

City of Pittsburg

Handbook for City Advisory Bodies

Prepared by the City Clerk's Department

City of Pittsburg

November 19, 2018

Table of Contents

Welcome and Orientation.....	3
Advisory Bodies by Departments.....	3
Introduction	
Purpose for Advisory Bodies.....	4
How Appointments Are Made.....	4
Eligibility Requirements/Qualifications	4
Term of Office.....	5
Use of Title	5
Resignation/Removal from Office	6
Meeting Times.....	6
Attendance.....	6
Code of Conduct – Rules of Civility Generally	7
Meetings: Standard Meeting Protocol.....	8
Agenda Preparation and Posting	8
Preparation for Meetings.....	9
Rules of Debate.....	10
Decorum in Meetings.....	12
Role of Chair.....	13
Preparing Motions.....	14
Minutes	15
Advisory Body Role and Relationships	16
Council-Advisory Body Relationship.....	16
Staff-Advisory Body Relationship.....	17
Staff Responsibilities.....	18
City Clerk.....	18
City Attorney.....	18
Legal Matters	19
The Brown Act.....	19
Meeting Types.....	19
Regular Meetings.....	19
<i>Ex Parte</i> Contacts.....	20
E-mail Communications Between Members.....	20
AB1234 and Ethics Training Requirements.....	21
Adjournment or Continuance.....	21
Subcommittees.....	21
Appeals.....	22
Conflict of Interest.....	22
Recusing Yourself.....	22
Communications with the Public Outside of Meetings...	22
Social Media	23
Advisory Body Jurisdiction.....	23
Acknowledgement	26

Welcome and Orientation

Welcome and thank you for your willingness to serve as a member of a City of Pittsburg advisory body. While the City Council sets the goals and priorities for the City and its Commissions, you play an important role in City governance by assisting the City Council in addressing specific issues in detail, lending professional expertise, facilitating community decision-making, and serving as a primary conduit between residents, City staff and departments, and the City Council.

The City of Pittsburg has a varying number of advisory bodies, each with distinct responsibilities. As a new advisory body member, you should familiarize yourself with the documents governing your particular body: these may include City ordinances, City Council resolutions, advisory body bylaws, relevant element(s) of the General Plan, and other documents, all available from your staff liaison. Review of these documents will help you get a sense of what your responsibilities are and what they are not.

This Handbook is designed to serve as a reference for the basic protocols that apply generally to all City advisory bodies. Orientation is necessarily an active process. As a new member you may want to meet with the Chair of your advisory body to get a better sense of your role and the business of the body, as well as with the staff liaison assigned to the body. Along with familiarizing yourself with your advisory body's foundational documents, you may want to review agendas and minutes from recent meetings to see what current issues have been under consideration, as well as the advisory body's work program to familiarize yourself with current goals.

Learning your role and developing an effective voice takes time and familiarity. We hope this Handbook will assist you towards a satisfying and productive experience. Your participation is deeply appreciated by all around you – by the City Council, by City department staff, and by your community. The vitality and strength of our community is found in the willingness of people like you to serve.

By signing this Handbook, each Commissioner agrees to the terms hereof.

Advisory Bodies by Departments

<i>Advisory Body</i>	<i>Department</i>	<i>Date Established</i>
Community Advisory Commission	City Manager	1974
Historic Resources Commission	Planning	6/15/81
Housing Authority	Housing	1/1/67
Planning Commission	Planning	7/25/81
Measure M Citizens Oversight Committee	Finance	2/19/13
Sister Cities Committee	Economic Development	7/6/98

Introduction

Purpose for Advisory Bodies

Advisory bodies play an important role in City government by assisting and advising the City Council, the body that formulates policy. Advisory bodies develop recommendations and present supporting information to the City Council, based on the Council's annually adopted goals, policies and priorities for the following fiscal year. Certain advisory bodies have the authority to make final decisions; some decisions may be appealed to the City Council.

Boards and commissions are established by ordinance, while committees are usually established by a motion or resolution to address particular projects or specific areas of concern. Task forces generally are given a defined period of time to accomplish their tasks and are known as ad hoc committees.

Members of City boards and commissions serve at the pleasure of the City Council. Appointments may be terminated at any time, without cause.

How Appointments Are Made

Applications

Any resident interested in serving on an advisory body is invited to complete an application form and submit it to the City Clerk's Department. Applications remain on file for one year. When a vacancy occurs, it is publicized, and applications of persons interested in serving on the particular body are accepted. The applications will be forwarded to the City Council for action. Interviews are typically held prior to a Council Meeting with appointment made by the Council at the next consecutive meeting.

Pursuant to the Maddy Act, a list of the City's commissions and appointments is posted at City Hall each year by December 31 and updated as vacancies occur and appointments are made.

Eligibility Requirements/Qualifications

Applicants are required to be residents and qualified electors of the City of Pittsburg at the time of appointment and throughout their term to remain Commissioners. Applicants agree to the same background checks, and fingerprinting as applicable, as City employees, as a prerequisite to being appointed as a commissioner. Such information, including information from personal interviews, shall be considered as part of the appointment process. Upon appointment, all new members are sworn in by the City Clerk, or a deputized member of the City Clerk's Department.

For all boards, commissions, and committees, members are required to file annual Statements of Economic Interest (Form 700) with the City Clerk's Department. A Commissioner's failure to file the Form 700, after two notices from the City Clerk, shall be deemed a resignation from office. Each Commissioner shall also attend an AB 1234 training seminar within six months of appointment. Additional training may be required as directed by the City Council. Required travel will not extend outside of California.

Term of Office

Effective January 2019, Commission members' terms will begin and end on the second meeting in March of each year. This schedule will facilitate required training, particularly for Planning Commissioners, and will ensure all Commissions are on the same timetable. The City's target is for recruitment to begin in January after a newly re-organized Council seating, with interviews scheduled for the first meeting in March and seating of new Commissioners at the second meeting in March.

