



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Thomas Frutchey, City Manager

MEETING DATE: March 3, 2010

SUBJECT: Discussion of procedures related to boards, committees, and commissions, including staff attendance at meetings, the role of the council liaison, Brown Act compliance, and reinstatement of the Budget and Finance and Golf Advisory Committees

CEQA: This does not constitute a “project” under California Environmental Quality Act (CEQA) guidelines.

RECOMMENDATION

1. Consider options regarding the: 1) procedures by which committees not subject to the Brown Act shall be governed; 2) role of the council liaison; 3) conversion of the ad hoc Budget and Finance Committee back to a standing committee or conversion to an advisory committee; 4) reinstatement of the Golf Advisory Committee; and 5) staff support of and attendance at meetings of boards, commissions, and committees.
2. Direct staff to return with the appropriate documents for approval at the March 17, 2010 council meeting.

DISCUSSION

At the February 17, 2010 Council meeting Mayor Garcia directed staff to return with options regarding a series of matters related to our boards and commissions. Each matter is addressed below, along with options for Council’s action and consideration.

1). **Procedures Governing Committees Not Subject to the Brown Act.** As outlined in Council Policy No. 000-5 (attached), charter, municipal code, ad hoc, and standing boards, commissions, and committees are required to comply with the Brown Act.

The policy, however, does not address all situations. Ad hoc subcommittees, City Manager advisory committees, and some groups are not addressed by either the Brown Act or by City policy. The Council has adopted a goal, to “Enhance the City’s government and the public trust in its City government by: making sound and consistent decisions; providing high-quality services consistent with our financial resources; maintaining effective 2-way communication with our citizens; and operating in an open and ethical manner.” Thus, a clear policy should address all situations.

Options to consider include:

1. Leave the policy as is.
2. Amend existing Council Policy No. 000-5 to cover all situations. For example, even though the Brown Act is not required to apply in all situations, the City could impose these requirements by policy.

3. Amend Council Policy No. 000-5 to establish procedures whereby the public would be allowed to provide input, be privy to deliberations, and receive all appropriate information on the outcome of those deliberations, without adhering to all Brown Act requirements in circumstances where technical compliance unduly diminishes the effectiveness of the committee's efforts.

2). Role of the Council Liaison. Council Policy 000-6 states, in part, "Members of the City Council may attend and observe hearings and meeting of City boards, commissions and committees of which they are not members. However, since Council Members may later be required to review and act on decisions and recommendations of lower bodies, Council Members should not participate in or attempt to influence the decisions of such bodies."

Options to consider include:

1. Leave the Council policy as is.
2. Amend the policy to better define the role of Council liaison, making changes as desired by Council.

3). Possible Conversion of the Budget and Finance Committee back to a Standing Committee or to an Advisory Commission. In April 16, 2008, Council adopted a resolution making the ad hoc Budget and Finance Committee a standing committee. In January, 2010, Council converted the committee back to an ad hoc committee. There have been issues with both approaches.

Options to consider include:

1. Leave the ad hoc committee as is.
2. Reinstate the Budget and Finance Committee as a standing Council sub-committee, with additional citizen members.
3. Create a Budget and Finance Commission, with a Council liaison, to meet quarterly, with special meetings, if necessary.

4). Possible Reinstatement of the Golf Course Advisory Committee. On April 16, 2008 the Council eliminated the Golf Course Advisory Committee, which had been in existence since 1932. At that time, duties and responsibilities included: advising the City Council of matters relating to the course; reviewing the annual operating budget and the capital improvement program and making recommendations to the City Council; reviewing fees to ensure that the revenue received fully financed the costs of the operation and provided adequate resources to fund necessary capital improvements; working with staff and the community to ensure the golf course was a responsible neighbor; and accepting assignments from the City Council relating to golf course operations. The committee had 7 members, with one member from each of the three golf clubs, a member from and selected by the Pacific Grove Recreation Board, and three at-large members (who could not be members of the clubs).

