



City of Santa Clara

Meeting Agenda

Governance and Ethics Committee

Monday, June 5, 2023

3:00 PM

Hybrid Meeting
City Hall - Council Chambers
1500 Warburton Avenue
Santa Clara, CA 95050

The City of Santa Clara is conducting Governance and Ethics Committee meetings in-person and continues to have methods for the public to participate remotely or in-person.

- Via Zoom: <https://santaclaraca.zoom.us/j/98559951444>
- Webinar ID: 985 5995 1444
- By phone: +1 669 444 9171

To submit written public comment before meeting:

Send email to mayorandcouncil@santaclaraca.gov by 12 p.m. the day of the meeting. Those emails will be forwarded to Committee members and will be uploaded as supplemental meeting material.

Note: Emails received as public comment will not be read aloud during the meeting.

CALL TO ORDER AND ROLL CALL

CONSENT CALENDAR

1. 23-640 [Approval of the March 13, 2023 Governance and Ethics Committee Meeting Minutes](#)

Recommendation: Approve the minutes of the March 13, 2023 Governance and Ethics Committee meeting

PUBLIC PRESENTATIONS

[This item is reserved for persons to address the body on any matter not on the agenda that is within the subject matter jurisdiction of the body. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting.]

GENERAL BUSINESS

2. 23-638 [Review and Provide Direction to Staff on an Updated Process for Mayor and Council calling a Special Meeting](#)

Recommendation:

Provide staff direction on the proposed process and updated form for calling a special meeting.

3. 23-653 [Review and Discussion of Council Policy 030 Adding an Item on the Agenda](#)

Recommendation: Provide direction to staff on possible updates to the policy.

4. 23-658 [Discuss and Consider Proposed Amendments to Policy and Procedure 006 Guidelines for Commissioners for Attendance and Conferences](#)

Recommendation:

1. Approve proposed amendments to Policy and Procedure 006 Guidelines for Commissioners for Attendance and Conferences and Training Events
2. Recommend any proposed amendments be brought forward to City Council for consideration and approval

5. 23-763 [Review and Discussion of Council Policy 020 Proclamations, Commendations and Certificates of Recognition](#)

Recommendation: Deferred to September 11, 2023 Governance and Ethics Committee Meeting

6. 23-770 [Discuss and Consider Modification to the Work Plan or an Alternative Process to Evaluate the Creation of an Independent Ethics Commission](#)

STAFF REPORT

City Attorney Update on AB 1234 Training Program

COMMITTEE MEMBER REPORTS / FUTURE REFERRALS FOR CONSIDERATION

ADJOURNMENT

MEETING DISCLOSURES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.



City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
santaclaraca.gov
[@SantaClaraCity](https://twitter.com/SantaClaraCity)

Agenda Report

23-640

Agenda Date: 6/5/2023

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Approval of the March 13, 2023 Governance and Ethics Committee Meeting Minutes

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve the minutes of the March 13, 2023 Governance and Ethics Committee meeting

Reviewed by: Maria Le, Assistant to the City Manager, Mayor and Council Office

Approved by: Jovan D. Grogan, City Manager

ATTACHMENTS

1. Governance and Ethics Committee Meeting Minutes Draft - March 13, 2023



City of Santa Clara

Meeting Minutes

Governance and Ethics Committee

03/13/2023

3:00 PM

Hybrid Meeting
City Manager's Conference Room/Virtual
1500 Warburton Avenue
Santa Clara, CA 95050

CALL TO ORDER AND ROLL CALL

Present 3 - Member Raj Chahal, Chair Sudhanshu Jain, Alternate Member Kevin Park

Excused 1 - Member Lisa M. Gillmor

CONSENT CALENDAR

- 1 [23-233](#) Approval of the December 5, 2022 Governance and Ethics Committee Meeting Minutes

Recommendation: Approve the minutes of the December 5, 2022 Governance and Ethics Committee Meeting.

A motion was made by Member Chahal, seconded by Alternate Member Park to approve the December 5, 2022 meeting minutes.

Aye: 3 - Member Chahal, Chair Jain, and Alternate Member Park

PUBLIC PRESENTATIONS

Member of the public **Wanda Buck** stated the importance of ethics and requested a response from Councilmembers on a recent email sent regarding ideas on citizen input on ethics.

GENERAL BUSINESS

- 2 [23-236](#) Action on the 2023 Governance and Ethics Committee Workplan

Recommendation: Approve the Proposed 2023 Governance and Ethics Committee Workplan.

The Committee had a robust discussion of the proposed 2023 Governance and Ethics work plan and added the following items to the work plan: review of Council Policy 030 Adding an Item to the Agenda, review of Council Policy 020 Proclamations, Certificates of Recognition, Commendations, discussion on process on how to add a special meeting, and the discussion of meeting management protocols. The Committee agreed to remove the Citizens Advisory Committee discussion from the workplan, since the body is not currently active.

A motion was made by Member Chahal, seconded by Alternate Member Park, to approve the 2023 workplan with the amended changes.

- 3 [23-237](#) Discussion and Direction regarding the City Council Letterhead and Correspondence Policy

Recommendation: Staff makes no recommendation.

The Committee discussed the use of letterhead for correspondence. Committee members posed questions related to the process for letters issued on behalf of the City Council as well as using letterhead for district recognition. Staff explained the Legislative Advocacy Policy and noted the use of letterhead. In addition, questions were raised regarding overall district governance. Staff noted that this topic may be placed on a future Priority Setting Session. No action was taken on this item.

