conduct of local government and the overall welfare of the community.

There are times when the City Council may not choose to accept recommendations made by a Commission. When Commission recommendations are not accepted, it does not imply a lack of confidence or disinterest in the Commission’s advice. Council members must weigh the guidance provided by Commissions and other advisory bodies against a broader scope of considerations in their decision making process.

Although a Commission may disagree with the decision of the Council, the Commission should not act in any manner contrary to the established policy adopted by the Council.

Working with the Public — Commissions, as well as individual Commission members, serve as liaisons between the City and the general public. Thus, each member functions as a communication link between the community and the City, explaining City programs and recommendations, as well as providing a channel for citizen expression.

Commission meetings should be conducive to a productive exchange of ideas and perspectives. A non-threatening atmosphere should be prevalent, and steps should be taken to ensure that members of the public are free to express their views without fear of ridicule or belittlement by anyone with an opposing viewpoint.

Commission members should conduct themselves in a manner that demonstrates fairness and professionalism. Members should be considerate of all interests and value differences of opinion. Additionally, Commissioners should remain open-minded, objective, and make no judgment until all of the available evidence pertaining to an issue has been submitted.

Members of the public are also expected to conform to an acceptable standard of conduct. Any person who willfully interrupts a public meeting or acts so as to render the orderly conduct of the meeting infeasible may be barred from further attendance at the meeting by the Commission or by the Chair. An individual so barred may not return for the remainder of the meeting unless permission is granted by a majority vote of the Commission.

Effective Conflict Management — Commission meetings or citizen input meetings are sometimes difficult to manage. On occasion, meeting attendees may be highly emotional, have a strong interest in a particular item or issue, or may be nervous. There may be residents with strongly differing views. As a Commission member, it is important to guide the discussion so that all viewpoints are presented and not eliminated.

The following suggestions should help manage conflict and confrontation effectively:

- Anticipate differences by learning about the topic beforehand, so you can concentrate on the meeting's purpose
- Administer the meeting rules fairly, set the rules early, and make sure everyone abides by those rules without exception
- Explain the purpose of the meeting
- Ask that all speakers clearly identify themselves for the record (although the speaker cannot be legally required to provide this information, it helps improve dialog at the meeting and facilitate follow-up by staff or Commissioners)
- Set an acceptable time limit for testimony (generally three minutes per speaker, though this may be reduced by a vote of the Commission if there are a number of people wishing to speak on the matter) and maintain that time limit for all speakers
- Try not to overreact to inflammatory comments or expressions of frustration, instead try to redirect frustration into constructive discussion by asking questions, reinforcing areas where you agree, and seeking to bridge differences
- Avoid speaker-to-audience conversation—the purpose of meetings is to help make the Commission aware of considerations relating to an issue at hand, not to engage members of the public in conversation or debate
- Focus comments and questions during the public testimony period on gaining relevant information to make a decision on the issue
- Once testimony has ended, invite Commissioners to discuss their views

Government in Saratoga



City of Saratoga Commission Handbook

The City of Saratoga was incorporated on October 22, 1956 as a General Law City. General Law cities are organized and operated in accordance with provisions set forth in State law. (A Charter City, on the other hand, is governed by a local charter. The charter establishes the basis for city actions. About 80 percent of the cities in California are classified as General Law cities.)

Saratoga's Management Philosophy — Since incorporation, the City of Saratoga has operated its municipal government on the philosophy of maintaining the lowest possible costs by contracting with other public agencies and private companies to provide many services, such as police protection, road maintenance, and landscaping.

Furthermore, the City has long emphasized providing residents with high quality, essential services. As a minimum services City, Saratoga is able to concentrate its resources on the most critical and basic functions of local government. This, in combination with the City's practice of contracting, has served to keep the City operations and staff small and efficient.

Elected Officials: City Council and Mayor — The City Council is the legislative body of the City, and it establishes City policy, adopts and monitors the annual operating and capital improvement budgets, makes appointments to various advisory committees and Commissions, and provides input on regional, state, and federal matters affecting Saratoga. The City Council consists of five members who are elected at-large to four-year overlapping terms, with elections occurring in November of even numbered years.

The Council selects one of its members to serve as Mayor for a one-year term. The Mayor acts as the primary spokesperson and official representative of the Council. Additionally, the Mayor is the presiding officer at Council Meetings and executes official City documents approved by the Council. The Mayor does not possess powers or authority in excess of other members of the Council; rather, the person serving as Mayor is recognized as the leader of the Council, or first among equals.

Council-Manager Form of Government — The City of Saratoga operates under the Council-Manager form of government. This form of government was established around the principals of business and was intended to make local government more efficient and more economical. The Council-Manager form of government is commonly used throughout the U.S. and by over 90% of California cities.

In this form of government, the Council serves as the decision making body of the City and develops policy that reflects public interests. The City Manager oversees implementation of Council policy and supervises City operations. City staff then carries out direction from the City Manager.

City Manager — The City Manager's Office oversees the general operations of the City. In addition to supporting the City Council and Commissions, the City Manager's Office manages the contracts for law enforcement, legal services, and garbage and recycling.

This office is also responsible for coordinating intergovernmental relations, public relations, and emergency preparedness.

City Attorney — The City of Saratoga contracts with the firm of Shute, Mihaly & Weinberger LLP for legal services. The City Attorney’s office acts as legal advisor to the City Council, Commissions, and City staff. Specifically, the City Attorney’s duties include:

- Attending City Council meetings
- Preparing ordinances, resolutions, contracts, leases, and other legal documents
- Representing the City in legal proceedings
- Preparing legal opinions for the City

Administrative Services — The Administrative Services Department manages the financial affairs of the City. The department oversees budget development and implementation; prepares financial reports; coordinates the annual audit; manages cash, investments, and long term debt; administers payroll and accounts receivable; provides human resources services to the City; and oversees information technology responsibilities.

The Community Development Department — The Community Development Department advises the City Council, Planning Commission, Heritage Preservation Commission, and other City Departments regarding the physical development of the City including the day-to-day implementation of the City’s land use policies. The Community Development Department consists of the Planning Division and Building Division, which includes code enforcement.

The Planning Division oversees all aspects of zoning administration, which includes preparing and updating the City’s General Plan, keeping the City’s zoning ordinances current and effective, reviewing development proposals for consistency with the City’s plans and ordinances, processing permit and development applications, and forwarding land use recommendations to the Planning Commission and City Council.