Unless otherwise specified, the term of office for members of boards, commissions, and committees is two years. The term of office for members of an ad hoc committee is generally for the life of the specific issue. Members of permanent advisory bodies shall not serve more than four consecutive two-year terms. According to City Council policy, members who have served six years or less at the time their terms expire are eligible for reappointment. After a member's third consecutive term expires, there must be at least a one-year break before that member may be appointed to the same advisory body. The City Council may reappoint members of boards, commissions, and committees to serve on other advisory bodies upon expiration of their current terms of office, or to the same commission if there are no other applicants or if the Council has already considered the current applicants and determined to reappoint an existing member whose term has exceeded the term limits.

A member of a board, commission or committee may not serve simultaneously on more than one City board, commission, or committee. However, a member of a task force or committee with a sunset date of less than thirteen (13) months in the future may also serve on another board, commission, committee, or task force. There are outside agency boards and commissions to which the City Council may appoint a current commissioner as the City's representative.

Authorizing Documents

The City Council approves the formation, composition, and responsibilities of all advisory bodies. Some advisory bodies, such as the Planning Commission, have responsibilities as delegated to it by the City Council under State law. All advisory bodies operate under Council control and direction and are responsible to the Council for compliance with the Council's annually adopted goals, policies and priorities for the following fiscal year, the Municipal Code, and the Brown Act.

Bylaws

Each advisory body's operations, procedures, and duties are established in adopted by-laws. Bylaws are reviewed by the City Attorney and approved by the City Council.

Use of Title

Members of an advisory body are referenced as "Commissioner," or, when appropriate, "Chair" or "Vice-Chair" during the performance of the duties related to the City body to which they have been appointed. Commissioners may use their title only for official City business, as approved by the governing body of which the Commissioner is a member. On occasion, members of the advisory body may be called on to represent the City of Pittsburg in their official capacity as a representative of the City Council that appointed them. However, it is

never appropriate for members of any advisory body to adopt the title "Commissioner," "Chair" or Vice-Chair" of the advisory body for use during the course of their private or personal business, such as signing communications with business contacts or being introduced at functions outside the City of Pittsburg with the title "Commissioner," "Chair" or Vice-Chair" before their name.

Resignation/Removal From Office

Commissioners serve at the will of the City Council Members. Appointments may be terminated by the City Council at any time, without cause. Please reference the following:

"Pittsburg Municipal Code Section 2.04.060 City Commissions – Appointment – Removal from office of city commissioners – Conduct of business of city commissions

"A. Commission appointments shall be made by the city council. Unless the appointment involves filling a vacancy, the term of a newly appointed commissioner shall begin on the second meeting of March each year. The city council may remove, at its pleasure, any commissioner during his/her term of office, by a majority vote of the city council.

"B. Commissioners who have reached their term limits, who resign or are removed from a commission by the city council must wait one year before seeking appointment to the same commission. The city council may adopt, by resolution, guidelines and requirements for the conduct of commission business."

A board member or commissioner who resigns shall do so in writing by letter to the City Clerk.

Meeting Times

City advisory bodies meet on a regular basis, usually monthly or semi-monthly. All meetings are open to the public, including workshops and study sessions. The calling of a special meeting, or the cancellation of any regular meeting, must be coordinated between the Chair and staff, and shall be subject to legal notice under the Brown Act. Advisory body members must also be notified in advance of the canceling or scheduling of any meetings.

Meetings

No business is transacted without a quorum. A member who is unable to attend a meeting is responsible for notifying the Chair, the City Clerk, and staff liaison at the earliest possible time.

Chair and Vice Chair Election

Each advisory body elects a Chair and a Vice Chair annually, as specified in the bylaws.

Attendance

For advisory bodies to function effectively and accomplish their goals, all members must be active participants. This means all members must be present at all meetings. Any member who is absent for three consecutive regular meetings, without approval by way of formal

action of the City Council, shall be deemed to have resigned his/her position on the advisory body. Additionally, any member who misses twenty five percent (25%) or more of the regular meetings in any twelve-month period, without approval of the City Council by way of formal action, shall be deemed to have resigned his/her position on the advisory body. If a scheduled regular meeting is cancelled due to a lack of a quorum, any member who had previously notified the Chair, Clerk or staff liaison that he or she would be unable to attend the meeting, or is otherwise unavailable to attend the meeting, will be deemed absent from the meeting, despite the meeting's cancellation, for the purpose of this section.

If a member must leave a meeting early, the member should so advise the Commission chair and clerk as soon as possible and, preferably, before the meeting begins. If the member's early departure from the meeting results in the lack of a quorum, then the member's early departure shall count as an absence.

If a member will be late to a meeting, the member should endeavor to contact the Commission chair or clerk to provide that information. If a member arrives at a meeting more than thirty minutes after the scheduled time for the meeting to begin, the member's late arrival shall count as an absence.

Attending a meeting by video or teleconferencing shall be avoided unless there would otherwise be a lack of a quorum for matters that require a supermajority vote of the Commission. It is preferable that Commissioners not schedule vacations, out of town trips or business matters that would require the need for the additional noticing and electronic requirements of video or teleconferenced meetings.

Other

A complete listing of all City of Pittsburg advisory bodies, along with the meeting days, times, and locations, and the City department responsible for staffing, is available in the City Clerk's Department. The Local Appointive List is posted on the Public Noticing Boards at City Hall as required by the Maddy Act. Membership rosters are available in the City Clerk's Department and are public record. Please notify advisory body staff promptly of any changes in your address or other personal information.

Code of Conduct

Board and Commission members should avoid impropriety in the exercise of their official duties. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the council, boards, or commissions, the public and staff.

Board and Commission members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Acting as if they were on official duty regardless of where they are or what they are doing.