- 4 [23-234](#) Review the Task Force on Diversity, Equity, and Inclusion's Recommended Amendments to Council Policy 035 - Naming of Facilities (Deferred from June 7, 2021)

Recommendation: Approve the Task Force on Diversity, Equity, and Inclusion's recommended amendments to Council Policy 035.

A motion was made by Member Chahal, seconded by Alternate Member Park, to approve the staff recommendation.

Aye: 3 - Member Chahal, Chair Jain, and Alternate Member Park

- 5 [23-336](#) Discussion of Protocol for Adding New Items to the Governance and Ethics Committee Agenda

Recommendation: Staff makes no recommendation.

Committee approved adding to the Governance and Ethics Committee agenda template, under the Committee Member Reports section, a place to add referrals for consideration.

A motion made by Member Chahal, seconded by Alternate Member Park, to approve the addition of a section for new referral items for consideration.

Aye: 3 - Member Chahal, Chair Jain, and Alternate Member Park

STAFF REPORT

City Attorney Glen Googins stated he was looking forward to working on items with this Committee. **Chair Jain** mentioned having a presentation from the City Attorney on Ethics Training on AB 1234, **City Attorney Googins** added this was forthcoming.

COMMISSIONERS REPORT

None.

ADJOURNMENT

The meeting was adjourned by Chair Jain at 4:41 p.m.



Agenda Report

23-638

Agenda Date: 6/5/2023

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Review and Provide Direction to Staff on an Updated Process for Mayor and Council calling a Special Meeting

BACKGROUND

At the Governance and Ethics Committee meeting on March 13, 2023, as part of the 2023 Workplan discussion, the Committee expressed interest to review the process for calling a Special Meeting by the Mayor and City Council.

DISCUSSION

Section 708 of the Charter of the City of Santa Clara ("City Charter") provides that "special meetings may be called at any time by the Mayor or by four members of the City Council in accordance with the Ralph M. Brown Act, specifically Government Code Section 54956."

Government Code Section 54956 outlines the process for making sure the public has adequate notice of a special meeting called by the Mayor or the City Council. It does not, however, dictate a process for how cities administer the request for and scheduling of a special meeting. This is left to the cities themselves.

The City of Santa Clara currently uses a Request to Call and Notice a Special Meeting form, which is submitted to the City Manager and Assistant City Clerk to request a Special Meeting (Attachment 1). While not legally required, the form was created to assist in the administration of scheduling special meetings when proposed by four members of the City Council.

After reviewing the current form and process, the City Manager and City Attorney expressed some potential improvements in the process including upfront consultations with executive staff to determine the necessity and best timing for any proposed special meeting. In addition, although discussing only the scheduling of a special meeting is not out of compliance with the Brown Act, having four councilmember signatures on a form may be perceived as four councilmembers consulting on the special meeting topic in the preparation of the request. This may present potential Brown Act compliance issues. To address these and other coordination issues, staff is proposing revisions to the current process for requesting a special meeting, including an updated form.

Proposed Process for Calling a Special Meeting

The proposed process provides for better Council-Executive staff coordination and scheduling, with the updated form (Attachment 2) including provisions for prior consultations with the City Manager/City Attorney. This process is meant to streamline and not create additional barriers to set a

special meeting.

City Councilmember

1. Prior to requesting a special meeting, the Councilmember proposing such meeting will first consult with the City Manager and City Attorney to review the proposed subject and timing of the meeting.
2. If the Councilmember desires to proceed with their request, they will complete and submit the special meeting request form to City Manager and City Attorney. (See updated form, Attachment 2)
3. City Manager, or his designee, will poll the rest of the City Council to determine if there is interest and availability for the proposed special meeting.
4. If three or more additional councilmembers indicate their approval to schedule the meeting, the City Manager will direct staff to schedule and publicly notice the special meeting in accordance with Government Code Section 54956.

Mayor

1. Prior to requesting a special meeting, the Mayor will first consult the City Manager and City Attorney to review the proposed subject and timing of the meeting.
2. If the Mayor desires to proceed with their request, they will complete and submit the special meeting request form to City Manager and/or City Attorney.
3. City Manager will direct staff to schedule and publicly notice the special meeting.

The proposed updated form includes admonitions for Councilmembers not to discuss the subject matter of any proposed special meeting among themselves in violation of the Brown Act.

ENVIRONMENTAL REVIEW

This is an information report only and no action is being taken by the City Council and no environmental review under the California Environmental Quality Act ("CEQA") is required.

FISCAL IMPACT

There is no fiscal impact to the City other than staff time.

COORDINATION

This report was coordinated with the City Attorney and City Manager's Offices.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Provide staff direction on the proposed process and updated form for calling a special meeting.

Reviewed by: Elizabeth Klotz, Assistant City Attorney

Approved by: Glen Googins, City Attorney

ATTACHMENTS

1. Request to Call and Notice a Special Meeting Form (Existing)
2. Request to Call and Notice a Special Meeting Form (Proposed)



REQUEST TO CALL AND NOTICE A SPECIAL MEETING

TO CITY MANAGER AND ASSISTANT CITY CLERK:

NOTICE IS HEREBYBY GIVEN that, pursuant to the provisions of California Government Code Section 54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the undersigned(s) calls for a Special Meeting of the:

- ☐ City Council of the City of Santa Clara
- ☐ Board of the Santa Clara Stadium Authority
- ☐ Other (please designate): Governing Board of the:
 - Sports and Open Space Authority
 - City of Santa Clara Housing Authority
 - Bayshore North Project Enhancement Authority
 - Public Facilities Financing Corporation
 - Successor Agency to the Redevelopment Agency

Date and Time Requested: _____

Subject matter(s) and to potentially take action with respect to them:

Councilmembers Requesting a Special Meeting:

As reference, Section 708 of the Charter of the City of Santa Clara California ("City Charter") provides: "Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to the provisions of the Ralph M. Brown Act, specifically Government Code Section 54956."