The Building Division is responsible for issuing building permits and conducting construction inspections, as well as overseeing enforcement of the City Code and processing business licenses.

Public Works Department — The Public Works Department is responsible for overseeing street repair, traffic control, capital improvement project administration, parks and open space maintenance, flood control, and storm water management. The Engineering Division of the Department provides engineering advice and analysis for capital improvements, constructs public facilities, and manages traffic engineering and related contracts. The Department’s Maintenance Division repairs and maintains City streets, parks, storm drains, medians, sidewalks, traffic control systems, and equipment.

Recreation & Facilities Department — The Recreation & Facilities Department provides fun opportunities and experiences that enhance the quality of life for the residents of Saratoga. The Recreation Division organizes athletic activities, such as a youth basketball league, adult softball and basketball programs, and health and fitness programs. The department also sponsors a youth theater program and an extensive children’s dance program. Teen events, over 70 summer camps, senior citizen trips, special holiday programs, and approximately 1,000 classes are offered each year.

In addition, the Facilities Division manages City owned facilities including: the Civic Theater, the Community Center, the Senior Center, the Warner Hutton House, and Saratoga Prospect Center. The Facilities Maintenance Division also provides custodial service and maintenance to all City owned buildings.

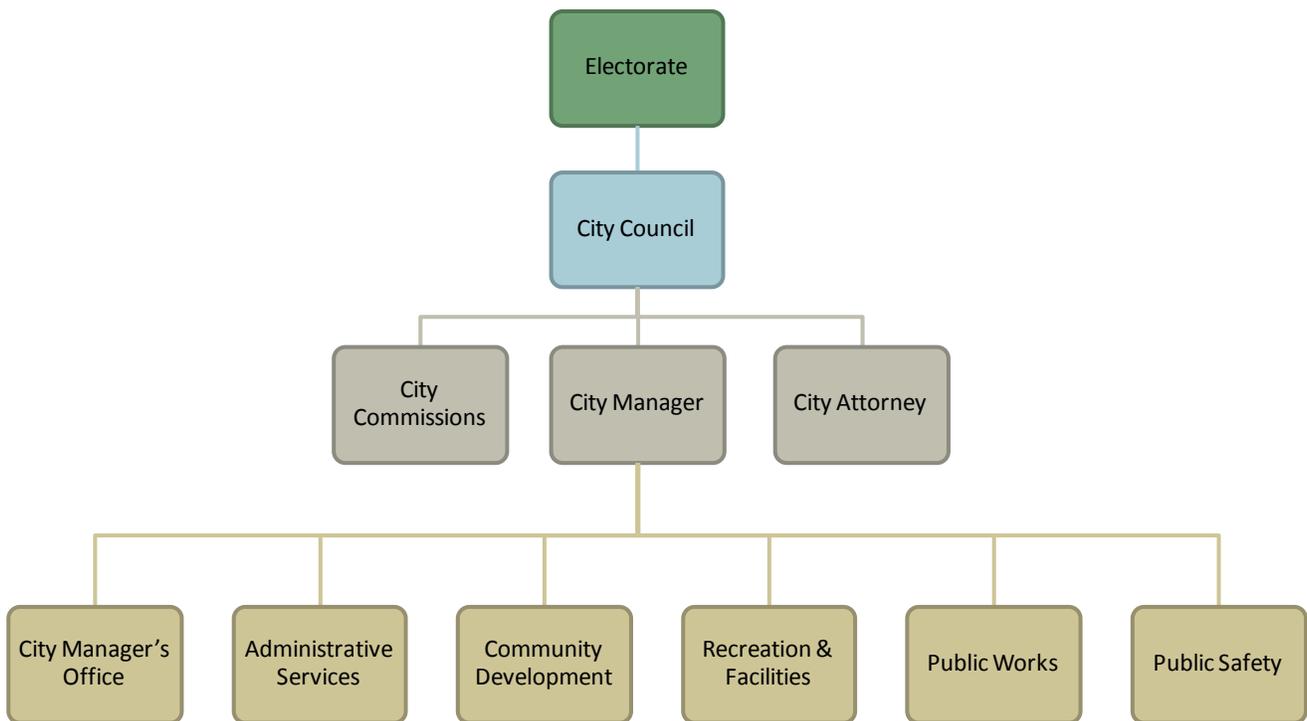
Other City Services — Many of the City’s services are provided through other local agencies and special districts and agencies. For example, there are 2 fire protection districts in the City of Saratoga that are responsible for fire protection services. Santa Clara County Fire Department oversees implementation of these services.

Additionally, Saratoga is part of the Santa Clara County Library District. The district is funded by a parcel tax paid by property owners in the district. Sewer services are supplied by the West Valley Sanitation District and the Cupertino Sanitary District. Garbage and recycling services are managed by the West Valley Solid Waste Management Authority, which serves the communities of Saratoga, Los Gatos, Campbell, and Monte Sereno.

Law enforcement services are provided by contract by the Santa Clara County Sheriff's Office. The City has contracted out law enforcement services to the Sheriff's Office since the City's incorporation .

City Organization —

Below is a visualization of the City of Saratoga's structure.



Appendix

City of Saratoga Commission Handbook



About Saratoga



City of Saratoga Commission Handbook

Early History — Although the incorporated City of Saratoga only dates back to 1956, the town had its beginnings more than a century earlier when William Campbell built a sawmill in 1848, about 2 ½ miles above the present village, along what is now Highway 9. The area’s earliest inhabitants were Native Americans who built homes near the mouth of the canyon at what an early map noted as Campbell’s Gap.

In 1850-51 Martin McCarty, who leased the sawmill, built a toll road connecting it to the Village, to expedite the hauling of lumber. The site of this barrier gave the town its first widely used name “Toll Gate”—commemorated by a plaque at Third Street and Big Basin Way. McCarty also had a survey done, laying out the town of McCartysville, and a post office was established under that name in 1855.



Lumber Street, photo from Saratoga Historical Foundation

The discovery of mineral springs similar to those at Saratoga Springs, New York, led to the renaming of the town to Saratoga in 1865. Pacific Congress Springs inspired the construction of an elaborate resort hotel, located about two miles above the Village. It flourished for almost forty years until it was destroyed by fire in 1903. The resort image lingered through succeeding years, even as agriculture became the dominant industry in Saratoga and the Santa Clara Valley. Vineyards and a few scattered orchards remain today as a reminder of this era, which ended with the valley’s rapid urbanization following World War II.