Options to consider include:

1. Leave the existing situation as is.
2. Continue the current Golf Marketing Committee as an ongoing advisory body, to either the City Manager or the Council, and reducing from 12 to 7 members.
3. Reinstate the Golf Course Advisory Committee.

5). **Staff support of and Attendance at Board, Commission, and Committee Meetings.** One of the changes was integral with the January 2010 reorganization of the boards, committees, and commissions was the necessity for reducing staff time necessary to support each body. Measures being implemented include, for example, having each body elect a recording secretary and be responsible for their own minutes. The following chart shows the full structure of boards, committees, and commissions (including possible actions identified above for the Budget and Finance Committee and the Golf Commission), and identifies lead staff as well as the Mayor’s intended Council liaisons if the actions were adopted.

ADVISORY BODY	COUNCIL LIASION	LEAD STAFF
Administrative Enforcement Hearing Officer Panel	(None.)	Lynn Burgess
Architectural Review Commission	Bill Kampe	Lynn Burgess
<i>Budget & Finance Commission</i>	<i>(Lisa Bennett)</i>	<i>Jim Becklenberg</i>
Economic Development Commission	Alan Cohen	Tom Frutchey
<i>Golf Advisory Commission</i>	<i>(Carmelita Garcia)</i>	<i>Joe Riekema</i>
Historic Resources Commission	Lisa Bennett	Lynn Burgess
Library Advisory Board	Lisa Bennett	Lisa Magdalena
Museum Advisory Board	Deborah Lindsay	None
Natural Resources Commission	Robert Huitt	Celia Martinez, Rick Katen
Planning Commission	Bill Kampe	Lynn Burgess
Public Safety Commission	Ken Cuneo	Malcolm Knisley, Chief Engles, Chief Mazza
Recreation Commission (incl. Cultural Arts & Special Events)	Carmelita Garcia	Don Mothershead

Although much progress has been made, there are still issues to be resolved and improvements that can be made. For example, Community Development is still lead staff to four commissions/boards/panels, as well as having responsibility for a significant number of issues that go to the City Council. That is not sustainable, given current levels of staffing.

Options to consider include:

1. Leave the current situation as is, with staff supporting and attending all boards and commissions other than the Museum Advisory Board.
2. Direct CDD staff to continue attending only the HRC, ARB, and Planning Commission.
3. Direct staff to attend meetings on an “as-needed” basis per the request of the Council liaison.
4. Direct staff to attend only those meetings identified by Council.
5. Direct staff to not support or attend the meetings of various boards, committees, and commissions.

FISCAL IMPACT

None.

ATTACHMENTS

Council Policy 000-5 and 000-6

RESPECTFULLY SUBMITTED

THOMAS FRUTCHEY

Thomas Frutchey
City Manager

CITY OF PACIFIC GROVE, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NO.	EFF. DATE	PAGE
Committees; Classification; Appointments; Procedures	000-5	(Rev.) February 19, 1997	1 of 4

1. **Classification.** The following classification shall be in place to handle the committee and other referral needs of the council not otherwise subject to the jurisdiction of charter or municipal code boards and commissions:

a. **Ad hoc committees.** This class of committee shall consist of citizens only or a mixed group of council members and citizens. Such committees shall have limited assignments related to temporal issues and shall be expected to complete the assignments within a relatively short time. The council shall provide a written statement of mission to an ad hoc committee, shall ask that the work of the committee be completed by a certain date (where appropriate), shall advise as to record keeping and form of recommendation and shall provide guidance on legal and practical aspects of proceeding with committee work, including suggested formats for agenda and minutes. Ad hoc committees with no set completion date shall be required to submit summary progress reports to the council on a regular basis, or at least semi-annually. Unless otherwise directed by the council, ad hoc committees shall designate their chair and vice chair. Ad hoc committees shall be free to request that the council expand committee missions, i.e. scope of work, but shall make no such changes without specific approval of the council.

b. **Standing committees.** This class of committee also shall consist of citizens only or a mixed group of council members and citizens. Assignment(s) shall not necessarily be permanent, but a standing committee may exist to address issues arising more or less continually in an area of interest to the council. With the exception of the time specific items, the provisions set out in the ad hoc committee section, above, shall apply as well to standing committees.

c. **Council assignments.** This class treats the situation where one, two, or three council members are given direction to perform work/research and to return to the council with some pre-assigned product.