Councilmember: _____	_____	_____
Name	Signature	Date

Councilmember: _____	_____	_____
Name	Signature	Date

Councilmember: _____	_____	_____
Name	Signature	Date

Councilmember: _____	_____	_____
Name	Signature	Date

Mayor Requesting a Special Meeting:

As reference, Section 708 of the Charter of the City of Santa Clara California ("City Charter") provides: "Special meetings may be called at any time by the Mayor, or by four members of the City Council pursuant to the provisions of the Ralph M. Brown Act, specifically Government Code Section 54956.

Mayor: _____	_____	_____
Name	Signature	Date



TO CITY MANAGER AND/OR CITY ATTORNEY:

Pursuant to the provisions of California Government Code Section 54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the undersigned is requesting a Special Meeting of the:

- ☐ City Council of the City of Santa Clara
- ☐ Board of the Santa Clara Stadium Authority
- ☐ Other (please designate): Governing Board of the:
 - Sports and Open Space Authority
 - City of Santa Clara Housing Authority
 - Bayshore North Project Enhancement Authority
 - Public Facilities Financing Corporation
 - Successor Agency to the Redevelopment Agency

Date and Time Requested: _____

Subject matter(s) and proposed action(s) (if any):

Requesting Party:

Mayor: _____ **or**
Name Signature Date

Councilmember: _____
Name Signature Date

REMINDER: While scheduling discussions are allowed, Government Code section 54952.2 prohibits a majority of the City Council from having substantive discussions on the subject matter of any proposed special meeting outside of a publicly noticed meeting.

Form Submission Process

1. Prior to requesting a special meeting, the Mayor/Councilmember proposing such meeting will first consult with the City Manager and City Attorney to review the proposed subject and timing of the meeting.
2. If the Mayor/Councilmember desires to proceed with their request, they will complete and submits the special meeting request form to City Manager and City Attorney.
3. Councilmember Request:
 - a. City Manager, or his designee, will poll the rest of the City Council to determine if there is interest and availability for the proposed special meeting.
 - b. If three or more additional councilmembers indicate their approval to schedule the meeting, the City Manager will direct staff to schedule and publicly notice the special meeting in accordance with Government Code Section 54956
4. Mayor Request:
 - a. City Manager will direct staff to schedule and publicly notice the special meeting in accordance with Government Code Section 54956.



Agenda Report

23-653

Agenda Date: 6/5/2023

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Review and Discussion of Council Policy 030 Adding an Item on the Agenda

BACKGROUND

Over the past few years, Council Policy 030 (Attachment 1) has been discussed and reviewed by the Governance and Ethics Committee on a number of occasions and amended by the City Council twice. In 2019, at a special meeting on governance issues, the City Council discussed the Policy and how it pertains to referrals from Council. Council action was to refer the matter to its Governance and Ethics Committee. In early 2020, with a recommendation from the Governance and Ethics Committee, the Council approved and amended the Policy to clearly state the Council must take action on written petitions by a majority vote for an item to be referred to a future meeting. In September 2020, upon recommendations from the Governance Committee, the Council further amended the Policy to clearly state when the Council is considering adding an item to a future agenda, the discussion is limited to whether the item should be added to a future agenda and a meeting date, not the merit of the item. A Council Item Request Form to implement the Policy was also approved at that time.

At the September 28, 2021 City Council meeting, a written petition (Attachment 2) was submitted by Councilmember Suds Jain to revisit the policy for how a member of the public can place an item on the agenda which was referred to the Governance and Ethics Committee.

At the March 13, 2023 Governance and Ethics Committee meeting, the Committee approved the 2023 workplan which included the review and discussion of Council Policy 030 at the June 5, 2023 Committee meeting. The Committee members requested a review of the Policy and its intended use to add items to the agenda.

DISCUSSION

The purpose of Council Policy 030 is to establish a clear and effective process for members of the City Council and the public to have items, within the jurisdiction of the City Council, placed on the City Council agenda for consideration. The policy was adopted to create uniform procedures for both the City Council and the public.

Under the 030 Policy, the general public also has the ability to submit a written request that is also heard under the "Written Petition" section of the City Council's regular agenda. The public written request must be placed on an agenda within two council meetings after being received. A majority vote of the City Council is required to add the item to a future council meeting for action. The policy also provides that the public may address the Council during Public Presentations section of the agenda, and a request can be made at that time to refer an item to be added to a future meeting.

Even without a policy, the Ralph M. Brown Act, Government Code sections 54950 et seq, permits the public and councilmembers to address the City Council and propose items for referral. The public can petition the City Council during public comment and request that Council put an item on a future agenda, and the Council can consider and take action at that time. There is no legal requirement to have a separate written petition process to add items to the agenda like the City of Santa Clara has on its agenda. The Brown Act also allows the City Council to refer items to future agendas on their own. While no action or discussion can occur on the substance of an item not appearing on a posted agenda, the Council may request staff to report back on such item at a subsequent meeting or to have a formal item added to a future agenda for discussion or action. Cities are allowed to adopt their own administrative policies in order to implement these general rules, and that's what Santa Clara's 030 policy does.

At this Governance meeting, staff would like Committee input on a few proposed changes to the policy that staff believes could help streamline the referral process and help meetings run more efficiently.