Saratoga Today — The City encompasses an area of twelve square miles and has a population of approximately thirty thousand people. Saratoga is home to some of the top schools in the nation. Saratoga High School was ranked among the top high schools in the United States by the *U.S. News & World Report*. The City’s high ranking schools reflect its well-educated residents who put a priority on learning. Over thirty percent of the residents have a graduate or professional degree and sixty eight percent have a Bachelor’s degree.

Along with the top performing schools, Saratoga offers a wide variety of attractions and cultural institutions that make the City unique. Fine restaurants, wineries, diverse shops, and performing arts venues beckon to residents and visitors. The beautiful Hakone Gardens, the elegant Montalvo Arts Center, Mountain Winery, and the Saratoga Village all contribute to Saratoga’s charm.



Hakone Gardens, photo by venzfinephoto.com

The City also boasts a number of community organizations that are committed to the Saratoga Community. These organizations include the Chamber of Commerce, Saratoga Foothill Club, Saratoga Historical Foundation, Saratoga Area Senior Coordinating Council, League of Women Voters, Rotary, and Saratoga-Monte Sereno Community Foundation. The strong sense of community shared by Saratoga residents is reflected in the goals and objectives of these organizations.

City of Saratoga Vision Statement



City of Saratoga Commission Handbook

Saratoga is a Community

Where the common good prevails;

Where the natural beauty of the City and its hillsides is preserved;

Where historic assets are preserved and promoted;

Where local commerce provides a vibrant presence in the Village and the other commercial areas;

Where the orientation is toward the family;

Where homes and neighborhoods are safe and peaceful;

Where government is inclusive and values community involvement;

Where desirable recreational and leisure opportunities are provided;

Where quality education is provided and valued;

Where value is placed on an attractive, well maintained and well planned community;

Where government provides high quality, basic services in a cost effective manner;

Where a small town, picturesque, residential atmosphere is retained;

Where the arts and cultural activities which serve the community and the region are promoted;

Where neighbors work together for the common good;

Where leadership reflects community goals; and

Where, because of the foregoing, the citizens and the families of Saratoga can genuinely enjoy being a part of and proud of this special community.



The following section includes portions of the City's Municipal Code related to Commissions. To view the rest of the City's Code, visit www.saratoga.ca.us and click on the "Municipal Code" link.

Article 2-12 City Commissions

2-12.010 - Commissions generally.

(a) Except as expressly stated otherwise, a Commission is any commission, committee, group, or board established by the City Council pursuant to ordinance or resolution whose members are appointed by the City Council, and which is expected to exist or has existed for more than one year.

(b) A Commissioner is a member of a Commission.

(c) Commissions shall advise the City Council in reviewing, establishing, and implementing City policy regarding the subject matters specified in the ordinance or resolution establishing the Commission and any subsequent amendments thereto.

(d) The number of Commissioners shall be as set forth in the ordinance or resolution establishing the Commission and any subsequent amendments thereto.

(e) All Commissions shall be governed by the terms of this Article 2-12. Unless expressly stated otherwise herein the terms of this Article 2-12 shall prevail over any contrary provision of any resolution adopted by the City Council.

(f) On or before December 31 of each year, the City Clerk shall prepare and the City Council shall adopt a list of all Commissions containing the following information:

1. A list of the qualifications necessary for each Commissioner position; and
2. A list of all Commissioner terms which will expire during the next calendar year, including the name of the incumbent Commissioner, the date of appointment, the date the term expires and the qualifications necessary for the position.

This list shall be made available to the public and shall be posted in the office of the City Clerk and at the Saratoga Library.

(Ord. 203 Att. A (part), 2002)

2-12.020 - Qualifications.

(a) Except as provided in Section 2-12.20(b), all Commissioners shall:

1. Be a resident of the City of Saratoga;
2. Be a registered voter of the City of Saratoga;

3. Prior to being interviewed for appointment to a Commission, have attended at least one meeting of the Commission to which appointment is being sought;
4. Not hold any elected public office in any jurisdiction, any place or position of employment with the City of Saratoga; and
5. Satisfy any additional eligibility requirements specified in the ordinance or resolution establishing the Commission.

(b) One or more of the requirements set forth in Section 2-12.020(a) shall not apply if the ordinance or resolution establishing a Commission directs that one or more of the requirements specified are not be applied to one or more members of the Commission.

(c) If a Commissioner ceases to satisfy the requirements set forth in Section 2-12.020(a), the Commissioner's office shall become automatically vacant. With respect to appointment and tenure of replacements, and in all other matters, the vacancy will be treated like any other on that Commission.

(d) No person shall serve as a Commissioner on more than one Commission at any one time. For the purposes of this Subsection (d) only, the term Commission shall include only those entities designated as a Commission by resolution or ordinance and shall not include any entity established as a committee, group, or board.

(e) Each Commissioner shall inform the City Clerk of the Commissioner's residence address at the time of appointment and promptly inform the City Clerk of all subsequent changes of address.

(Ord. 203 Att. A (part), 2002)

2-12.030 - Term.

(a) Each Commissioner shall serve a term of four years unless an alternate term is specified by the resolution or ordinance establishing the Commission.

(b) No Commissioner shall serve more than two full consecutive terms on a single Commission. A partial term served as a result of an appointment to fill an unexpired term is not considered a full term. A Commissioner who has served two full consecutive terms on a Commission may not be reappointed to that Commission for at least one year following the expiration of his or her term. The limitations set forth in this Subsection(b) shall not apply to the Youth Commission.

(c) For each Commission, the terms of the Commissioners shall be staggered such that each year the four year terms of approximately an equal number of the Commissioners shall expire. Where a Commission has seven Commissioners, the terms of two Commissioners shall expire each year except that in the year after the first six Commission terms have expired, only one term shall expire. The limitations set forth in this subsection (c) shall not apply to the Youth Commission.