- Avoiding personalizing issues by engaging in name-calling or personal invective, speaking in a derogatory or belittling manner towards those with whom one disagrees, whether they be colleagues or members of the public.
- Remembering that all board and commission members are representatives of the public, and as representatives and servants, should treat each other and those they represent consistent with such high principle.
- Using their best independent judgment to pursue the common good; presenting their opinions to all in a reasonable, forthright, consistent manner; and making decisions which will promote the general and long-term interests of the city and its citizens.
- Keeping an open mind and being able to consider the opinions and ideas of others, even when board and commission members disagree with those opinions.
- Listening to all testimony, and not reaching conclusions on issues until all interested parties have had an opportunity to express their position, or otherwise acting in a manner that would affect a party's right to a fair hearing.
- Showing respect for their offices and not acting in ways that reflect badly on those offices and diminish public respect for the office or the city.

Board and Commission members should be able to assert policy positions and opinions without fear of reprisal from fellow officials or citizens. Board and Commission members should not question the ethics of another member because they disagree with that member on a question of policy.

Meetings: Standard Meeting Protocol

Agenda Preparation and Posting

Agendas for advisory body meetings shall be prepared by staff in consultation with the Chair, following the standard agenda format approved by the City Council, and based on the Council's annually adopted goals, policies and priorities for the following fiscal year

The *Title* and *Recommendation* of each item on the agenda shall be descriptive and understandable to the public to conform to Brown Act requirements.

The posted agenda also shall indicate when opportunity is provided for members of the public to address the advisory body.

If an advisory body member or staff intends to bring up an item for discussion or action, the item must be included on the agenda. Members of advisory bodies may request that the Chair or staff place any item within the purview of the advisory body on a future agenda. However, as with the City Council meeting agenda, the City Manager makes the final decision as to what is, or is not, on the agenda.

Discussion or action on items that are not included in the posted agenda may only occur in very limited circumstances at a regular, not special, meeting. To discuss or act on an item not included in the posted agenda, an advisory body must:

- Determine that "the need to take action" arose after the agenda was posted, and that the action is required prior to the next meeting.

- Approve the determination by a vote of at least two-thirds of the members of the body or by a unanimous vote if less than two-thirds of the members are present.
- Move, second, and vote on the item once the determination is approved.
- Include that action in the meeting's minutes along with a brief explanation of the circumstances stating the need for action and the reason the need arose after posting the agenda.
- In general, if members or staff knew of the need to act before posting the agenda and if the item was not included for reasons of scheduling convenience or oversight, members may not determine that the need arose after the agenda was posted.

Information items placed on an agenda may not be acted upon at the meeting. Any member may, however, request that the information item be placed on a future agenda for action.

The agenda shall be posted at least 72 hours prior to any regular meeting in a place visible to the public, according to Brown Act regulations. A notice of adjournment shall be posted at the door of the meeting, within 24 hours of adjournment.

Staff will make every effort to post and distribute meeting agendas in a timely manner and in most cases well in advance of the 72 hour Brown Act requirements.

Staff shall maintain a record of the agenda and notice of adjournment posting.

Preparation for Meetings

- Be prepared. Thoroughly review the agenda packet, including agenda reports, and any other materials *before* the meeting. The issues that come before advisory bodies are important to the community as a whole and demand your consistent attention. In agreeing to serve on an advisory body, you make a commitment to put in the time required to prepare fully for each meeting.
- Understand what action you are being called on to take regarding each particular agenda item.
- If you have questions regarding the agenda or agenda report, contact the staff liaison before the meeting to clarify questions or request further information. This is preferable to you conducting your own independent research. Conducting independent research may result in your unintentionally obtaining incorrect or out-of-date materials. Using City staff allows you to utilize their years of training and knowledge of Citywide issues. Interaction with City staff should be respectful and professional; it should go through the Board secretary or the staff assigned to your Commission.
- Introducing substantive and/or substantial new information relating to an agenda item, not previously provided to staff in sufficient time for staff review, may result in continuance of that agenda item.

- Know the responsibilities of your advisory body, as well as the limitations of your individual authority. As a member of an advisory body you will be asked to provide recommendations to the City Council about specific issues. Keep in mind that your appointment does not empower you to direct or to supervise City staff.
- Keep an open mind. An objective, balanced, and receptive approach will help you assess the facts of a given issue, and evaluate new ideas. When receiving written and oral public testimony it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those which are secondary to the issue at hand. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgment or take a position. Expressing your opinion on a specific matter, prior to a meeting may result in your being disqualified from discussing or voting on that matter, due to pre-decisional bias.
- Minimize, or even avoid, contact with the project applicant or project opponents prior to the meeting where you will hear the matter in question. Such unilateral or “ex parte” communication is better handled by staff who is familiar with the issues and will publicly and fully brief the Commission at the appropriate time. Any ex parte communication should be disclosed when the Commission hears the matter.
- Strive to appreciate differences in approach and point of view. Diversity of ideas sustains a thoughtful dialogue and a vibrant community. Likewise, take care to articulate your own ideas: remember that your individual voice is a critical part of the whole dialogue. Again, furthering common goals takes cooperation, flexibility, and a broad-based view of the public interest. If in doubt, return to the foundational documents to guide your understanding of the complexities of an issue.
- If you are unsure about something *during* the meeting, ask for clarification. On behalf of the public, your understanding of issues is important. Each advisory body has a City staff liaison to provide information to assist the members throughout the decision-making process.

Rules of Debate

Chair

The Chair may debate and may second motions, but may not make a motion. The Chair is subject to the limitations of debate that are imposed on all members and, except for making motions, shall not be deprived of any of the rights and privileges of a member.

Advisory Body Members

Every advisory body member desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate. A member, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g., for a point of order, parliamentary inquiry, question of privilege, or appeal of Chair’s procedural ruling).

Public meetings will proceed smoothly if all participants keep the following tenets in mind:

- (1) We may disagree, but we will be respectful of one another.
- (2) All comments will be directed to the issue at hand.
- (3) Personal attacks shall be avoided.

Addressing the Advisory Body from the Floor

Sign in sheets for attendance shall not be allowed unless statutorily required for a specific item (i.e. some HUD items).

Securing Permission to Speak

Any person desiring to address the advisory body shall first secure permission from the Chair. Any advisory body member may also request of the Chair that a member of the public be recognized to speak.