1. Public Referrals:
 - Consider replacing the formal "Written Petition" process with the opportunity for a member of the public to request an item be placed on a future Council agenda under Public Presentations.
2. Council Referrals:
 - Provide for Mayor and Councilmembers consultations with the City Manager/City Attorney prior to submitting a written request to agendize an item
 - Consultations will allow consideration of whether the issue or topic is currently being addressed by the City, or will soon be addressed, in some other manner, timing considerations and prioritization.
 - Provide clarity on how and when Councilmembers may request an item be referred to staff, or for action on a future agenda, during the course of a City Council meeting
 - Consider Moving Council referrals (written and/or verbal requests) to the end of the Council meeting under City Council comments
3. In General:
 - City Manager/City Attorney Opportunity to Evaluate/Respond. In all cases, Senior staff will need the opportunity to evaluate and provide feedback on resource requirements, legality, timing and prioritization for any referral.
 - Consider adding clarity to policy regarding what can and cannot be discussed when evaluating whether or not an item should be added to a future agenda.

ENVIRONMENTAL REVIEW

This is an information report only and no action is being taken by the City Council and no environmental review under the California Environmental Quality Act ("CEQA") is required.

FISCAL IMPACT

There is no fiscal impact to the City other than staff time.

COORDINATION

This report was coordinated with the City Attorney and City Manager's Offices.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Provide direction to staff on possible updates to the policy.

Reviewed by: Elizabeth Klotz, Assistant City Attorney and Maria Le, Assistant to the City Manager

Approved by: Glen Googins, City Attorney and Jōvan D. Grogan, City Manager

ATTACHMENTS

1. Council Policy 030 Adding an Item on the Agenda (Existing)
2. Written Petition Form (Existing, last update September 21, 2020)



ADDING AN ITEM ON THE AGENDA

PURPOSE

To establish a clear, effective, and easily understood process for members of the City Council and the public to have items, within the jurisdiction of the City Council, placed on the City Council agenda for consideration.

POLICY

Members of the City Council:

The Mayor or any individual Councilmember may submit a written request by using the Council Item Request Form to the City Manager's Office for inclusion of an item on a City Council agenda, provided the request is received two (2) days prior to the public release of the agenda packet. At the meeting where the request is heard, discussion should be limited to whether the item should be added to an agenda and a date, not the merit of the item.

Referral from a Council Committee:

Council Committees may submit a written request to the City Manager's Office for inclusion of an item on a City Council agenda, provided the request is received two (2) days prior to the public release of the agenda packet.

Council Committees may bring forward a recommendation to the full City Council by way of the Committee minutes, which are typically prepared within three weeks following the Committee meeting.

Items Referred During a Council Meeting:

By Council action, an item may be referred to the City Manager for inclusion on a City Council agenda. If the request requires further study of the item from staff, a full analysis shall be prepared at the direction of the City Manager with at least thirty (30) calendar days prior to the meeting, unless otherwise directed by the City Council. If the request requires more than thirty (30) calendar days to prepare, status updates will be provided to the City Council every sixty (60) days as an informational memo.



ADDING AN ITEM ON THE AGENDA

Written Petitions and Public Presentations:

Any member of the public may submit a written request raising any issue or item within the subject matter jurisdiction of the City Council to be heard under the **“Written Petition”** section of the City Council’s regular agenda within two (2) Council meetings after received. After the initial Written Petition is placed on the agenda, a majority vote of the City Council may add the item to a future Council meeting for action. Any member of the public may address the City Council under the **“Public Presentations”** section of the agenda. If the presentation includes a request of the Council, a majority vote of the City Council may refer the item to the City Manager to be properly added to a future meeting, in compliance with the Brown Act.

PROCEDURE FOR WRITTEN PETITIONS

1. All requests to address the City Council shall be submitted in writing. Written Petition forms are available for the petitioner’s convenience on the City’s website and in the City Manager’s Office, City Clerk’s Office, and the Mayor and Council Offices. Alternatively, an email may be submitted to clerk@santaclaraca.gov.
2. Once the Written Petition is received by the City Clerk’s Office, it should immediately be forwarded to the City Manager for placement on an agenda within two (2) Council meetings after receipt of the original request from the City Clerk’s Office. All written material (request and any support material) will be submitted on the agenda in the form substantially provided by the requester without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide direction to the City Manager.
3. At the meeting where the item is first considered, if a majority of the City Council supports further study of the item, then a full staff analysis shall be prepared within thirty (30) days, unless otherwise directed by the City Council. Discussion should be limited to whether an item should be added to an agenda and a date, not the merit of the item.



ADDING AN ITEM ON THE AGENDA

PROCEDURE FOR WRITTEN REQUESTS FROM CITY COUNCIL

1. Members of the City Council shall use the Council Item Request Form to submit a written request for inclusion of an item on a future City Council agenda.
2. Once the Council Item Request Form is received by the City Clerk's Office, it should immediately be forwarded to the City Manager for placement on an agenda within two (2) Council meetings after receipt of the original request from the City Clerk's Office. All written material (Council Item Request Form and any support material) will be submitted on the agenda in the form substantially provided by the requester without any staff analysis, including fiscal review, legal review and policy review, until the City Council has had the opportunity to provide direction to the City Manager.
3. At the meeting where the item is first considered, if a majority of the City Council supports further study of the item, then a full staff analysis shall be prepared within thirty (30) days, unless otherwise directed by the City Council. Discussion should be limited to whether an item should be added to an agenda and a date, not the merit of the item.

Attachments: Council Item Request Form



The Council Item Request Form is for members of the City Council to submit written requests to the City Manager's Office for inclusion of an item on a future City Council meeting agenda. At the meeting where the initial written request is heard, discussion should be limited to whether the item should be added to an agenda and a date, not the merit of the item. A majority vote of the City Council is required for the item to be added to future Council meeting agenda for action.

