



**CITY OF SALINAS
COUNCIL STAFF REPORT**

DATE: May 2, 2017

DEPARTMENT: CITY ATTORNEY'S OFFICE

FROM: Christopher A. Callihan, City Attorney

TITLE: RESOLUTION ESTABLISHING UNIFORM BYLAWS FOR COMMISSIONS, COMMITTEES, AND BOARD COMPOSITION OF POLICE COMMUNITY ADVISORY COMMITTEE

RECOMMENDED MOTION:

A motion to approve a Resolution establishing a uniform set of bylaws for the City's commissions, committees, and boards.

A motion to establish the number of members of the Police Community Advisory Committee (PCAC).

RECOMMENDATION:

It is recommended that the City Council consider a Resolution establishing a uniform set of bylaws for the Commissions, Committees, and Boards.

It is further recommended that the City Council provide direction with respect to the number of members appointed to the Police Community Advisory Committee.

EXECUTIVE SUMMARY:

Currently, all of the City's various commissions conduct their meetings pursuant to bylaws approved by the City Council. While the different bylaws are mostly consistent, there are some differences among them. To facilitate uniform administration and uniform practice in the conduct of meetings, a set of Uniform Bylaws is proposed.

The Police Community Advisory Committee (PCAC) is currently comprised of fourteen (14) members, with each Council member appointing two (2) members. During its consideration of the issue, the City Council's Subcommittee on Commissions, Committees, and Boards (Mayor Gunter, Council member McShane, and former Council member Lutes) recommended that the number of PCAC members be reduced from fourteen to seven. The proposed Resolution would reduce the number of members from fourteen to seven.

BACKGROUND:

Currently, all of the City's various commissions conduct their meetings pursuant to bylaws approved by the City Council. While the different bylaws are mostly consistent, there are some differences among them. To facilitate uniform administration and uniform practice in the conduct of meetings, a set of Uniform Bylaws is proposed.

One revision made to the proposed uniform bylaws since the February 7, 2017, provides clarification on the process for assumption of the office of Chairperson if that position becomes vacant. Currently, in the event the office of the Chairperson becomes vacant, the Vice Chairperson automatically becomes the Chairperson for the remaining term of office. To provide additional opportunities at the commission, committee, and board level, Section 7 of Article 1 of the proposed Uniform Bylaws has been revised to allow the commission, committee, or board to either allow the Vice Chairperson to automatically assume the Chairperson position or to nominate another member to become Chairperson (additional language shown in underline format):

“Section 7. If the office of Chairperson becomes vacant, the Vice Chairperson shall automatically become Chairperson for the existing Chairperson’s remaining term of office. Alternatively, the commission, committee, or board may select a successor from its membership to assume the office of Chairperson. The period of time during which the Vice Chairperson assumes the office of Chairperson will not be counted toward the maximum term of office under Section 6, above. If the office of Vice Chairperson becomes vacant, the Commission, committee, or board will select a successor from its membership at the next regular meeting and such election will be for the existing Vice Chairperson’s remaining term of office. The period of time during which a Commissioner assumes the role of Vice Chairperson will not be counted toward the maximum term of office under Section 6, above. A minimum of four votes is required for electing each position under this Section.”

Police Community Advisory Committee

The City Council first considered uniform bylaws at its February 7, 2017, regular meeting. During that discussion, while there was no concern expressed regarding the concept of uniform bylaws, some Council members expressed concern regarding the proposed reduction in the number of members on the Police Community Advisory Committee (PCAC) and directed the City Attorney to present the proposed reduction to the PCAC for their consideration and comment. Other than the proposed reduction in the number of members, the current PCAC Bylaws would remain unchanged and would continue to govern the basic functionality of the PCAC until amended. During its consideration of the issue, the City Council’s Subcommittee on Commissions, Committees, and Boards (Mayor Gunter, Council member McShane, and former Council member Lutes) recommended that the number of PCAC members be reduced from fourteen to seven, in part because it has been difficult to obtain a quorum of the PCAC for purposes of transacting business. Appointments to the PCAC would be made by Councilmembers, regardless of the total

number of members, from among residents within their districts. The Mayor's appointments will be made from the City at-large.

The City Attorney attended the PCAC's regular meeting on Wednesday February 22, 2017 and presented the proposed reduction in the number of members to the PCAC. For reference, the PCAC is currently authorized to have fourteen (14) members, however, there are currently only ten (10) appointments and there are four (4) vacancies. Only six (6) of the ten (10) members were initially present at the meeting, with a seventh arriving approximately half way through the meeting. Had all fourteen (14) of the positions been appointed there would not have been a sufficient number of members to constitute a quorum for the transaction of business.