Remarks shall be directed to the matter being considered.

Individuals

Persons addressing the advisory body are encouraged, but not required, to fill out a speaker card, as well as stating their name in an audible tone of voice for the record. This is helpful for the Clerk recording the meeting. The time limit shall be as stated in the agenda, or as directed by the Chair.

All remarks shall be addressed to the advisory body as a whole and not to any individual member or to members of the audience. Without the permission of the Chair only members and the person addressing the advisory body shall be permitted to enter into any discussion. Each member of the public who wishes to speak should be allowed to do so without interruption by members of the advisory body. If one or more public speakers have questions, it is generally preferable for staff and/or the Chair to respond to such questions at the close of the public comment period. While an individual commissioner may at times have one or more questions for a person speaking under public comment, commissioners should minimize the questioning of persons speaking under public comments to avoid the appearance of debating that individual.

All remarks shall be delivered in a respectful manner.

Spokesperson for Group Presentations

Organized groups that wish to make a presentation longer than the time allowed for in the agenda should contact the advisory body staff prior to the meeting.

Addressing the Advisory Body after Motion Made

After a motion is made by the advisory body, no person shall address the advisory body except upon the request of the Chair, or a member of the advisory body through the Chair.

Decorum in Meetings

Proceedings

- Start meetings on time. Keep the agenda in mind in order to give each item the appropriate time.
- Announce at the start of a meeting if the order of agenda items is to be rearranged for convenience, for response to those attending only for certain items, or for better pacing of the agenda.
- Let the Chair run the meeting.
- Be fair, impartial, and respectful of the public, staff, and each other. Give your full attention when others speak.
- Learn to trust your own good judgment on decisions.
- Remember that people may be attending a meeting for the first time, and may be unfamiliar with your procedures. In your discussion, either avoid or explain technical terms or verbal shorthand, particularly acronyms.
- Listen to audience concerns. Do not engage in side conversations or otherwise be distracted during public testimony. The opportunity for public testimony is central to the strength of democracy, and is therefore encouraged. Active listening, however, does not mean engaging the public in debate. Your response or expression of your opinion on the matter is appropriately saved for after the public testimony is closed.
- Close the public testimony before you begin serious deliberation on an issue.
- Sometimes questions can most effectively focus discussion and direct decision-making. For example:

For staff:

- What is the history behind this item?
- What are the benefits and drawbacks?
- What other alternatives did you consider?

For other advisory body members:

- What do you think about this item?
- What have you heard from the residents?
- What is in the public interest?
- Who benefits from this decision? The applicant? The public? Both?
- What would it take for you to support this?

For the public (at a hearing):

- What are your concerns?
- How will this proposal affect you?

- What specific, constructive, alternatives can you recommend?

For yourself:

- What are we trying to accomplish?
 - What are the long-range interests of the community?
 - What guidance can be found in our foundational documents?
- Often you must balance multiple views, neither favoring nor ignoring one individual or group over another. Your obligation is to represent a broad-based view of the community's long-range interests.
 - Remember that your advisory body exists to take actions. It is not simply a discussion group or debating society.
 - Courteous and professional behavior from members of the advisory body is not only expected, it is required. As appointed representatives of the City Council, your ability to treat all who come before the body with respect, even those with whom you disagree, is an important part of your service.
 - Endeavor to end meetings at a reasonable hour. Short breaks may be helpful during long meetings. Extending the meeting beyond an appointed hour may be subjected to a vote when that hour nears. All meetings shall end by 10:00 pm, unless the Commission votes to extend the meeting past that time.

Use of electronic media during a meeting is limited to emergency purposes only. Commissioners are to avoid distractions from the subject matter of the meeting. There shall be no posting of comments on social media about the meeting during the meeting, and no monitoring of comments posted about the meeting during the meeting.

Role of Chair

The Chair shall preserve order and decorum at all meetings of the advisory body, announce advisory body decisions, and decide questions of order. The Chair is responsible for ensuring the effectiveness of the group process. A good Chair balances moving the discussion forward, involves all of the advisory body members and allows for adequate public participation. In the physical absence of the Chair, the Vice Chair shall act as presiding officer.

Responsibilities of Chair

- Ensure that the public understands the nature of the issue being discussed (for example, reason for discussion, process to be followed, opportunities for public input, timeline for decision).
- Keep discussion focused on the issue at hand.
- Endeavor to rearrange the agenda so that items with fewer public speakers will be heard before items with more public speakers.

- Generally, an applicant should only be allotted 15 minutes for its presentation. All other speakers shall have a maximum of three minutes. Speakers shall not be allowed to “give” their three minutes to another speaker.
- Solicit opinions from advisory body members before offering the opinion of the chair. Encourage evaluation of new, tentative, or incomplete ideas. Discourage overly dominant advisory body members from having disproportionate control over the discussion.
- Protect advisory body members, staff, the applicant, and the public from personal attacks.
- Provide structure for addressing complicated issues.
- For major items, delay analysis and action until the full range of alternatives is on the table.
- Attempt to reach decisions expeditiously on action items. At those times when action would be premature, guide discussion toward a timeline or framework for responsible action.

Preparing Motions

Advisory body meetings usually are conducted according to parliamentary procedure. The Chair directs the meeting, and his/her rulings must be followed unless they are overruled by the body.