CONTACT INFORMATION

Requesting Member of City Council _____

Contact E-mail _____

Contact Phone _____

Today's Date _____

WRITTEN REQUEST

I, _____, hereby request that the following item be placed on the City of Santa Clara Council and Authorities Concurrent meeting agenda:

RESOLUTION NO. 20-8895

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
TO REPEAL RESOLUTION NO. 20-8890, AMEND COUNCIL
POLICY 030 ENTITLED "ADDING AN ITEM ON THE AGENDA,"
AND APPROVE THE COUNCIL ITEM REQUEST FORM**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, amending the policy on adding an item on the agenda to establish a clear, effective and easily understood process for members of the City Council and the public to have items within the jurisdiction of the City Council placed on a meeting agenda;

WHEREAS, the amended version of the Adding an Item on the Agenda policy expands on the current policy language by clearly stating that, when a written request is first considered, discussion should be limited to whether an item should be added to an agenda and a date, not the merit of the item; and,

WHEREAS, the amended Adding an Item on the Agenda policy, attached hereto as Attachment 1, includes a Council Item Request Form for the City Council's use when requesting an item for inclusion on a Council meeting agenda and adds the procedure for written requests from members of the City Council.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That Resolution No. 20-8890 is hereby rescinded in its entirety.
2. That amended Council Policy 030 entitled "Adding an Item on the Agenda" with the Council Item Request Form, attached hereto as Attachment 1, is hereby approved and adopted, and the City Manager is directed to number (and renumber, as appropriate) the Council Policy Manual such that they are organized in a logical fashion.

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3. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 27TH DAY OF OCTOBER, 2020, BY THE FOLLOWING VOTE:

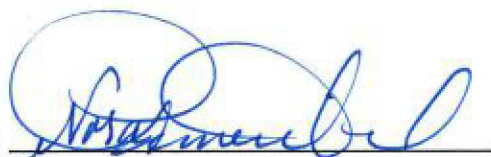
AYES: COUNCILORS: Chahal, Davis, Hardy, O'Neill, and Watanabe,
and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Council Policy 030 entitled "Adding an Item on the Agenda"

COUNCIL ITEM REQUEST FORM



**City of
Santa Clara**
The Center of What's Possible

The Council Item Request Form is for members of the City Council to submit written requests to the City Manager's Office for inclusion of an item on a future City Council meeting agenda. At the meeting where the initial written request is heard, discussion should be limited to whether the item should be added to an agenda and a date, not the merit of the item. A majority vote of the City Council is required for the item to be added to future Council meeting agenda for action.

CONTACT INFORMATION

Requesting Member of City Council : Suds Jain

Contact E-mail _sjain@santaclaraca.gov__

Contact Phone__ _____

Today's Date_9/12/2021

WRITTEN REQUEST

I, Suds Jain_____, hereby request that the following item be placed on the City of Santa Clara Governance and Ethics Committee meeting agenda:

Recently we've seen a number of Written Petitions from members of the public, including people who are not residents of the City of Santa Clara, requesting to have a vote of whether something should be placed on a Council Agenda. Sometimes these are businesses lobbying for their projects.

I would like to revisit the policy for how a member of the public can put something on an agenda. Some thoughts are that only residents can petition, a petitioner must collect say 20 signatures of residents, or a petitioner must have a Councilmember cosponsor.

**Reference: Council Policy 030- Adding an Item on the Agenda
Resolution No. 20-8895**



Agenda Report

23-658

Agenda Date: 6/5/2023

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Discuss and Consider Proposed Amendments to Policy and Procedure 006 Guidelines for Commissioners for Attendance and Conferences

BACKGROUND

The Governance and Ethics Committee routinely reviews existing policies to modernize the “Policy and Procedure” documents as part of the revised Council Policy manual. At the March 13, 2023 Governance and Ethics Committee (Committee) meeting, as part of the discussion on the 2023 Committee Workplan, the Committee approved the review of Policy and Procedure 006 Guidelines for Commissioners for Attendance and Conferences and Training Events (Attachment 1).

The Policy and Procedure 006 Guidelines for Commissioners was established by the City Council in 1997, amended in 2003 and 2010 to align with the City’s budget principles, and was last updated in December 2012.

DISCUSSION

As part of the Council Policy review, staff has incorporated recommendations (Attachment 2) to modernize the current Council Policy 006 (Attachment 3). The proposed amendments include:

- Adding a purpose statement to the policy to make the format consistent with other recent Council policy updates,
- Adding a guideline stating official travel must be related to the Commissioner’s roles or duties and approved by the City Commission,
- Adding a guideline which requires Board or Commission approval prior to registration and travel arrangements,
- Adding criteria for overnight lodging and,
- Updating the policy guidelines with concise language for clarity.

During the March 13, 2023 Committee discussion, the Committee asked questions related to the funding and budget allocation for travel for Commissioners, specifically for the Planning Commission and requested a review of guidelines for overnight lodging related to Commissioner approved travel. City Commissioners may seek approval by the Commission to attend conferences and training events on a case-by-case basis and based on available funding of the individual City Commission or Committee.

The current policy does not address criteria for overnight lodging for Commissioners. The Committee may want to consider allowing overnight lodging for approved conferences or events that may require an extensive commute to reach the destination by 8 a.m.