NOTE: With respect to ad hoc committee and standing committee assignments, staff shall not be named as committee members. Staff's role is advisory and supportive. Naming staff as committee members confuses staff relationship and responsibility to assigned committees.

2. **Appointment of Committee Members.**

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- a. Members of charter and municipal code boards and commissions are selected by the mayor, subject to approval by the council. The present system shall be retained. It includes a two week notification period, media notices with an announced closing date for applications, maintaining a folder in the clerk's office containing all applications for council examination, publication of the mayor's selections for council approval in the next agenda following the closing date.
- b. With respect to appointment of citizen members of ad hoc committees and standing committees, appointment opportunities shall be announced at a council meeting and in the media, as appropriate, with a stated closing date that is at least one week before the meeting at which the appointments will be made. If there are not sufficient or appropriate applications, the time limit may be extended and announcements may be repeated. Recommendations shall be invited from everyone with interest/expertise, i.e., council, staff, board/commission members, citizens. Recommendations shall be made to the mayor and copied to the appointed chair and to the city clerk. Any interested council members may review the applications in the clerk's file. The mayor, in consultation with the chair, shall submit final selections for council approval on the earliest agenda following the application closure date.
- c. Membership of committees shall not be changed without council approval.
- d. In making appointments to the many bodies referenced in this policy, the council shall endeavor to distribute the appointments as broadly as possible throughout the city population. Unless a special talent or expertise otherwise dictates, the council shall not favor appointment of more than one member of a household to a single body. Further, in considering appointments, the council shall be attentive to the desirability of a fair distribution of appointees, with special regard for the following categories: Race, color, creed, national origin, ancestry, disability, sex, age, marital status, sexual orientation.
- e. (1) With the exception of charter boards and commissions (which service limitations are set out in the city charter), and except for findings of special circumstances -- as determined by the council -- a citizen member of a body covered by this policy shall not be reappointed to a new term if such would result in continuous service on the body for more than eight consecutive years. Service for lengths of time of less than one-half of a regular term shall not be counted in applying the eight year limit.
- (2) Lengths of terms, and commencement and expiration dates of said terms, for members of boards, commissions and committees established by the Municipal Code shall be as provided by the Municipal Code.
- (3) Lengths of terms of standing committee members shall be as provided at the time the council establishes a standing committee. Said terms shall in any event be set to expire on January 31 of the appropriate year.
- (4) Ad hoc committee member terms shall be indefinite, i.e., for the time required for the work of the committee to be completed.

f. Appointments to outside agencies shall be made by the mayor subject to approval by the council.

3. Committee Procedures. Charter, municipal code, ad hoc and standing boards, commissions and committees shall adhere to standard procedures for notice, conduct of meetings, reporting to the council and other matters, to the end that all actions are taken openly, that all deliberations are conducted openly, that the public is well informed in a timely manner, and that the work of the committees is performed efficiently. Therefore, all such bodies shall be advised that the following shall apply:

a. All provisions of the Brown Act shall apply. At a minimum this shall include:

(1) Posting of agenda shall occur 72 hours prior to regularly scheduled meetings, with listing of agenda items in terms adequate to advise public of the business to be considered. (A catch-all for “miscellaneous” or “new business” items is not permissible; new matters raised must be placed on future agendas.) In the case of special meetings, notice and agenda posting must occur 24 hours prior to the meeting. Items may be added to the agenda only pursuant to Brown Act provisions regarding need and emergency.

