



# Planning & Transportation Commission

## Staff Report (ID # 14937)

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**Report Type:** Action Items **Meeting Date:** 11/16/2022

**Summary Title:** Bylaws Discussion Regarding Meeting Attendance

**Title:** Discussion of Planning and Transportation Commission Bylaws to Add Bylaw(s) Regarding Meeting Attendance

**From:** Jonathan Lait

### Recommendation

Staff recommends that the Planning and Transportation Commission (PTC) take the following action(s):

1. Discuss adding Section 5.5 to the PTC bylaws to address attendance at PTC meetings in 2023.

### Report Summary

The PTC Bylaws are viewable online at this link: <https://www.cityofpaloalto.org/files/assets/public/planning-amp-development-services/file-migration/bc/ptc/ptc-bylaws-2018.pdf>. They do not include rules on attendance such as how many consecutive meetings a member can miss. The Bylaws date back to 2018, prior to the COVID-19 Pandemic, when virtual meeting attendance became necessary in 2020.

The Palo Alto Municipal Code Chapter 2.20 provides content regarding the number of commissioners. The meeting frequency and day of the week for regular meetings are not cited in the code; these are cited in Section 5.0 of Article 5 of the PTC Bylaws.

The report is to support the Commission's discussion regarding remote attendance, in response to Council's May 2022 motion for all commissions and boards to adopt their own attendance policy.

The City Clerk will soon be offering training to staff and appointed officials in Palo Alto regarding changes to the Brown Act with respect to meeting attendance.

### Background/Discussion

City of Palo Alto  
 Planning & Development Services  
 250 Hamilton Avenue  
 Palo Alto, CA 94301  
 (650) 329-2442

### PTC Bylaws

The PTC Bylaws Article 5 is regarding regular and special meetings. Staff suggests the PTC discuss whether to establish a maximum number or percentage of annual meetings a board member may attend remotely. The PTC may wish to discuss adding Bylaws Section 5.5 to set forth an attendance policy.

Options include allowing members to attend a percentage of regular meetings remotely or a limited number remotely each year. For retreats, the PTC could decide these will be in-person meetings. Brown Act Requirements, discussed later in this report, require specific noticing for remote attendance.

Bylaws Article 5 currently include four sections:

- 5.0 Regular meetings of the Commission shall be held twice a month, on the second and last Wednesdays of each and every month. Regular meetings shall be held at 6:00 p.m. in the Council Chambers of the City Hall, 250 Hamilton Avenue.
- 5.1 Special meetings may be called at any time by a majority of the Commission members present and voting at a regular meeting. In addition, a special meeting may be called by the Chairperson or by a majority of the members of the Commission, in accordance with the procedures for calling special meetings set forth in the California Government Code, § 54959, et seq. (Ralph M. Brown Act, hereinafter referred to as the “Brown Act”). Notice of any special meeting shall be provided in the manner required under the Brown Act, and no business other than that set forth in the notice shall be considered by the Commission at the special meeting. Special meetings, including but not limited to field trips, may be held at locations other than City Hall as specified in the meeting notice; however, no such meeting shall be held outside the City limits of the City of Palo Alto unless allowed by the Brown Act.
- 5.2 Any regular or special meeting of the Commission may be adjourned to a subsequent date for continuation or completion of the business on the Commission’s agenda at the meeting. Notice of such adjournment shall be provided in the manner required under the Brown Act.
- 5.3 All regular and special meetings of the Commission shall be open to the public; provided, however, that closed sessions may be held from which the public may be excluded for any purpose lawful under state law.
- 5.4 Any regular or special meeting of the Commission may include or be held as a Study Session. Notice of the Study Session and the opportunity for public participation shall be provided in the same manner as may be required by law for action on the item(s) set for discussion. Study sessions shall not be for the purpose of taking evidence with respect to a project.

The PTC may wish to discuss adding a new section 5.5 to address remote attendance. Sample verbiage with placeholders for consideration is provided below:

5.5 The number of days/percentage of regular meetings a Commissioner may attend remotely within a calendar year shall be \_\_\_\_/\_\_\_\_.

#### PAMC Chapter 2.20 – Planning and Transportation Commission

Section 2.20.010 states that the PTC shall be composed of seven members. The Chapter is silent on how often and at what time of day meetings are to be held.

#### Attendance Policies of Other Boards/Commissions

Council, in May 2022, asked all the commissions to adopt their own attendance policy; however, no committee has done so to date. More recently, Council decided to limit Councilmembers' remote attendance to three times per year. This motion carried, though there was previously a motion for unlimited remote meeting attendance.

The HRB, PTC, and ARB have not adopted attendance policies to date. It is not required that all boards and commissions choose to follow the Council's decision regarding three remote meetings. Staff anticipates more conversations and direction about remote attendance with the changes to the Brown Act that will start in January. As noted, the City Clerk will be providing training on this topic in 2022.

#### Brown Act Requirements

The Brown Act has long permitted remote attendance through teleconferencing, as long as 1) the locations of each teleconference participant are provided in notices and agendas, 2) the agenda is posted at each teleconference location, and each location is open to the public, and 3) at least a quorum of the board members participates from locations within the boundaries of the City. The Brown Act does not limit the number of times these procedures can be used.

AB 361 allowed a local government to suspend these teleconference requirements during a statewide emergency, such as the COVID-19 pandemic, by making certain findings. However, if the statewide emergency is lifted in early 2023, as currently anticipated, AB 361 exceptions will no longer apply.

Beginning January 1, 2023, AB 2449 will provide an additional, limited exception to the typical teleconference requirements, which do not rely on the existence of a statewide emergency. A board member may participate remotely, without making their location available to the public, only when there exist a "just cause" or "emergency circumstances" approved by the board, for remote participation, and the reason is disclosed to the public. In addition, a quorum of the board must meet in a single location (that is, the meeting must be a "hybrid" meeting). The exception under AB 2449 may not be used by a member of the board for more than three consecutive months or more than 20% of the regular meetings in a calendar year.

**Report Author & Contact Information**  
Amy French, AICP, Chief Planning Official  
(650) 329-2336  
[amy.french@cityofpaloalto.org](mailto:amy.french@cityofpaloalto.org)

**PTC<sup>1</sup> Liaison & Contact Information**  
Amy French, AICP, Chief Planning Official  
(650) 329-2336  
[amy.french@cityofpaloalto.org](mailto:amy.french@cityofpaloalto.org)

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<sup>1</sup> Emails may be sent directly to the PTC using the following address: [ptc@cityofpaloalto.org](mailto:ptc@cityofpaloalto.org)