In addition, the Committee asked for the guidelines for approving Councilmember travel, such as attending a Sister Cities Conference. Those guidelines are outlined in the Council Policy 043 Official Travel by Elected Officials, Criteria for Official Travel (Attachment 4) which states, "Official travel must be related to the elected official's roles or duties such as work performed on a particular issue or substantive area in an official capacity, committee assignment, liaison assignment, task force assignment, or council assignment". For Councilmembers interested in attending conferences where they are not the assigned liaison or representative, such as the Sister Cities Conference, the Councilmember may request travel approval from the City Council.

ENVIRONMENTAL REVIEW

This is an information report only and no action is being taken by the City Council and no environmental review under the California Environmental Quality Act ("CEQA") is required.

FISCAL IMPACT

There is no fiscal impact to the City other than staff time.

COORDINATION

This report was coordinated with the City Attorney and City Manager's Offices.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

1. Approve proposed amendments to Policy and Procedure 006 Guidelines for Commissioners for Attendance and Conferences and Training Events
2. Recommend any proposed amendments be brought forward to City Council for consideration and approval

Reviewed by: Maria Le, Assistant to the City Manager

Approved by: Jōvan D. Grogan, City Manager

ATTACHMENTS

1. Policy and Procedure 006 Guidelines for Commissioners for Attendance and Conferences and Training Events
2. Proposed Policy and Procedure 006 Guidelines for Commissioners for Attendance and Conferences and Training Events (red line)
3. Proposed Policy and Procedure 006 Guidelines for Commissioners for Attendance and Conferences and Training Events (clean)
4. Council Policy 043 Official Travel by Elected Officials



GUIDELINES FOR COMMISSIONERS FOR ATTENDANCE AT CONFERENCES AND TRAINING EVENTS

POLICY

Each City commission has a separate budget to pay for members' attendance at appropriate conferences and training programs. These guidelines were established by the City Council in 1997 and amended in 2003 and 2010 when they were updated and clarified based on the City's Budget Principles and the difficult financial outlook facing the City. In general, the policy discourages out-of-state travel and out of the United States travel for Conferences and Training.

PROCEDURE

1. Attendance at conferences and training events should be rotated as much as feasible among members of each City Commission.
2. The City of Santa Clara is fiscally responsible, and endorses the proper use of City assets to help ensure the City's fiscal stability. To that end, out-of-state travel is discouraged. City revenues have been seriously impacted during recent fiscal years. If the commission believes that the out-of-state conference is highly important, and if sufficient funding is available within the existing budget, working with the staff liaison, the commission may make this recommendation to the City Council through an agenda report to be considered as a Consent Calendar item. No more than two members of a City commission may attend any specific out-of-state conference or training event.
3. No more than three members of a City commission may attend any specific conference and training event held within California. If more than three members of a City commission wish to attend a conference within California, if sufficient funding is available within the existing budget, working with the staff liaison, the City commission may send more than three members to the conference upon a vote of the City commission, without requiring additional City Council approval.
4. Attendance at a conference or training held outside of the United States requires special approval by the City Council. Out-of-country travel is not recommended.
5. One-day meetings that do not require an overnight stay are allowed as long as the total budget is not exceeded.



GUIDELINES FOR COMMISSIONERS FOR ATTENDANCE AT CONFERENCES AND TRAINING EVENTS (cont.)

6. A special situation exists for the Historical & Landmarks Commission which has a formally designated advisor as required for the City's Certified Local Government status. The commission may choose to send the advisor instead of a member of the commission.
7. Per AB 1234 requirements, commissioners should report verbally on conference and training attendance at the subsequent meeting of the commission. A brief written report from the commissioner may be substituted for the verbal report. (See the "Resource Material" section of "Board and Commission Handbook and Survival Guide" for more information.)

*Reference: City Council minutes from August 5, 1997
Amended by Council Action in June 10, 2003 and June 15, 2010.*



GUIDELINES FOR COMMISSIONERS FOR ATTENDANCE AT CONFERENCES AND TRAINING EVENTS

PURPOSE

The purpose of this Policy is to establish criteria for Boards and Commissions travel to conferences and training events.

POLICY

Each City Commission has a separate budget to pay for members' attendance at appropriate conferences and training programs. ~~These guidelines were established by the City Council in 1997 and amended in 2003 and 2010 when they were updated and clarified~~ based on the City's Budget Principles ~~and the difficult financial outlook facing the City.~~ In general, the policy discourages ~~out-of-state travel and out of the United States~~international and out-of-state travel for conferences and ttraining events.

PROCEDURE TRAVEL GUIDELINES

1. Official travel must be related to the Commissioner's roles or duties and approved by the City Commission.

4.2. Attendance at conferences and training events should be rotated as much as feasible among members of each City Commission.

3. All travel requests must be pre-approved by the Board or Commission prior to travel arrangements.

4. The City of Santa Clara is fiscally responsible and endorses the proper use of City assets to help ensure the City's fiscal stability. To that end, out-of-state travel is discouraged. ~~City revenues have been seriously impacted during recent fiscal years.~~ If the Commission believes that the out-of-state conference is highly important, and if sufficient funding is available within the existing budget then approval by the City Council is required. ~~working with the staff liaison, the commission may make this recommendation to the City Council through an agenda report to be considered as a Consent Calendar item.~~

2.5. No more than two members of a City commission may attend any specific out-of-state conference or training event.

3.6. No more than three members of a City commission may attend any specific conference and training event held within the State of California. If more than three members of a City commission wish to attend a conference within the State of California, if sufficient funding is available within the existing budget, working with the staff liaison, the City Commission may



GUIDELINES FOR COMMISSIONERS FOR ATTENDANCE AT CONFERENCES AND TRAINING EVENTS

send more than three members to the conference upon a vote of the City Commission, without requiring additional City Council approval.