(d) Notwithstanding subsection (a) of this section and section 2-15.020 regarding Planning Commissioner terms, where the terms of Commissioners on a Commission do not comply with subsection (c) of this section, a Commissioner may be appointed to a term of greater or less than four years for the purpose of making the terms of the Commissioners on the Commission comply with subsection (c). No term shall be reduced after a Commissioner is appointed to serve the term, except as otherwise provided by this Code. For purposes of subsection (b) of this section, a term of less than four years established pursuant to this paragraph is not a

full term and a term that is more than four years at the time of appointment pursuant to this subsection (d) is a single term.

(Amended by Ord. 208 § 2.1, 2002; Ord. 203 Att. A (part), 2002)

(Ord. No. 264, § 2, 5-4-09)

2-12.040 - Attendance.

(a) Each Commissioner shall regularly attend meetings of the Commission of which he or she is a member.

(b) If a Commissioner is absent without permission of the Chair (or, in the case of the Chair, the Mayor) from three consecutive regular Commission meetings, the Commissioner's office becomes vacant and shall be filled as any other vacancy. If a Commissioner is absent without permission from two consecutive regular Commission meetings, the secretary of the Commission shall mail to the Commissioner a courtesy notice of the requirements of this section, provided, however, that such notice shall not operate as prerequisite to the establishment of a vacancy pursuant to this Subsection (b) and that failure to mail such notice shall not create any right of action in any Commissioner or any other person.

(Ord. 203 Att. A (part), 2002)

2-12.050 - Removal.

All Commissioners shall serve at the pleasure of the City Council. The City Council may remove any Commissioner from office prior to the expiration of the Commissioner's term by the affirmative vote of not less than three members of the City Council.

(Ord. 203 Att. A (part), 2002)

2-12.060 - Vacancies.

(a) Vacancies shall be filled by appointment by a majority vote of the City Council and shall be for the unexpired portion of the term of office vacated.

(b) Whenever an unscheduled vacancy occurs in any Commission a special vacancy notice shall be posted in the office of the City Clerk and in the City Library not earlier than twenty days before and not later than twenty days after the vacancy occurs. Final appointment to the Commission shall not be made by the City Council for at least ten working days after the posting of the notice required by this section except that in an emergency the City Council may fill the unscheduled vacancy immediately such that the person appointed to fill the vacancy may serve only on an acting basis until the final appointment is made pursuant to this section.

(Ord. 203 Att. A (part), 2002)

2-12.070 - Meetings.

The regular meetings of each Commission shall be as specified in the ordinance or resolution establishing the Commission or, if no regular meeting time is established by ordinance or resolution the regular meeting time may be established by the Commission. Any regular meeting may be cancelled by a Commission upon announcement of such cancellation at the regular meeting preceding the meeting to be cancelled.

(Ord. 203 Att. A (part), 2002)

2-12.080 - Rules of procedure.

(a) The following Sections of this Chapter pertaining to meetings conducted by the City Council shall be applicable to all meetings conducted by Commissions:

2-10.020(b)

2-10.030 through 2-10.080

2-10.110(c), (d), (f) and (g)

2-10.120 through 2-10.170

As so applied to a Commission, all references therein to City Council or Council member shall be deemed to mean the Commission or Commissioner to which the section is applied. All references therein to the Mayor shall be deemed to mean the Chair of the Commission; and all references therein to the City Clerk shall be deemed to mean the secretary of the Commission.

(b) The failure of passage of any motion before a Commission shall be deemed a denial of the motion; provided, however, a motion failing by reason of an evenly split vote by the Commission at a meeting where not all Commissioners are present shall be agendaized and voted upon at the next regular meeting of the Commission at which a quorum is present.

(c) Each Commission shall elect a Chair to serve a twelve month term. No person shall serve as Chair of the same Commission more than one full term in any four year period.

(d) In addition to the rules made applicable to Commissions as specified in paragraph (a) of this section, each Commission shall have authority to adopt such other rules and procedures as it deems appropriate for the orderly and efficient conduct of its business which are not inconsistent with the provisions of this Code.

(e) The City Manager or his or her designee shall be the secretary of each Commission unless otherwise specified by the ordinance or resolution establishing the Commission.

(f) This section 2-12.080 shall not apply to the Planning Commission which shall follow the rules of procedure set forth in section 2-15.050 of this Code.

(Ord. 203 Att. A (part), 2002)

City of Saratoga Code of Ethics and Values



City of Saratoga Commission Handbook

Preamble — The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Saratoga has adopted this Code of Ethics & Values to promote and maintain the highest standards of personal and professional conduct in the City's government. All elected and appointed officials, City employees, volunteers, and others who participate in the city's government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its nine core values in their work.

Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.

1. As a Representative of the City of Saratoga, I will be ethical.

In practice, this value looks like:

- a. I am trustworthy, acting with the utmost integrity and moral courage.
- b. I am truthful, do what I say I will do, and am dependable.
- c. I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
- d. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- e. I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
- f. I show respect for persons, confidences, and information designated as "confidential."
- g. I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

2. As a Representative of the City of Saratoga, I will be professional.

In practice, this value looks like:

- a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b. I approach my job and work-related relationships with a positive attitude.
- c. I keep my professional knowledge and skills current and growing.

3. As a Representative of the City of Saratoga, I will be service-oriented.

In practice, this value looks like:

- a. I provide friendly, receptive, courteous service to everyone.
- b. I am attuned to, and care about, the needs and issues of citizens, public officials, and city workers.
- c. In my interactions with constituents, I am interested, engaged, and responsive.

4. As a Representative of the City of Saratoga, I will be fiscally responsible.

In practice, this value looks like:

- a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
- b. I demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- c. I make good financial decisions that seek to preserve programs and services for City residents.

5. As a Representative of the City of Saratoga, I will be respectful.

In practice, this value looks like:

- a. I will listen carefully to the views of others and refrain from interrupting others during discussions of City business.
- b. I will be succinct and direct in expressing my views.
- c. I will not debate with staff or members of the public in public meetings.
- d. I will avoid using acronyms and will explain their meaning when they must be used.

6. As a Representative of the City of Saratoga, I will be organized.

In practice, this value looks like:

- a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long term goals.
- b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- c. I am respectful of established City processes and guidelines.
- d. I recognize that I am part of a team and will shoulder my share of responsibilities in representing the City.
- e. I will attend all meetings of committees to which I am assigned and meetings with colleagues in nearby jurisdictions or will work to find another to attend in my place.

7. As a Representative of the City of Saratoga, I will be communicative.

In practice, this value looks like:

- a. I convey the City's care for and commitment to its citizens.
- b. I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.
- c. I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations.