When a member wishes to propose an action on a particular item on the posted agenda for the advisory body to consider, the member makes a motion. A motion goes through the following steps:

1. The member asks to be recognized by the Chair.
2. After being recognized by the member makes the motion: *“I move that we . . .”*
3. Another member seconds the motion: *“I second the motion.”*
4. The Chair restates the motion and asks for discussion on the motion.
5. When the Chair determines that there has been enough discussion, the debate may be closed with: *“I call the question.”* or *“Is there any further discussion?”*
6. If no one asks for permission to speak, the Chair then puts the question to a vote: *“All those in favor say ‘aye.’ All those opposed say ‘nay’.”* The Chair should restate the motion prior to the vote to ensure the motion is clearly understood by all. Any member may request a roll call vote on a motion.
7. After the vote, the Chair announces the decision: *“The motion carries unanimously,”* *“The motion carries four to three (list individually if requested),”* or *“The motion has failed.”*

Some common motions include:

- Delay consideration: *I move to continue the item until (date specific, or date uncertain).*
- End discussion – A motion to table an item is not subject to debate and must be voted on immediately.
- Close Debate: *I call for the question.*
- Limit or Extend Debate: *I move to limit or extend debate to...*
- Request More Study: *I move to refer this to staff or (committee) for further study.*
- Amend a Motion: *I move to amend by...* If the amendment is accepted by the maker and seconder of the main motion, then it's considered a "friendly amendment" and no separate vote is required. If it is not accepted, then a separate vote to amend the main motion is required. The amendment must be voted on before the main motion.
- Adopt a Staff Recommendation: *I move to adopt staff's recommendation to...*
- Deny Staff Recommendation: *I move to deny staff's recommendation to...*
- Modify a Motion: *I move to adopt the recommendation with the following modifications...*

Properly phrasing a motion can be difficult and corrections may be necessary before it is acted upon. Until the Chair states the motion, the member making the motion may rephrase or withdraw it. Only motions that are voted on will appear in the minutes.

Members may wish to write out difficult motions. If a motion gets too complicated, call a recess and have staff assist with the wording.

It is best to avoid including more than one proposal in the same motion. This is especially important when advisory body members are likely to disagree.

Any member may ask the chair to divide a motion. If others do not object, the chair may proceed to treat each proposal as a separate motion.

Minutes

Minutes of meetings are vital records and are mandated by government code. By definition minutes provide "the record of actions taken." Following City Council protocol, Commission minutes will be adopted as "Action" Minutes. In the rare instance that verbatim minutes are required for a particular item, reporting services are available. Workshops are generally for discussion of matters, where no action is taken. Therefore, minutes typically are not taken of workshops.

Advisory Body Role and Relationships

Members of commissions, like others who are charged with conducting the public's business, must do so in the "public interest." Unlike a special interest, where a limited number of people would stand to benefit or profit, the public interest represents the maximum number of benefits flowing to society at large and not to selected individuals or groups. In the case of the Planning Commission, commissioners need to determine what constitutes the public interest as decisions are made on variances, conditional use permits, rezones and other matters.

The following pointers may help in keeping the public interest foremost in the decision-making process:

- Remember who the client is. It is not the applicant but the public at large and the interest which that public represents. It is not just the people in the meeting room, but all those who are at home, too. It is everyone that lives in the community and abides by the Planning Commission's decisions.
- The question of who benefits from the decision should be asked. Does the applicant benefit at the expense of the public? Does the public benefit? Both?
- The public interest includes the interest of all members of the community, not just the interests of selected members
- Decisions made in the public interest should consider, to the extent possible, future as well as current generations.

Council-Advisory Body Relationship

The primary purpose of all advisory bodies is to provide judicious advice to the City Council, the elected policy-making body of the City. The advisory body's role can include hearing public testimony on the Council's behalf, building community consensus for proposals or projects, reviewing written material, facilitating study of critical issues, guiding the implementation of new or regulating established programs, assessing the alternatives regarding issues of community concern, and ultimately forwarding recommendations to the Council for consideration. There are times when the advisory body's recommendation will not be sustained or will be modified by the City Council. It is important to recognize this not as a rejection of the integrity of the recommendation, but as an inevitable part of the process of community decision-making.

Throughout this process, the form and formality of the relationship between advisory body members and Councilmembers will vary. Some advisory body members will have regular contact with individual Councilmembers, while others may serve solely in the group context. This relationship will depend on your advisory body as much as on you and the Council. For example, there are times when the Chair may address the Council formally on behalf of the advisory body, and other times when an advisory body member may meet with a Councilmember individually. At all times it is important to aim for clarity and mutual respect for the different responsibilities and roles.

In all cases, however, members of City commissions serve at the pleasure of the City Council. Appointments may be withdrawn at any time, without cause.

Staff-Advisory Body Relationship

The relationship of the advisory body and staff is an active, continuous, and nuanced one. Both advisory body and staff are motivated by the shared goal of furthering the City's best interests. Yet while the goal is shared, there are times when the approach and responsibility towards implementing the goal are significantly different. Some things that one body can do, the other cannot. Sometimes staff may wish to accomplish a specific goal, but due to the constraints of their employment, they may not readily be able to advance their ideas. Likewise, the advisory body recognizes obligations to fulfill larger objectives that staff, in their demanding workloads, may sometimes overlook. Because the distinctions in responsibility are not always explicit, cultivating a balanced understanding of your role is essential. The interaction need never be adversarial, but rather can promote respect for different perspectives, and appreciation for each other's strengths.

In the case of the Planning Commission for example, the Planning Manager or staff person may work for the Planning Commission but is not hired by the Planning Commission. The Planning Commission needs to understand that although the planner may serve as its staff by preparing findings and reports, the position is accountable to the Community Development Director, who is, in turn, accountable to the City Manager. It is within the Planning Commission's authority to seek information from the planner, to ask for recommendations on actions before the Planning Commission and to rely on the planner's ability to provide technical assistance and expert knowledge.

It is not within the Planning Commission's authority, however, to tell the planner to prepare a new General Plan or rewrite the zoning code. These kinds of major undertakings must be approved by the City Council, although the Planning Commission may recommend that the City Council direct staff to undertake a particular study.

In order to recognize the range of roles and responsibilities, some facts to remember are:

1. Know the reporting relationships. In the City of Pittsburg, the staff liaison reports directly to the department supervisor.
2. How is direction given? Can a study be directed to the staff from an advisory body or must it be given through an administrator or elected body?
3. How are staff proposals and recommendations handled? Staff strives to provide the advisory body with its best professional judgment, and this should be continuously encouraged.
4. How are disputes between advisory body members and the staff handled? Proper lines of communication should be established beforehand to deal with any problems. While minor miscommunications may occur from time to time, ongoing conflicts between staff and advisory body members shall be reported directly to the City Manager as soon as possible. It is not appropriate for advisory board members to debate, argue or criticize staff in public or in private. Instead, conflicts should be discussed in a private setting with the City Manager or his/her designee present.