~~4-7.~~ Attendance at an international conference or training held outside of the United States requires special approval by the City Council. ~~—~~Out-of-country travel is not recommended.

~~5-8.~~ One-day meetings that do not require an overnight stay are allowed as long as the total budget is not exceeded.

9. Overnight lodging may be approved depending on whether an extensive commute is required to reach the conference/event by 8 a.m.

~~6-10.~~ A special situation exists for the Historical & Landmarks Commission which has a formally designated advisor as required for the City's Certified Local Government status. The Commission may choose to send the advisor instead of a member of the commission.

~~7-11.~~ Per AB 1234 requirements, Commissioners should report verbally on conference and training attendance at the subsequent meeting of the Commission. ~~—~~A brief written report from the eCommissioner may be substituted for the verbal report. (See the "Resource Material" section of "Board and Commission Handbook and Survival Guide" for more information.)

Reference: ~~City Council minutes from August 5, 1997~~
~~Amended by Council Action in June 10, 2003 and June 15, 2010.~~



GUIDELINES FOR COMMISSIONERS FOR ATTENDANCE AT CONFERENCES AND TRAINING EVENTS

PURPOSE

The purpose of this Policy is to establish criteria for Boards and Commissions travel to conferences and training events.

POLICY

Each City Commission has a separate budget to pay for members' attendance at appropriate conferences and training programs. These guidelines were established by the City Council in 1997 and amended in 2003 and 2010 based on the City's Budget Principles. In general, the policy discourages international and out-of-state travel for conferences and training events.

TRAVEL GUIDELINES

1. Official travel must be related to the Commissioner's roles or duties and approved by the City Commission.
2. Attendance at conferences and training events should be rotated as much as feasible among members of each City Commission.
3. All travel requests must be pre-approved by the Board or Commission prior to travel arrangements.
4. The City of Santa Clara is fiscally responsible and endorses the proper use of City assets to help ensure the City's fiscal stability. To that end, out-of-state travel is discouraged. If the City Commission believes that the out-of-state conference is highly important, and if sufficient funding is available within the existing budget then approval by the City Council is required.
5. No more than two members of a City commission may attend any specific out-of-state conference or training event.
6. No more than three members of a City commission may attend any specific conference and training event held within the State of California. If more than three members of a City commission wish to attend a conference within the State of California, if sufficient funding is available within the existing budget, working with the staff liaison, the City Commission may send more than three members to the conference upon a vote of the City Commission, without requiring additional City Council approval.
7. Attendance at an international conference or training held outside of the United States requires special approval by the City Council. Out-of-country travel is not recommended.



GUIDELINES FOR COMMISSIONERS FOR ATTENDANCE AT CONFERENCES AND TRAINING EVENTS

8. One-day meetings that do not require an overnight stay are allowed as long as the total budget is not exceeded.
9. Overnight lodging may be approved depending on whether an extensive commute is required to reach the conference/event by 8 a.m.
10. A special situation exists for the Historical & Landmarks Commission which has a formally designated advisor as required for the City's Certified Local Government status. The Commission may choose to send the advisor instead of a member of the commission.
11. Per AB 1234 requirements, Commissioners should report verbally on conference and training attendance at the subsequent meeting of the Commission. A brief written report from the Commissioner may be substituted for the verbal report. (See the "Resource Material" section of "Board and Commission Handbook and Survival Guide" for more information.)



OFFICIAL TRAVEL BY ELECTED OFFICIALS

PURPOSE Consistent with the City of Santa Clara (City)'s Code of Ethics and Values, the City is fiscally responsible and endorses the proper use of City assets to help ensure the City's fiscal stability.

In order to ensure an open and transparent government, the City Council will regulate and prescribe guidelines for official travel by all elected officials. Reimbursement for official travel funded by non-City entities shall be in accordance with the guidelines issued by such other non-City entity.

To the extent the official's expenses are not reimbursed by the non-City entity, the official may request reimbursement in accordance with the requirements of this policy (e.g., the official is chosen to serve as the City representative on a County-wide committee and the County agency sends the official to a conference, and reimburses the official for conference attendance and hotel, but not for meals and mileage; the Official may seek reimbursement for meals and mileage in accordance with the terms of this policy.)

This policy does not address an official's reporting requirements relative to payments by a non-City entity for official travel; elected officials must comply with FPPC reporting requirements relating to payments for travel.

POLICY In order to control and properly account for expenditures made by elected officials in the course of their official duties, only authorized expenses may be reimbursed in accordance with the Travel-Meal Reimbursement & IRS Mileage Rates established by the Finance Department on an annual basis and within the criteria outlined within this policy.

Any questions regarding the appropriateness of a particular type of expense should be resolved by the City Council before the expense is incurred. Examples of non-reimbursable expenses include personal expenses, charitable/political contributions, entertainment expenses, personal losses incurred while travelling, and expenses for family members.

In order to conserve City resources and keep expenses within community standards for public officials, expenditure amounts should adhere to the guidelines set forth within. Expenses that exceed these



OFFICIAL TRAVEL BY ELECTED OFFICIALS (cont.)

guidelines will be reimbursed only to the maximum extent of the guidelines.

All cash expenditures, credit card expenses, and expense reimbursement requests must be submitted to the City Auditor on an expense report form provided by the City, accompanied by receipts documenting each expense. Expense and mileage reports must document that the expense in question meets the requirements of this policy. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

All expenses are subject to review and verification by the City Auditor for compliance with this policy and eligibility for reimbursement.