8. As a Representative of the City of Saratoga, I will be collaborative.

In practice, this value looks like:

- a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b. I work towards consensus building and gain value from diverse opinions.
- c. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d. I consider the broader regional and State-wide implications of the City's decisions and issues.
- e. I act in a constructive manner when expressing concern about or disagreeing with the statements of others.

9. As a Representative of the City of Saratoga, I will be progressive.

In practice, this value looks like:

- a. I exhibit a proactive, innovative approach to setting goals and conducting the City's business.
- b. I display a style that maintains consistent standards, but is also sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms when necessary.
- c. I promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services.



RESOLUTION NO. 12-021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA
AMENDING RESOLUTION 10-055 BY ADDING TO THE LIST OF
DESIGNATED EMPLOYEES, DELETING SPECIFIC POSITIONS,
AND RELOCATING SPECIFIC POSITIONS IN THE DESIGNATED EMPLOYEE
EXHIBIT TO THE CITY'S CONFLICT OF INTEREST CODE**

WHEREAS, the City of Saratoga's Conflict of Interest Code (Code) was adopted by Resolution No. 01-011 on February 21, 2001 and adopted by reference the Fair Political Practices Commission ("FPPC") Model Conflict of Interest Code set forth at Title 2, section 18730 of the California Code of Regulations;

WHEREAS, the Political Reform Act requires periodic review of the Code and the Code has been updated on a regular basis, most recently by Resolution 10-055 in 2010; and

WHEREAS, the City has completed its review of the Code for 2012 and determined that several additional positions should be added to the list of designated positions subject to the Code, one position should be deleted from that list, and one position relocated on the list.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Saratoga does hereby amend Resolution 01-11 to replace Exhibit "B" with the List of Designated Position attached hereto.

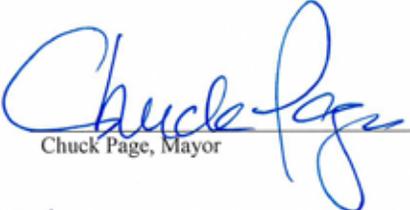
The above and forging resolution was passed and adopted at a regular meeting of the Saratoga City Council held on the 4th day of April 2012 by the following vote:

AYES: Council Member Manny Cappello, Emily Lo, Howard Miller, Vice Mayor Jill Hunter, Mayor Chuck Page

NOES: None

ABSENT: None

ABSTAIN: None


Chuck Page, Mayor

ATTEST:


Crystal Morrow, City Clerk

DATE: 4/5/2012

City of Saratoga Conflict of Interest Code

EXHIBIT B – List of Designated Positions

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORY</u>
<u>City Manager's Office</u>	A through E
City Clerk	
<u>Public Works Department</u>	A through E
Public Works Director	
Public Works Manager – Parks	
Public Works Manager – Streets and Fleet	
Senior Civil Engineer	
Associate Engineer	
<u>Community Development Department</u>	A through E
Community Development Director	
Building Official	
Senior Planner	
City Arborist	
<u>Recreation Department</u>	A through E
Recreation Director	
Facilities Supervisor	
Senior Recreation Supervisor	
<u>Administrative Services Department</u>	A through E
Administrative Services Director	
Information Technology Administrator	
Human Resources Manager	
<u>Commissions & Committees</u>	A through E
Heritage Preservation	
Library	
Parks and Recreation	
Planning	
Traffic Safety	
Pedestrian, Equestrian & Bicycle Trails	
<u>Hakone Foundation Board of Directors</u>	A through E (only those investments, business positions, and sources of income of the type which engage in business with the Hakone Foundation; and interests in real property within a two-mile radius of any

property owned or used by the Hakone Foundation)

Consultants

City Geotechnical Consultant

A through E (only those investments, business positions, and sources of income of the type which engage in land development, construction or the acquisition or sale of real property; interests in real property in the jurisdiction, including within a two-mile radius of any property owned or used by the City of Saratoga)

City Surveyor

A through E (only those investments, business positions, and sources of income of the type which engage in land development, construction or the acquisition or sale of real property; interests in real property in the jurisdiction, including within a two-mile radius of any property owned or used by the City of Saratoga)

Other Consultants*

*Consultants shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

KEY TO DISCLOSURE CATEGORIES

Category A-1:	Investments less than 10% ownership
Category A-2:	Investments greater than 10% ownership
Category B:	Real Property
Category C:	Income and Business Positions
Category D:	Income - Loans
Category E:	Income – Gifts – Travel Payments

316465.1



City of Saratoga Expense Reimbursement Policy for Elected and Appointed Officials

I. Purpose

The City of Saratoga takes its stewardship over the use of its limited public resources seriously. This policy provides guidance to elected and appointed officials on the use and expenditure of City resources, as well as the standards against which those expenditures will be measured.

II. General

A. City resources should be used only when there is a benefit to the City, including:

- The opportunity to discuss the community's concerns with state and federal officials and representatives of other local governments in the region;
- Participating in regional, state and national organizations whose activities affect the City;
- Attending educational seminars designed to improve officials' skill and information levels; and
- Promoting public service and morale by recognizing such service.

II. Authorized Expenses

A. City funds, equipment, supplies (including letterhead), and staff time must only be used for authorized City business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

1. Communicating with representatives of regional, state and national government on City-adopted policy positions;
2. Attending educational seminars designed to improve officials' skill and information levels;
3. Participating in regional, state and national organizations whose activities affect the City's interests;
4. Recognizing service to the City (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);

5. Attending City events; and
6. Implementing a City-approved strategy for attracting or retaining businesses to the City, which will typically involve at least one staff member.

III. Pre-approval of Expenses

- A. Pre-approval of expenses to be incurred is not required except that the following expenses require prior Mayoral approval:
 1. International and out-of-state travel;
 2. Expenses (other than related to events sponsored by the California League of Cities) exceeding \$250 per trip or event; and
 3. Expenses not related to Section II. A.1 through A.6 but which nonetheless will offer substantial benefit to the City.

Any expense pre-approval that is denied by the Mayor may be approved by the City Council. Travel or expenses (other than related to events sponsored by the California League of Cities) exceeding \$1200 per trip or event must be approved by the City Council.