Staff Responsibilities

Important staff responsibilities include:

- Being informed about the latest developments in their field.
- Providing background and expressing professional opinions and views to the advisory body on important issues.
- Providing administrative support, including agenda preparation and minute taking at meetings.
- Maintaining a professional position on all topics.
- Assisting the advisory body to stay on track and focused.
- Interpreting City Council, City department, and relevant state, federal, actions and policies.
- Making sure the intent of the advisory body is not lost after a decision.
- Developing a positive rapport with the Chair and advisory body members.
- Alerting advisory body members of possible detrimental actions.
- Presenting advisory body recommendations to the City Council.

In the event that the recommendation of staff and the recommendation of the advisory body differ regarding a given issue, both recommendations should be presented to the City Council. Staff and the advisory body will decide together how to handle presentation of the alternatives to the Council. The format may vary. For example, both staff and the advisory body can each present a report. Or, staff can present both alternatives, with the advisory body Chair or chosen member delegate present to answer Council's questions. When there is a significant minority opinion, it can also be brought to the attention of the Council, either as a separate report, or as testimony from an advisory body member. Regardless of the approach chosen, every effort should be made by staff to include the approved advisory body minutes of the relevant meeting(s) as part of the Council agenda report.

City Clerk

The City Clerk is a resource for advisory bodies. The City Clerk's Department accepts and maintains applications, processes appointments, updates membership rosters, bylaws, informational booklets, and yearly attendance records. The City Clerk is also a resource with respect to the Brown Act, agenda processing, and meeting procedural questions. The City Clerk is the filing officer for Statements of Economic Interest, and any other required filings as identified by the City Council and by the State.

City Attorney

The City Attorney is a resource for understanding compliance with the Brown Act, for

agenda legality issues, meeting process questions, and conflict of interest determinations. Members are encouraged to rely upon the City Attorney for legal analysis. The City Attorney's legal opinion shall be the primary source of legal expertise for the City's advisory bodies.

Legal Matters

The Brown Act

City of Pittsburg advisory bodies are subject to State law governing both meetings and records. The California law governing open meetings is found in the California Code, Government Code, and Sections 54950-54962. It is popularly referred to as "The Brown Act." The general intent is that advisory bodies act openly and that their records be open to the public.

Exemptions may exist and each body should orient new members on what, if any, exemptions exist for their meetings and records.

The full text of the Brown Act can be found on the internet at:

<http://caselaw.lp.findlaw.com/cacodes/gov/54950-54962.html>

Meeting Types

The Brown Act recognizes two types of meetings: regular meetings and special meetings. Regular meetings are held at the time and place specified in the bylaws or are meetings which have been "adjourned to" and are referred to as adjourned regular meetings. Special meetings may be held at a different time or place to discuss issues that cannot be accommodated on regular meeting agendas but must still comply with notice requirements.

Advisory body staff is responsible for identifying the type of meeting and posting all notices, including the agenda and notice of adjournment.

Regular Meetings

The Brown Act requires each legislative body to set the time for regular meetings by ordinance, resolution, bylaws, or whatever specifies the conduct of that body's business. Traditionally, this has been the bylaws of the legislative bodies. City Council approves all changes in bylaws, including the change of scheduled meeting dates and times.

Under City Council policy, meetings are generally held at City Hall or at other City facilities. Meetings may be held outside City facilities when City space is not available. Neighborhood meetings will be held outside City facilities.

The Brown Act generally requires boards and commissions to conduct public meetings. A "meeting" is considered to take place any time that a quorum of the advisory body gathers to discuss that body's business; the Brown Act prohibits a quorum from meeting privately. To this end, the Brown Act specifically prohibits "any use of direct communication, personal intermediaries or technological devices . . . employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by

the members of the legislative body.” Hence the prohibition extends not only to personal contacts of the advisory body members among themselves outside the public meeting context, but also prohibits “serial” meetings whereby information is ultimately exchanged among a quorum of advisory body members whether or not simultaneously in one another’s presence.

Ex Parte Contacts

Ex parte is a Latin term that means “from or on one side only.” It is related to the Brown Act in that it deals with public officials being influenced outside the public forum without the benefit of hearing all sides of an issue. Contacts that occur away from the hearing are known as *ex parte* and can include telephone calls, informal meetings, lunches or even a casual encounter on a street corner. The essential element of *ex parte* contact is that someone with a direct interest in a decision before the Commission, such as an applicant, a representative of the applicant or an opponent of the applicant, is attempting to influence or secure a vote outside the public forum.

The following guidelines should be considered in dealing with *ex parte* contacts:

- If someone contacts a Planning Commissioner discuss an issue involving the rights of specific individuals or particular parcels of land, the Planning Commissioner should refrain from stating his/her position and invite the person to present their testimony before the whole Planning Commission.
- If someone persists in offering information but is unwilling to testify before the whole Planning Commission, tell the person to put the information on the record, preferably by sending a letter to City staff.
- Written information on a pending Planning Commission action should be sent to staff for review and/or inclusion in the Planning Commission packets.
- If you make a site visit with or without the applicant, disclose that fact on the record before the meeting begins.
- If you have *ex parte* contact with a member of the public, applicant or interested party, disclose that fact on the record before the meeting begins.

Above all, commissioners should use common sense and good judgment when dealing with applicants and other interested parties outside a public forum.

E-mail Communications Between Advisory Body Members

Because e-mail communications can ultimately lead to the exchange of information intended to, or which may, create collective concurrence among a quorum of advisory body members, e-mail communications between advisory body members relative to advisory body business should be avoided. While three members of a seven-member board, for example, may appropriately communicate with one another by way of e-mail, the “forwarding” of such an e-mail message on to a fourth member would result in a Brown Act violation.