TRAVEL GUIDELINES

Reports by Elected Officials

The elected official must file a written or oral report to the City Council within fifteen (15) business days or at the next City Council meeting immediately following any travel attended at City expense or travel attendance as a City official that is funded by a non-City entity.

The report shall include, but is not limited to:

- a. A listing of any workshops, presentations, educational seminars, speeches, or other sessions attended with summary and/or descriptions of information gathered
- b. A listing of meeting(s) held during travel with legislators, other governmental officials, or groups with subjects addressed during the meeting(s)
- c. A listing of any speeches, presentations, or other speaking roles during travel

Course Materials

Course materials received will be turned into the Mayor and Council Offices - Council Library or elected official's respective department's library, as applicable, for open accessibility, except for safety-sensitive portions of such materials.

Rewards and Promotional Benefits

Rewards granted under frequent travel programs through airlines,



OFFICIAL TRAVEL BY ELECTED OFFICIALS (cont.)

CRITERIA FOR OFFICIAL TRAVEL

hotels, or any type of travel vendor, if accrued through official travel and at the City's expense, shall be used only for official travel and/or turned over to the City for future official travel, to the extent possible.

Promotional benefits or materials received during official travel, if obtained under the same conditions as those offered to the general public and at no expense to the City, may be retained for personal use.

Official City Representative Criteria

When travelling to a conference, convention, workshop, or similar event, one or more elected officials shall be specifically designated to act as the official representative(s) of the City with the following criteria:

- a. Official travel must be related to the elected official's roles or duties such as work performed on a particular issue or substantive area in an official capacity, committee assignment, liaison assignment, task force assignment, or council assignment.
- b. If multiple members of the City Council meet the criteria, the representative(s) will then be designated based on seniority.

Public Purpose Criteria

Travel by elected officials is an allowable activity and expense when it is performed for a valid public purpose:

- a. Attending educational seminars designed to improve the elected official's skill and information levels, or to comply with applicable professional standards
- b. Participating in regional, state, and national organizations whose activities affect the City's interests
- c. Communicating with representatives of regional, state, and national government and their various agencies
- d. Travel is consistent with the adopted budget and/or legislative priorities

Elected officials may attend conferences or any other official travel at



OFFICIAL TRAVEL BY ELECTED OFFICIALS (cont.)

SUMMARY OF CONFERENCES AND TRAVEL

their own expense if such travel falls outside the criteria set forth in this policy.

Official Travel – Local (Drivable Distance)

- c. Local travel or single-day events that do not require an overnight stay are open to all elected officials.
- d. Local travel or single-day events that require an overnight stay must meet the criteria for official travel.

Official Travel – In-state

- a. In-state travel is limited to a maximum of two elected officials per official travel event, except as follows:
The League of California Cities Annual Conference is open to all elected officials, and the League of California Cities New Members Academy is open to all newly elected or appointed members of the City Council.
- b. In-state travel requires elected officials to meet the criteria for official travel.

Official Travel – Out-of-state

- a. Out-of-state travel is approved in advance annually with the respective department's Operating Budget
- b. Out-of-state travel is limited to a maximum of two elected officials per conference, with the exception of United States Conference of Mayors and National League of Cities conferences and meetings.
- c. Out-of-state travel requires elected officials to meet the criteria for official travel.

Official Travel – International

- a. International travel is limited to a maximum of three elected officials per trip.



OFFICIAL TRAVEL BY ELECTED OFFICIALS (cont.)

- b. International travel may be initiated by invitation or commemoration of anniversaries with the City of Santa Clara's sister cities.
- c. International travel requires elected officials to meet the criteria for official travel.
- d. International travel is approved in advance annually in the respective department's Operating Budget and must be submitted in advance to the City Council for approval with sufficient time to ensure that, if approved by Council, arrangements can be made before the first day of travel.

Official Travel – Other

For any official travel that has not been pre-approved in the respective department's Operating Budget, requests for travel approval must be submitted to the City Council with sufficient time to ensure that, if approved by Council, arrangements can be made before the first day of travel.

- a. Requests for travel approval must meet all of the criteria for official travel.
- b. Requests for travel approval require 5 votes from the City Council.
- c. When reviewing and considering approval of requested travel by elected officials, the City Council shall ensure compliance with the Brown Act (California Open Meeting Requirements for Local Legislative Bodies).

PROCEDURE

Prior to incurring expenses, review policy to ensure proposed expenses are allowed based on the criteria established within this policy.

Within fifteen (15) business days of an expense being incurred, elected officials submit to the City Auditor an expense report form, accompanied by receipts, documenting the amount and purpose of each expense and how it meets the requirements of this policy. Course materials must be turned into the respective department's library for open accessibility, except for safety-sensitive materials.



OFFICIAL TRAVEL BY ELECTED OFFICIALS (cont.)

The elected official must file a written or oral report to the City Council within fifteen (15) business days or at the next City Council meeting immediately following any travel attended at City expense, with the criteria outlined within this policy.



City of Santa Clara

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Agenda Report

23-763

Agenda Date: 6/5/2023

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Review and Discussion of Council Policy 020 Proclamations, Commendations and Certificates of Recognition

RECOMMENDATION

Deferred to September 11, 2023 Governance and Ethics Committee Meeting



City of Santa Clara

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Agenda Report

23-770

Agenda Date: 6/5/2023

REPORT TO GOVERNANCE AND ETHICS COMMITTEE

SUBJECT

Discuss and Consider Modification to the Work Plan or an Alternative Process to Evaluate the Creation of an Independent Ethics Commission

REPORT

The Committee may discuss item and direct staff as deemed appropriate.

RECOMMENDATION

Staff makes no recommendation.