IV. Non-authorized Expenses

- A. Examples of personal expenses that the City will not reimburse include, but are not limited to:
 1. The personal portion of any trip;
 2. Political or charitable contributions or events;
 3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children- or pet-related expenses;
 4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
 5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
 6. Personal losses incurred while on City business.
- B. Any questions regarding authorization of a particular type of expense should be resolved by the approving authority before the expense is incurred.

V. Cost Control

- A. To conserve City resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within the guidelines.

1. Transportation

- a. The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route.
- b. Charges for rental vehicles may be reimbursed under this provision if it is determined that using a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of other forms of transportation. Government and group rates must be used when available.

2. Airfare

- a. Airfares that are equal to or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (<http://www.cacities.org/travel>), the California State Association of Counties (<http://www.csac.counties.org/default.asp?id=635>) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.¹

3. Automobile

- a. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see <http://www.irs.gov>). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable.
- b. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.

¹Those rates can be accessed from the state's website without being a member of these programs by going to <http://www.caltravelsmart.com/default.htm> and clicking on "Discount Travel Fares for Official Business."

4. Car Rental

- a. Rental rates that are equal or less than those available through the State of California's website (<http://www.catravelmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.

5. Taxis/Shuttles

- a. Taxis or shuttles fares may be reimbursed, including a fifteen (15%) percent gratuity per fare, when the cost of such fares is equal to or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

6. Lodging

- a. When travel on official City business reasonably requires an overnight stay, lodging expenses will be paid for or reimbursed.

7. Conferences/Meetings

- a. If lodging is in connection with a conference, expenses must not exceed the group rate published by the conference sponsor, if such rates are available at the time of booking. If the group rate is not available, the policy in the following section "Other Lodging" shall apply.

8. Other Lodging

- a. Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelmart.com/lodguideframes.htm>. Lodging rates that are equal to or less than government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.
- b. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence reimbursable.²

² See Publication 1542 at www.irs.gov or www.policyworks.gov/perdiem). The site also has references to hotels that have government rates at or below Internal Revenue Service per diem limits. For example, for 2006, the standard per diem rate for lodging in the continental United States is \$60. However the rate for the San Francisco area (as defined) is \$130.

9. Meals

- a. Reimbursable meal expenses and associated gratuities will not exceed a total of \$60.00/day.
- b. Meal reimbursement amounts will be annually adjusted to reflect changes in the cost of living in accordance with statistics published by the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for the Saratoga area. (The annual adjustment will be based on the Saratoga area whether travel is within the area or not.)

10. Telephone/Fax/Cellular

- a. Officials will be reimbursed for actual telephone and fax expenses incurred on City business. Telephone bills should identify which calls were made on City business.
- b. For cellular calls, when the official has a particular number of minutes included in the official's plan, the official can identify the percentage of calls made on public business.

11. Internet

- a. If Internet access is necessary for City-related business, officials will be reimbursed for Internet access connection and/or usage fees away from home, not to exceed \$15.00 per day.

12. Airport Parking

- a. Officials will be reimbursed for airport parking related to City business-related travel.
- b. Long-term parking must be used for travel exceeding 24-hours. Where practical, an airport shuttle should be used if the cost of the shuttle to and from the airport would be less than the anticipated cost of long term parking.

13. Other

- a. Baggage handling fees of up to \$1.00 per bag and gratuities of up to fifteen (15%) percent will be reimbursed.
- b. Expenses for which City officials receive reimbursement from another agency are not reimbursable.

VI. Cash Advance Policy

- A. From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf.
- B. A "Cash Advance" form should be submitted to the City Manager or the City Manager's designee ten (10) business days prior to the need for the advance. (Sample – Appendix "A").
- C. Any unused advance must be returned to the City treasury within two (2) business days of the official's return.
- D. In the event the City Manager is uncertain as to whether a request complies with this policy, the requestor must seek resolution from the Mayor.

VII. Credit Card Use Policy

- A. The City of Saratoga does not issue credit cards to individual office holders but does have a Cal Card it makes available for selected City expenses.
- B. Officials may use the City's Cal Card for purposes such as airline tickets and hotel reservations that would be eligible for reimbursement pursuant to this policy.
- C. The Cal Card may not be used for personal expenses even if the official intends to reimburse the City for those expenses.

VIII. Expense Report Content and Submission Deadline

- A. All cash advance expenditures, credit card expenses and expense reimbursement requests must be submitted on an "Expense Report" form (Sample – Appendix "B") within thirty (30) days of an expense being incurred. The form must be accompanied by receipts documenting each expense. Notwithstanding the foregoing, expenses incurred between January 1 and June 7, 2006 may be claimed any time before July 30, 2006.
- B. Expense reports must document that the expense in question met the requirements of this policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the City's adopted legislative positions and priorities.
- C. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

IX. Audits of Expense Reports

- A. All expenses are subject to verification that they comply with this policy.

X. Reports to City Council

- A. Following an event for which a reimbursement claim has or will be submitted, the official seeking reimbursement shall, at the next regular City Council meeting (or at an earlier special meeting if practical), briefly report on the event. If multiple officials attended, a joint report may be made.

XI. Compliance with Laws

- A. City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.
- B. This policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources.
- C. This policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws.

XII. Violation of This Policy

- A. Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:
 - 1. Loss of reimbursement privileges;
 - 2. A demand for restitution to the City;
 - 3. The City reporting to state and federal tax authorities that the official's expenses are income;
 - 4. Civil penalties of up to \$1,000 per day and three times the value of the resources used; and
 - 5. Prosecution for misuse of public resources.

Appendix "A"
City of Saratoga
Cash Advance Request

Please submit Cash Advance Requests ten (10) days in advance.

Any unused advance must be returned to the City within two (2) business days of your return.

Purpose of expenditure: _____

Benefits of expenditure to City residents: _____

Anticipated expenditure(s)

Date	Item	Amount
	Accommodations	
	Meals	
	Transportation	
	Conference Fees	
	Other (Please Describe)	
	TOTAL	

Approvals _____
 City Manager

Date: _____

 Mayor

Date: _____

NOTE: In the event the City Manager is uncertain whether a request complies with the Expense Reimbursement Policy, the Mayor must review and approve the request.

