



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: March 21, 2017

TO: Carolyn Lehr, City Manager

FROM: Sheri Hartz, City Clerk

SUBJECT: Amending The Rules Of Procedure For City Council Committees And Community Advisory Committees, Revising The 2017 Local Roster Of Boards, Commissions And Committees And Providing Direction On Related Committee Matters

RECOMMENDATION

Staff recommends that the City Council take action related to the City's advisory bodies by approving the following resolutions:

1. Resolution Of The City Council Of The City Of Emeryville Amending The Regular Meeting Schedules Of The Budget Advisory Committee, The Budget And Governance Committee, The Public Art Committee, The Public Works Committee, The Sustainability Committee And The Transportation Committee; And Amending The Local Roster Of Boards, Commissions And Committees Accordingly
2. Resolution Of The City Council Of The City Of Emeryville Amending The Rules Of Procedure For Local Boards, Commissions And Committees Of The City Of Emeryville

Staff further recommends that Council engage in discussion regarding the ideas raised during the gathering of feedback at recent meetings of the City's various Committees, and provide direction on whether to bring items to the April 18, 2017 Council meeting for discussion and potential action:

- a. whether to resurrect the practice of appointing an ex-officio Council Member liaison as a resource to each Community Advisory Committee and whether it should be all Committees or on a case by case basis as requested,
- b. if either the Public Safety Committee or the Sustainability Committee, or some combination thereof, should take a role in working on the City's Emergency Preparedness planning and education,
- c. whether the Council would like to schedule Annual Reports, presented by Committee Chairs and Members at a special or regular Council meeting, rather than placing those reports on the Consent Agenda,
- d. any ideas the Council may have on encouraging public attendance at Committee meetings and promoting interest and engagement in Committee activities.

DISCUSSION

The City Council is being asked to approve resolutions amending our Local Roster and the Committee Rules of Procedure. The reason these actions are needed and the changes contained in the resolutions are outlined below.

Local Roster of Boards, Commissions and Committees

California Government Code Section 54970 et. seq. ("The Maddy Act Appointive List Act of 1975") requires cities and other local government agencies to annually prepare and publish, on or before December 31 of each year, a Local Roster of Boards, Commissions and Committees ("the Roster") of all regular and on-going boards, commissions and committees ("Advisory Bodies") which are appointed by the City Council. The Roster contains a list of both types of City Advisory Bodies and their appointed members; the necessary qualifications for each position; the meeting times, dates, locations and frequencies; term expiration dates and the composition of the membership. Changes to the Roster must be made by City Council resolution after first having been acted upon at the Advisory Body level.

The draft resolution to amend the current roster is attached to this staff report and contains the following changes requested by the various committees:

- **Budget & Governance** meetings moved to 2nd Thursdays in February, May, October and December
- **Sustainability** meeting start times moved an hour earlier, from 5:00 p.m. to 4:00 p.m.; same dates, frequency and location
- **Budget Advisory Committee** meetings moved to 2nd Thursdays in February, May, October and December; same time, frequency and location
- **Community Services** meetings changing location from City Hall to ECCL, Building B Conference Room; same time, dates and frequency
- **Public Art Committee** October meeting moved to the 1st Thursday; other months stay the same (2nd Thursdays); same time, frequency and location.
- **Public Works/Transportation Committees** meeting start times moved an hour earlier, from 11:00 a.m. to 10:00 a.m.; same dates, frequency and location

Rules of Procedure

The City Council has established Rules of Procedure ("Rules") for its City Council Committees and Community Advisory Committees to govern the conduct of their respective meetings. From time to time as needed, the Rules are amended in order to reflect updates to procedures or to add requested revisions as directed by the City Council. Upon review of the Committee Rules of Procedure, staff realized that certain aspects of the Rules were out of date and needed to be amended. It was also noted that some provisions contained in the Rules are not being followed and should be addressed. Performing an update at this time also provides an opportunity for the newly seated Council to propose any changes it would like to see discussed. Attached to this report is a copy of the proposed combined and amended City Council Committee and Community Advisory Committee Rules of Procedure, with changes and deletions

shown in “track changes” so that the City Council can differentiate between the current and proposed versions of the Rules.

The changes being proposed include:

- Creating one Rules of Procedure document for City Council Committees and Community Advisory Committees, differentiating between the two when differences exist.
- Clarifying the language related to establishment of a quorum.
- Incorporating similar changes as those recently made to City Council Rules of Procedure, for consistency.
- Reinstating the annual training in July for newly appointed Committee members
- Editing complicated or inaccurate language for ease of understanding.
- Correction of non-substantive clerical errors.

Aside from the changes noted above, there are some procedures already contained within the current Rules that have fallen into disuse but which the Council may wish to either re-establish or strike. These include:

- Creation of two-year work plans and annual reports by all Committees
- Staggering of Community Advisory Committee term expirations
- Enforcement of attendance rules.

These matters are touched on in more detail below and may require follow up at a subsequent meeting depending on whether changes to the Rules are requested.

Beginning in late February, the City Clerk attended one meeting each of all the City Council Committees and Community Advisory Committees, to discuss and get feedback on a list of questions that had been sent out in advance (attached). The only exception was the Housing Committee which cancelled its March meeting. Feedback from Housing Committee’s members was solicited in written form and has been incorporated into the detailed notes, which are attached to this staff report for reference.

