



## City of Palo Alto

(ID # 14386)

### Utilities Advisory Commission Staff Report

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**Meeting Date: 8/3/2022**

**Report Type: VII. NEW BUSINESS**

**Title: Staff Recommends the Utilities Advisory Commission Consider and Adopt an Attendance Policy**

**From: Director of Utilities**

**Lead Department: Utilities**

#### **Recommended Action**

Consider and adopt a remote attendance policy for the Utilities Advisory Commission (UAC).

#### **Background and Discussion**

During the City Council meeting on April 4, 2022, it was suggested the UAC, as a City Commission, should establish a remote attendance policy.

The Council's Final Motion was:

Council Member Tanaka motioned, seconded by Mayor Burt, to direct staff to continue to present the findings for AB 361 for the Council, Commissions and Boards and

a) Council Members can participate remotely in Council Committee meetings up to 3 times per year;

b) Board Members and Commissioners can participate remotely, but are encouraged to meet in person, and the Boards and Commissions should establish a remote attendance policy.

MOTION PASSED: 7-0

Section 8.4 of the UAC Bylaws provides that the UAC may, by a majority vote of its members, adopt or amend any rules and procedures to be followed at UAC meetings and study sessions, to the extent such rules and procedures are not in conflict with the UAC's Bylaws or other applicable law. Staff has thus brought forward a recommended attendance policy for the UAC's consideration and adoption.

If the UAC adopts the proposed Attendance Policy, staff will, in accordance with Section 10.1 of the UAC Bylaws, transmit a copy to each member of the Commission, to the Council, and to the City Clerk. Copies of the Bylaws and any other rules and procedures shall be made available to the public, upon request, and at each meeting of the Commission.

#### **Recommended Policy for Adoption**

#### **UAC Attendance Policy**

1. Regular and Special UAC Meetings and Study Sessions – Attendance Required

- a. Commission Members, and the Staff Liaison, along with any other City staff that have been requested to be present, shall take their regular stations in the Council chamber at 7:00 p.m. on the first Wednesday of each month, except during the established Commission vacation. The Chair or other presiding officer will ensure that during each regular or special meeting there will be one 10-minute break.
- b. The Commission expects its members to attend regularly and notify the Commission Clerk of any planned absences.

2. Telephonic/Remote Attendance of Commissioners at UAC Meetings – General Guidelines and Requirements

- a. The telephonic/remote attendance provisions in this UAC Attendance Policy shall apply to Commission Members unless there exists a proclaimed state of emergency in accordance with Government Code Section 54953(e), in which case only the provisions of that Section shall govern telephonic/remote attendance.
- b. Requests by Commission Members to attend a Commission meeting via telephonic/remote appearance are actively discouraged.
- c. Telephonic/remote attendance shall be permitted not more than 4 times a year.
- d. At least a quorum of the Commission must participate from a location within the City (Government Code Section 54953(b)(3)).
- e. If the two threshold requirements in section 2(c) and (d) of this Policy are met, the Commission Member who will be appearing telephonically or remotely must ensure that:
  - i. The UAC meeting agenda identifies the teleconference/remote location and is posted at that location in an area that is accessible and visible 24 hours a day for at least 72 hours prior to the meeting.
  - ii. The teleconference/remote location is open and fully accessible to the public, and fully accessible under the Americans with Disabilities Act, throughout the entire meeting.
  - iii. The teleconference/remote technology used must be open and fully accessible to all members of the public, including those with disabilities.
  - iv. The accessibility requirements in subsections (i) – (iii), above, apply to private residences, hotel rooms, and similar facilities, all of which must remain fully open and accessible throughout the meeting, without requiring identification or registration.
  - v. Members of the public who attend the meeting at the teleconference/remote location must have the same opportunity to address the Commission from the remote location that they would if they were present in Council Chambers.
  - vi. The teleconference/remote location must not require an admission fee or any payment for attendance.
  - vii. If the meeting will include a closed session, the Commission Member must also ensure that there is a private location available for that portion of the meeting.

- f. If the Commission Member determines that any or all of the requirements in section 2(e) of this Policy cannot be met, he or she shall not participate in the meeting telephonically/remotely.

3. Responsibilities of Commission Members Attending a Meeting Telephonically/Remotely:

- a. Five days' written notice of telephonic/remote attendance in advance of the publication of the agenda must be given by the Commission Member to the Commission Clerk. The notice must include the address at which the teleconferenced/remote meeting will occur, the address the Commission packet should be mailed to, and the phone number of the teleconference/remote location.
- b. Commission Members need to ensure all technology necessary for them to attend telephonically/remotely is functioning.
- c. The Commission Member is responsible for posting the Commission agenda in the remote location, or having the agenda posted by someone else at the location and confirming that posting has occurred. The Commission Clerk will assist, if necessary, by emailing, faxing or mailing the agenda to whatever address or fax number the Commission Member requests; however, it is the Commission Member's responsibility to ensure that the agenda arrives and is posted. If the Commission Member will need the assistance of the Commission Clerk in delivery of the agenda, the fax number or address must be included in the five-day advance written notice above.
- d. The Commission Member must ensure that the location will be publicly accessible while the UAC meeting is in progress.
- e. The Commission Member must state at the beginning of the Commission meeting that the agenda posting requirement was met at the location and that the location is publicly accessible, and must describe the location.

**Environmental Review**

The adoption of this policy does not meet the definition of a project under Public Resources Code Section 21065, thus no environmental assessment under the California Environmental Quality Act is required.