Appendix "B"
City of Saratoga
Expense Report Form

NAME: _____

DATE: _____

SIGNATURE: _____

DATE	EXPENSE DESCRIPTION (Airfare, Car Rental, Taxis/Shuttles, Lodging, Conference/Meeting Fees, Meals, Phone/Fax, Internet, Parking, Baggage handling, tolls, other)	METHOD OF PAYMENT (Cash Advance, Cal Card, Personal Payment)	AMOUNT
TOTAL EXPENSES		<i>PLEASE ATTACH ORIGINAL RECEIPTS</i>	

MILEAGE

	PURPOSE	FROM	TO	MILEAGE
TOTAL MILEAGE				

Approvals: _____
 City Manager

_____ Date

_____ Mayor

_____ Date

NOTE: International and out-of-state travel, expenses exceeding \$250.00 per trip and some other expenses must be pre-approved by the Mayor. Please consult the Expense Reimbursement Policy.

All expenses reported on this form must comply with the City's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the City's policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability.



RESOLUTION NO. 10 – 026

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA ADOPTING AN E-COMMUNICATIONS POLICY FOR THE CITY COUNCIL AND CITY COMMISSIONS

WHEREAS, the City of Saratoga seeks to promote effective use of electronic communications by City Council members and Commissioners in conducting City business and to create a system that allows compliance with state and federal laws governing electronic communications including the Records Retention Act, the Public Records Act, the Brown Act, and state and federal rules of evidence; and

WHEREAS, the City Council adopted an interim policy for a trial period in July 2009 for use by the City Council and Planning Commission and now wishes to adopt a final policy for use by the City Council and all City Commission except the Youth Commission.

NOW, THEREFORE, BE IT RESOLVED THAT:

The attached City Council and Commissions Electronic Communications Policy is hereby adopted.

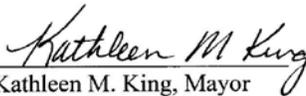
The above and foregoing resolution was passed and adopted at a regular meeting of the Saratoga City Council held on the 19th day of May 2010 by the following vote:

AYES: Councilmember Chuck Page, Howard Miller, Vice Mayor Jill Hunter,
Mayor Kathleen King

NOES: None

ABSTAIN: None

ABSENT: Vacant (Susie Nagpal)


Kathleen M. King, Mayor

ATTEST:


Ann Sullivan, City Clerk

5-21-2010
Date

CITY OF SARATOGA
City Council and Commissions
Electronic Communications Policy
Adopted May 19, 2010

I. Purpose: Use of electronic media is necessary and useful for City Council and Commission members in order to improve communication and efficiently perform their City duties. The purpose of this policy is to insure the proper use of the City's electronic media and to set out the policy the City Council and Commission members will follow when using electronic media and the City's electronic communication system. This policy will also insure that use of City electronic media complies with applicable law, including the Public Records Act and Brown Act. This policy is applicable to all City Council members and Commissioners except members of the Youth Commission.

II. Definitions

- A. City's Electronic Communication System** – City-owned devices or products designed to electronically process, transmit, or store information such as computers, phones, cell and smart phones, printers, modems, data files, and e-mail.
- B. User** – a Council member or Commissioner who uses the City's electronic communication system.
- C. E-Communication** – electronic text or visual communication and attachments distributed via e-mail, websites, instant messaging, text messaging, twitter, or comparable services.
- D. Electronic Media** – a method for processing or transmitting information in electronic form, including E-Communication, software programs and the Internet.

III. General Procedures

- A. Procedures for Electronic Communications.** All Council members and Commissioners will be issued accounts for use of City electronic media for E-Communication on City business. E-Communication by nature represents and reflects upon the City's public image and integrity. Users should insure that their messages are respectful, professional, and are consistent with City policies. E-Communication should be written or otherwise presented in the same professional and respectful manner as paper communications. The City's Electronic Communication System shall be used only for City business.
- B. No Use of Personal E-Communication.** Users shall not use their home or business E-Communication accounts or addresses for any communication pertaining to City

business. When using E-Communication, users should communicate with the public and staff solely via their designated City E-Communication addresses. Users shall not commingle E-Communication pertaining to City business with E-Communication pertaining to their home or business.

C. Electronic Communications between Council members or Commissioners

Concerning City Business. Communications from (1) a Council member to another Council member or members concerning City business, and (2) a Commissioner to another Commissioner or Commissioners concerning Commission business should be “one way” and marked “For Information Only—Do Not Reply.”

D. Electronic Communication by a Quorum of the Council and Commission or a Council and Commission Standing Committee.

A majority of the members of the Council or a Commission shall not send or exchange facts about or engage in discussions regarding City issues via E-Communication, including chat rooms, news groups, on-line forums, weblogs, twitter feeds, or list-serves (collectively referred to as “Internet forums”).

E. Electronic Communications from the Public. The public may electronically communicate with the Council and Commission through the City’s Website at: www.saratoga.ca.us.

- 1) E-Communication from the public addressed to the City Council will be distributed to each Council member and E-Communication addressed to a Commission will be distributed to each member of the Commission. E-Communication addressed to the Council or a Commission also will be forwarded to the City Clerk. The Mayor, or Mayor’s designated representative, in consultation with staff if necessary, will respond on behalf of the Council to E-Communication addressed to the Council. The Commission chair or Commission staff liaison will respond on behalf of the Commission to E-Communication addressed to the Commission.
- 2) E-Communication from the public addressed to more than a quorum of the City Council or Commission shall be forwarded by the recipients to the City Clerk (for the City Council) or staff liaison for the Commission. These E-Communications will be distributed and responded to in accordance with paragraph E.1, above.
- 3) Upon receipt of an E-Communication addressed to less than a quorum of the City Council or Commission, the recipient may: 1) treat it as an individual communication to which he or she may or may not respond; 2) inform the Council or Commission of the communication at a properly noticed meeting; or 3) ask that it be forwarded to the full Council or Commission as part of its information packet for the next available Council or Commission meeting. Such E-Communication may also be forwarded to staff for response as set out in Section G, below. When a User responds to individual E-Communication from the public, and desires to forward the response to the Council or Commission, he or

she shall forward his or her response and the individual E-Communication to the City Clerk or Commission liaison for inclusion in the Council or Commission's informational packet at the next available Council or Commission meeting.

F. City Electronic Communications with the Public. City staff will post official information on upcoming and prior City Council meetings, workshops and events on the City Website. Council and Commission agendas and minutes will be posted for the current and prior calendar year. Additional materials may be posted at the discretion of the City Manager or Manager's designee.