The Parks and Recreation Committee discussed many potential changes to the operation of their committee, including changing the meeting time, the meeting frequency, the number of committee members, and the membership composition. The details of their suggested changes are contained in the Committee Feedback chart, attached to this staff report. Due to the broader scope of the changes the members are contemplating, the City Clerk recommended that they place an action item on their next regular meeting agenda, or perhaps call a special meeting, to discuss the changes and their potential ramifications before making a recommendation for Council consideration.

Committee Work Plans and Annual Reports

In 2015, a major restructuring of the City’s Committees and Commissions was undertaken and new rules established. At that time, it was recommended and approved that each Committee develop a two-year work plan and annual report for submittal to the City Council. It was felt at that time that creating bi-annual work plans would facilitate each

committee in maintaining focus on their scope of responsibility. In practice, however, many Committee members feel that too much time is devoted to the creation of the work plan that could be better spent on tackling issues and responding to community concerns as they arise. In lieu of a work plan, some members expressed that they would prefer to establish high level goals and principles to guide their work. The City Council is asked to consider whether to continue the committee practice of developing a two-year work plan and annual report.

Regarding an annual report to Council, it is staff's understanding that some Committees routinely report to Council on a yearly basis and others do not. Staff proposes that, to further the interest of increasing communication and contact with the Council, each of the committees should submit an annual report to Council that would be presented by the Chair, with as many Committee members present as are available. This could occur at a special City Council meeting called just for the purpose of hearing committee presentations, or it can occur at any regular meeting. The report would outline the committee's past year accomplishments and highlight the committee's top two proposed priorities for the coming year.

Establishing a Quorum and Enforcing Attendance Provisions

The section in the Committee Rules of Procedure regarding quorum is currently unclear. Staff is recommending revising the language to clarify that, for City Council Committees, both Council Members must be present to establish a quorum or the meeting must be cancelled, and, for Community Advisory Committees, a quorum consists of no less than a majority of the total number of established seats, regardless of whether or not they are filled. There has been confusion about both of these issues in the past, which hopefully the new wording will alleviate.

Regarding attendance, the Rules currently state that committee members must notify the Chair (or a designee) in advance of missing a meeting in order for their absence to be considered excused. The Rules are silent, however, on the amount of time in advance that notice must be given. There is no limit on the number of excused absences allowed, but three unexcused absences within a 12-month period constitutes grounds for automatic termination of membership from the committee without any City Council action.

Staff proposes that 24-hours advance notice be required for an absence to be considered excused. This requirement would help avoid the scenario where a member's late notice of non-attendance creates the lack of a quorum and other members are inconvenienced when the meeting must be cancelled at the meeting. Another situation of concern is when a member repeatedly requests and receives excused absences and is rarely present at a meeting. The current Rules contain no mechanism to address this problem. Staff proposes that the Rules should be revised to require that a member may miss no more than an established percentage of the total number of Committee meetings held in a term year (special and regular), whether excused or not.

Staggering Term Expiration

Currently, for our committees whose member terms are two years, all members' terms expire at once. This is not best practice and creates the potential that many seats could be vacated at the same time and either a majority of members could be newly appointed and have little or no experience, or, there might not be enough applicants to fill all vacated seats. Staff recommends that, with the upcoming June recruitment and appointments, term lengths are offset to alleviate this problem. The offset would be achieved by appointing some members to two year terms and others to three year terms for this one time only, and then returning to regular two year terms in the future, once the offset would have been achieved. Methods for deciding which members get which length terms include drawing lots, committee decision or Council action upon making the appointments.

Committee Member Training/Orientation

The Rules currently prescribe that Staff develop and hold a community advisory committee training workshop to be held in July following the annual appointments. Due to staff changes in 2016, this training did not occur, but staff recommends that it be held this July and going forward. The training would be mandatory for newly appointed community advisory committee members and would include, but not be limited to, conflict of interest issues; mandated use of and training in parliamentary procedure; the use of time limits for meetings and agenda items; development of annual committee reports; and the respective roles and duties of City staff and committee members. Those appointed to fill an unscheduled vacancy shall receive orientation from the committee's staff liaison upon assuming office, and thereafter attend the next City Clerk's July workshop.

CONCLUSION

Staff requests that the City Council approve the draft resolutions regarding the City's Local Roster of Boards, Commissions as well as to the Rules of Procedure for City Council Committees and Community Advisory Committees. Based upon Council's direction on the other matters discussed in this staff report, staff will prepare an item(s) for City Council action at the April 18, 2017 City Council meeting.

FISCAL IMPACT

None.

PREPARED BY: Sheri Hartz, City Clerk

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Carolyn Lehr, City Manager

ATTACHMENTS

1. Draft Version of Combined Rules of Procedure, shown in redline/strikeout to highlight proposed changes
2. Current Version of Rules of Procedure for Committees
3. Draft Resolution Approving Rules of Procedure Amendment
4. Draft Resolution Amending The 2017 Local Roster of Boards, Commissions, and Committees
5. Local Roster, shown in redline/strikeout to highlight proposed changes
6. Definitions/Descriptions Exhibit
7. List of Committee Questions
8. Committee Feedback Chart