Ethics Training, AB 1234 Training, and Other Training Requirements

Each Member shall receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service. New Members must receive this training within their first six months of service on a Commission. An individual who serves on multiple legislative bodies need only receive two hours of ethics training every two years to satisfy this requirement for all applicable public service positions. The City may develop its own ethics training course or use an outside provider. If the City develops its own ethics training, the City must consult with the Fair Political Practices Commission and the State Attorney General. The City shall maintain all records relating to a Members' ethics training for at least five years. These documents are public records subject to disclosure. (Resolution No. 06-10462 and 09-11310) Failure to obtain this training within the specified time period and present a certificate of completion to the City Clerk shall be deemed to be resigned from office.

Each Planning Commission member shall attend biennial training by the Planning Manager, or designee, and by the City Attorney, relating to CEQA, land use, and related issues. A newly appointed member shall attend such training within six months of appointment.

Planning Commission members shall attend the League of California Cities Planning Commissioner Training as needed.

Adjournment or Continuance

A legislative body may adjourn or continue any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the adjournment or continuance notice. A copy of the adjournment or continuance notice shall be conspicuously posted on or near the door where the meeting was held within twenty-four (24) hours after the time of adjournment or continuance. If the matter is continued to a time less than twenty-four (24) hours after the adjournment, a copy of the continuance notice shall be posted immediately following the meeting that was continued.

Subcommittees

Standing Committees

A standing committee is defined as a body that shall exist more than six months made up of less than a quorum of an advisory body with a specific charge. Council must approve the establishment of a standing committee, and standing committees must meet the requirements of the Brown Act, including notice and posting of agendas.

"Less-Than-a-Quorum, Ad-Hoc Committee Exception"

Most boards, commissions, committees, and task forces can create ad-hoc committees consisting of less than a quorum of their members to deal with specific issues. Such ad-hoc committees are not required to comply with the notice and open meeting requirements of the Brown Act if they exist for less than six months. This is often referred to as the "less-than-a-quorum exception."

The “less-than-a-quorum exception” generally does not apply when two or more advisory bodies each appoint less than a quorum of their members to meet on a particular subject and develop a joint recommendation.

Appeals

Any person who believes that a final action of an advisory body has been taken in error may appeal that decision to the City Council. Appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk.

Planning Commission appeals must be received by the City Clerk within ten (10) calendar days following the date of the action from which such appeal is being taken. Appeals must be accompanied by the filing fee determined by the City’s most current fee schedule.

Conflict of Interest

General

Advisory body members may be required by the City’s Conflict of Interest Code to declare personal financial information by filing a Statement of Economic Interest (Form 700). Upon appointment, the City Clerk shall provide the advisory body member with the documents necessary for filing. Planning Commissioners are subject to full disclosure (ref. GC Section 87200).

Recusing Yourself

The City of Pittsburg has adopted a Conflict of Interest Code. No person shall make or participate in a government decision which he or she knows, or has reason to know, will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.

The City Attorney is available to help advisory body members decide if they should declare a disqualification on any issue, and again, the City Attorney will provide guidance in determining whether an advisory body member should disqualify him/herself from acting on the item. In these instances, members should recuse themselves from a vote using the phrase, “. . . to avoid the appearance of impropriety” and explain fully the reason for the recusal. The member must not only disqualify himself/herself from voting, but must also refrain from participating in any debate on the matter. To accomplish this, the member must leave the room after announcing the reason for the recusal. By law, the minutes of that meeting must state the reason for the recusal.

As a resident, a member recusing him or herself may participate in the proceedings. Again, the City Attorney can advise.

Communications with the Public Outside of Meetings

Members of those advisory bodies which act in quasi-judicial capacity (i.e., review permit applications or hear appeals) may be prohibited from communicating about certain agenda items with members of the public outside of public meetings. Members of these advisory

bodies should consult their respective advisory body bylaws to ascertain whether such a prohibition exists.

Social Media

Commissioners should exercise caution when using social media, and refrain from posting City business, including personal comments posted using your title in the signature, on Facebook, Twitter, YouTube, SnapChat, Next Door, etc. Remember, once something is out on the internet and in cyberspace, it cannot be retrieved and a retraction may go unnoticed. Social media posts are not City-approved press releases unless posted on staff-controlled media.

Outside of meetings, commissioners must avoid making comments that amount to bias in violation of an applicant's due process rights. For example, a commissioner is not to announce an opinion on a quasi-judicial matter that will come to the commission for a decision in the future, such as a decision on a use permit, and instead keep an open mind.

Advisory Body Jurisdiction

The role of an advisory body member is different from that of a private resident in that ideas expressed and decisions made must be supported by those documents which guide our city. An individual advisory body member is not simply present to voice a personal opinion, but is responsible to exercise discretion within the limitations of the General Plan and the other relevant guiding documents. In other words, the advisory body member offers a citizen's interpretation of the values, goals, and procedures defined by, and bases decisions on, these underlying principles and documents.

It should be noted that, when an advisory body completes its actions on a specific matter of application before it, the advisory body no longer has jurisdiction as to that matter. For example, if the Planning Commission approves a use permit application, then the Planning Commission has completed its action on that use permit application and no longer has jurisdiction over it. If the Planning Commission wished to modify the use permit, it could only do so by an individual appealing the Planning Commission's decision.

While all of the advisory bodies are responsible to further the goals of the General Plan, other specific guidance for each body may be different:

- **Planning Commission:** Implements the goals of the General Plan; interprets and applies the Zoning Ordinance (Title 18 of the Pittsburg Municipal Code) and the Subdivision Ordinance (Title 17); reviews projects and land use plans for compliance with the General Plan, with the California Environmental Quality Act (CEQA), with the Local Coastal Program as incorporated in the General Plan, and with specific area plans, including BART Specific Plan, and the Railroad Avenue Corridor; considers and recommends revisions to the General Plan and the Zoning Ordinance.
- **Historic Resources Commission:** Implements the Resource Conservation Element of the General Plan (Section 9.5 – Historical and Cultural Resources; interprets and applies section 18.36.220(C) of Pittsburg Municipal Code; reviews permits for compliance with the California Environmental Quality Act (CEQA) as relative to historic and cultural resources; applies the Secretary of Interior Standards for rehabilitation of historic buildings; refers to

State Historic Preservation Office (SHPO) resources as needed; provides recommendations regarding proposed legislation that has impact on local historic resources, including specific area plans; and oversees the updating of the Historic Building Survey.