(2) Agenda and packet materials shall be available prior to meetings at a location to be designated by the committee and indicated on the posted agenda. Materials presented at meetings shall also be available to the public in attendance.

(3) Provision for public comment shall be made at the beginning of meetings, allowing anyone to speak (within designated time limit) on any item on agenda or on any subject within the jurisdiction of the committee.

(4) Open and public meetings shall be the rule, all business of the committee to be conducted by the committee at such meetings.

(5) Closed sessions may be held under Brown Act restrictions and upon approval of the city attorney.

b. Minutes shall be kept, but may be limited to a report of actions taken at the meeting, and shall note either consensus or a record of the vote on items. Minutes shall be filed in the office of the city clerk and shall be made available to the public in the City Hall business office. Minutes of charter committees and municipal code committees shall be included in city council packets.

c. The city council shall not “approve” the minutes of any committees, rather the minutes shall be “received.” If there is an item in the minutes which requires actions of the council, it shall be separately and specifically listed on the council agenda for action.

d. Subcommittees appointed by committees, boards and commissions shall be composed only of less than a quorum of the members of the appointing committee, board or commission.

e. Boards, commissions and committees shall report to this council the unexcused absence of any member from three or more consecutive meetings. The council shall place on its

next regular agenda the question whether such member should be removed from his or her board, commission, or committee.

Adopted: June 17, 1992

Resolution No.: 6280

Amended: September 1, 1993

Resolution No.: 6361

Amended: March 29, 1996

Resolution No.: 6-017

Amended: May 15, 1996

Resolution No. 6-026

Amended: January 8, 1997

Resolution No. 7-001

Amended: February 19, 1997

Resolution No. 7-006

CITY OF PACIFIC GROVE CITY COUNCIL POLICY

Policy Governing	Policy No.	Effective Date	Page No.
Council, Board, Commission and Committee Member Appearances at City Hearings and Meetings.	000-6	February 1, 1989	1 of 2

Statement of Purpose:

It is of paramount importance to the City Council that all City business be conducted in a fair and impartial manner. At the same time, the Council recognizes that citizens serving their community cannot be expected to give up their right of free speech. This policy is an attempt to establish guidelines which balance the individual's right of free speech with the community's right to due process through the fair and impartial conduct of City business.

Policy Governing Council Members:

Members of the City Council may attend and observe hearings and meetings of City boards, commissions and committees of which they are not members. However, since Council Members may later be required to review and act on decisions and recommendations of lower bodies, Council Members should not participate in or attempt to influence the decisions of such bodies.

Policy Governing Members of Boards, Commissions and Committees:

Appointed members of City boards, commissions and committees may attend hearings and meetings held by other City bodies of which they are not members. If the member is not attending at the direction of and as an official representative of another body, he or she may still participate in the meeting as long as it is clearly explained in advance that such participation is strictly personal and unofficial. Those who serve their community hold a public trust and they should avoid giving any appearance of unfairness.

It is intended that Boards, Commissions and Committees are provided ample opportunity to exchange information with the City Council during regular City Council meetings. It is recognized that the advisory bodies may benefit from direction by the City Council and that the Council may benefit from timely updates from advisory bodies on their progress and challenges. To foster this communication, the following provisions are adopted:

- Only members of the Board, Commission or Committee are permitted to speak on behalf of the body.
- The member presenting must be the Chair, or designated by the advisory body to present material to the Council.
- The material being presented must have been approved by the advisory body at a legally noticed public meeting.
- If the report requires action by the Council at that meeting, a legally noticed agenda report shall be prepared and submitted to the Council prior to the meeting.

Advisory body representatives who do not meet this criteria should speak during the public comment portions of the agenda and clearly identify that they are speaking as individuals and not on behalf of the advisory body.

Adopted: February 1, 1989
Resolution No. 5957

Amended: May 2, 2007
Resolution No.07-016