G. Use of E-Communication During Meetings. City Council members shall not use E-Communication at any time during a meeting of the City Council at which he or she is in attendance. No Commissioner may use E-Communication at any time during a meeting of the Commission of which he or she is a member at which he or she is in attendance. The foregoing limitation shall not apply to receipt of telephone calls or text messages from family members in the event of an urgent family matter; a Council member or Commissioner wishing to respond to such a message during the meeting shall do so during a recess or shall excuse him or herself from the meeting to place the return call or text in a manner that does disrupt the meeting.

H. City Participation in Internet Forums. The City will not generally answer questions or respond to comments made in Internet forums. The City will post answers to such questions on its website if the questions are deemed important by the Mayor or by the City Manager or at the direction of the City Council. If a Council member desires staff to prepare a response to a question or comment received by E-Communication or made in an Internet forum, the Council and Commission member may forward the question or comment to the City Manager and request that staff prepare an appropriate response in a reasonable period of time. If preparation of a response will require significant staff time to research or draft the response, an interim response to the questioner or commenter will be sent as soon as possible acknowledging receipt of the inquiry and informing the sender that a response is being prepared.

IV. Specific Procedures

A. Retention of E-Mail. The City electronically archives E-communications in accordance with the City's Records Retention schedule. E-communications that constitute preliminary drafts, notes, or intra-agency or interagency memoranda that are not retained by the City in the ordinary course of business are not required to be archived and should be deleted prior to regularly scheduled archiving. The City Clerk and City Attorney are available to assist users in determining how to address questions concerning the application of these procedures.

B. Public Records Act. City records, whether paper or electronic, are governed by the public disclosure requirements of the Public Records Act. Disclosure may be required regardless of who sends or receives a communication or document. In the event that the City receives a request for disclosure of City records that includes E-Communication, the

person responsible for the requested records must use his or her best efforts to preserve all City E-Communication covered by the request until the responsive E-Communications have been identified. Requests for disclosure of any City records applicable to E-Communication or other electronic records of any user subject to this policy shall be submitted to the City Clerk..

C. Confidentiality.

- 1) California law requires that certain information be treated as confidential and not be distributed to others inside or outside the City who do not have authorization to view such information. Council members or Commissioners may occasionally receive confidential electronic information. Some examples of confidential information are: personnel records, internal investigations, information relating to litigation or potential litigation, attorney-client communication, information relating to labor negotiations, or information relating to confidential real estate negotiations. When Council and Commission members receive confidential information, it should be marked "Confidential Information" so that Council and Commission members are alerted to the nature of the information.
- 2) Confidential information should not be sent or forwarded to individuals or entities not authorized to receive that information and should not be sent or forwarded to City employees not authorized to view such information.
- 3) Council and Commission members shall exercise caution in sending confidential information by E-Communication as compared to written memoranda, letters or phone calls, because of the ease with which such information can lose confidentiality by inadvertent or intentional diversion or re-transmission by others.
- 4) The City Attorney should be contacted concerning any questions about whether a communication is confidential.

V. Compliance with this Policy: It is the responsibility of every user to insure that he or she is in compliance with this Electronic Communications Policy.

Checking Your Outlook Mailbox Remotely



Step 1: Enter this address into your browser's address bar:

<https://xmail.saratoga.ca.us>

Step 2: A prompt will appear. Enter the necessary information below to proceed:

Domain\user name | (*your windows login name*)

Password | *your windows login password*

Client | Premium

Security | Select public or private (depending on your preference)

Security ([hide explanation](#))

Public or shared computer

Select this option if you use Outlook Web Access on a public computer.

Private computer

Select this option if you are the only person who uses this computer. Your Exchange server will allow a longer period of inactivity before logging you off.

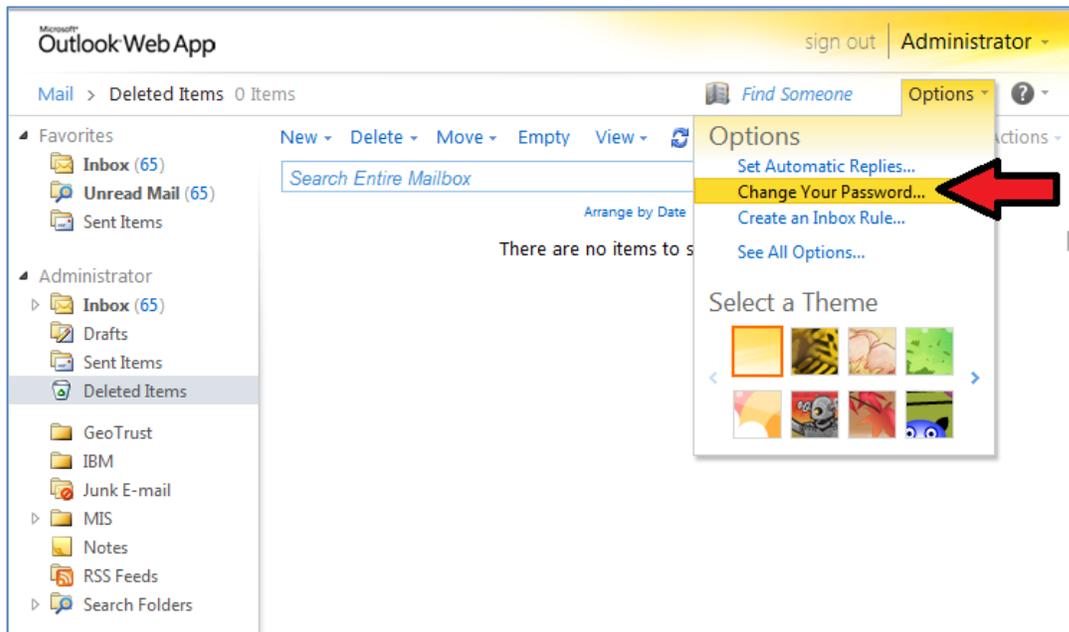
Warning: By selecting this option you acknowledge that the computer complies with your organization's security policy.

Step 3: Select **Sign In**

Step 4: Please log off when you are finished by selecting **Sign Out** at the top right

To change your password

Step 1: Click on **Options** at the top right and select **Change Your Password**



Step 2: Enter your current password, type a new password, and then type it again to confirm it. Then select **Save**.