- **Community Advisory Commission:** The Community Advisory Commission (CAC) is an advisory body appointed by the City Council to provide information concerning quality of life issues for Pittsburg residents. The CAC also reviews and provides input to the City Council, including recommendations and suggested policies on issues of public interest, traffic and recreation issues. The CAC also provides input to the City Council regarding the general direction and emphasis of the park, recreation and arts needs of the city, including recommendations for reasonable standards and policies for park and recreation facilities development, programs and facility use. The CAC also assigns three members of the City's Measure M Citizen Advisory Committee, and participates in the Community Development Block Grant (CDBG) program and selection of recipients.
- **Measure M Citizens Oversight Committee:** This committee was formed after passage of Measure P, an interim sales tax increase and was a condition of passage of the Measure. The committee will sunset when the Measure does.
- **Sister Cities Committee:** Governed by their bylaws, approved by the City Council, and by the bylaws and other regulatory documents of Sister Cities International.

Handbook and revisions adoptions:

June 15, 2015, Resolution No. 15-13052A

April 4, 2016, Resolution No. 16-13173

November 19, 2018, Resolution No. 18-

ACKNOWLEDGEMENT

I, _____, have received and read this Handbook for City Advisory Bodies and agree to all terms herein.

(Signature)

(Date)

Please return this page to the City Clerk's Office, 65 Civic Avenue, Pittsburg, CA. If you have any questions, please contact the staff member assigned to your Commission.



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

DATE: 11/9/2018
TO: Mayor and Council Members
FROM: Joe Sbranti, City Manager
SUBJECT: Adoption of a City Council Resolution to Approve the Handbook for City Advisory Bodies
MEETING DATE: 11/19/2018

EXECUTIVE SUMMARY

Working with an ad hoc committee of the City Council, the City Clerk and Commission liaison staff were tasked with review of the Handbook for City Advisory Bodies. Along with some ministerial corrections, the committee has determined a change in the dates for terms is in order to allow newly appointed Commissioners the opportunity for League of California Cities training nearer the start of their terms. A Code of Conduct section was also added as well as a section on use of electronic media during a meeting and Social Media protocol. Staff recommends approval of the revised handbook as a training and guidance document for members of the City's commissions.

FISCAL IMPACT

None from this action.

RECOMMENDATION

City Council adopt the attached resolution to approve the revised handbook for City Advisory Bodies and authorize City staff to use it as a training document for volunteer commissioners and staff.

BACKGROUND

The City Council maintains several advisory bodies that provide information and assistance in addressing specific issues, facilitate community decision-making and serve as a conduit between citizens, City staff and the Council. Currently, these bodies include the Community Advisory Commission, Historic Resources Commission, Housing Authority, Pittsburg Planning Commission, Measure M Citizen Oversight Committee and Sister Cities Committee.

The roles and responsibilities of each advisory body are set forth in the Pittsburg Municipal Code or by City Council resolution. From time to time, the City Council has adopted and revised bylaws governing the mission, purpose and procedures under which commissions perform their function.

For example, on January 18, 2011, the City Council adopted Resolution 11-11581 to adopt revised bylaws for its Community Advisory Commission.

In 2015, an ad hoc committee of the City Council worked with the City Clerk, City Attorney and Commission liaison staff to develop an informational handbook for volunteers appointed to these bodies.

SUBCOMMITTEE FINDINGS

An ad hoc committee of the City Council worked with the City Clerk, City Attorney and Commission liaison staff to review the current handbook.

STAFF ANALYSIS

Advisory bodies play an important role in City governance by assisting the City Council in addressing specific issues in detail and providing a conduit for information between the public and the City Council. The roles and responsibilities of each advisory body are set forth in the Pittsburg Municipal Code, by City Council resolution and through various regulations and state laws.

In order to assist members of the public and the volunteers appointed to the advisory bodies in the performance of their duties, an ad hoc committee of the City Council worked closely with the City Clerk to create the handbook attached to this report as a reference for the basic protocols and procedures that must be followed. Best practices dictate a periodic review of material contained in the handbook.

The information in the handbook is designed to assist commissioners to develop an effective voice and have a satisfactory experience as a community volunteer. The handbook includes a list of advisory bodies and information on the purpose of each. The document also sets forth requirements for meeting times, attendance and eligibility for appointment to the commission.

Regular meeting protocols, rules of debate, decorum in meetings and guidelines for preparing motions and the role of the chair are also included, as is an explanation of the role and relationship between the advisory body and the City Council, the Staff, the City Clerk and the City Attorney. The handbook also includes the latest information available regarding The Ralph M. Brown Act Public Meetings Law, AB 1234 (Ethics Training) and AB1825 and AB1661 (Sexual Harassment and Education Training) compliance and Conflict of Interest rules.

The City Attorney, City Clerk and staff assigned to work most closely with the advisory bodies recommend approval of the handbook and request authorization to use it as a training and guidance document for members of the City's commissions.

Terms for current appointees will end with the second meeting of March 2019 and March 2020, respectively rather than June 2019 and June 2020.

A Code of Conduct section was added by the committee, as well as a section on use of electronic media during a meeting and Social Media protocol.

Adoption of an Ordinance amending Title 2 of the Pittsburg Municipal Code will be brought forward for Council approval following adoption of the revised handbook.

ATTACHMENTS: Resolution
Handbook - Redline
Handbook - Clean

Report Prepared By: Alice E. Evenson, City Clerk