The PCAC members present unanimously rejected the proposed reduction and recommended the City Council leave the number of authorized PCAC members at fourteen. During their discussion on the proposed reduction, the PCAC members present made the following comments (in summary):

1. A reduction in the number from fourteen to seven is "shortsighted."
2. Reducing the number from fourteen to seven means the PCAC will "not have as much input."
3. "Reducing the number of members limits the voice of the PCAC."
4. The City Council members "need to appoint better members" who will attend the meetings.
5. "The more voices, the better."
6. The Council members should "reaffirm the commitment" of the appointees to the PCAC.
7. There is a "disconnect" between the City and the community and the PCAC helps to connect the two.
8. Having fourteen members gives a better "pool" of people with more "diversity."
9. The PCAC members need to be "working in teams" on issues and that cannot be accomplished with only seven members.
10. The PCAC has never had attendance problems until the last year.

The Police Chief recommends that the number of PCAC members be reduced from fourteen to seven in order to provide more efficiency and productivity and that the City Council members consider appointing residents who will be actively engaged in the PCAC once appointed.

Commission Consideration

In addition to the PCAC, the proposed Uniform Bylaws were presented to the Airport Commission, the Planning Commission, and the Traffic and Transportation Commission. None of those Commissions had any objections to the proposed Uniform Bylaws or other comments/edits to the proposed Uniform Bylaws. The proposed Uniform Bylaws were scheduled to be presented to the Library and Community Services Commission; however, that Commission did not have a sufficient number of members to constitute a quorum for the purposes of conducting business.

CEQA CONSIDERATION:

Not a Project. The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or foreseeable indirect physical change on or in the environment, this matter is not a project.

STRATEGIC PLAN INITIATIVE:

Approving the proposed Resolution is consistent with the City Council's goal of an effective and efficient government.

FISCAL AND SUSTAINABILITY IMPACT:

No impact to the City's General Fund is anticipated with the recommended actions.

ATTACHMENTS:

Resolution
Proposed Uniform Bylaws

RESOLUTION NO. _____ (N.C.S.)

**A RESOLUTION ESTABLISHING UNIFORM BYLAWS FOR CITY COMMISSIONS,
COMMITTEES, AND BOARDS**

WHEREAS, the City's various commissions, committees, and boards conduct their meetings pursuant to bylaws approved by the City Council; and

WHEREAS, the bylaws for the various commissions, committees, and boards differ in some respects; and

WHEREAS, the Salinas City Council has set as one of its goals and priorities an effective, efficient government; and

WHEREAS, the Salinas City Council desires to have its commissions, committees, and boards conduct their business pursuant to a uniform set of standards and pursuant to a uniform administration.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF SALINAS that the Uniform Bylaws for City Commissions, Committees, and Boards which are attached to this Resolution shall, unless otherwise specifically set forth in this Resolution or in a subsequent action by the City Council, govern the operation and the management of the City's commissions, committees, and boards and shall replace the existing bylaws currently used by the City's commissions, committees, and boards; and

BE IT FURTHER RESOLVED, that the bylaws for the Salinas Police Community Advisory Committee dated June 30, 2010, shall continue to govern the operation and the management of the Committee, except that Section 2 of the bylaws shall be amended to provide that the total number of members of the Committee shall be fourteen (14), one appointed by each member of the City Council from residents within their districts, with the Mayor's appointment made from among residents of the City at-large.

PASSED AND APPROVED this 2nd day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

UNIFORM BYLAWS FOR CITY COMMISSIONS, COMMITTEES, AND BOARDS

Unless specific bylaws are approved by the City Council for a commission, committee, or board, these Uniform Bylaws shall govern the operation and management of the City's commissions, committees, and boards.

Article 1. Officers.

Section 1. The Officers are Chairperson, Vice-Chairperson, and Executive Secretary.

Section 2. Chairperson. The Chairperson will preside at meetings of the commission, committee, or board.

Section 3. Vice-Chairperson. In the absence of the Chairperson, the Vice-Chairperson will preside at meetings. In the absence of both the Chairperson and the Vice-Chairperson, the members present (provided a quorum is present) shall designate an acting Chairperson for the meeting.

Section 4. Executive Secretary. A Department Director selected by the City Manager, or the Department Director's designee, shall serve as the Executive Secretary and will carry out the administrative details of the commission, committee, or board. S/he will keep the records of the commission, committee, or board, will act as secretary of the meetings, will record all votes, and will prepare the agenda and the minutes of the meetings. S/he will serve as technical advisor to the commission, committee, or board and will provide the necessary research and fact-finding services.

Section 5. Election of Officers. Annually, during the month of July, the commission, committee, or board will elect from among its members a Chairperson and Vice-Chairperson who shall serve for a term of one year. A minimum of four votes are required for electing each position.

Section 6. Term of Office. No person shall serve for longer than two consecutive terms as elected Chairperson. Further, no person shall serve more than two consecutive terms as elected Vice-Chairperson. This intended to create a rotation of commissioners into the elected officer positions.

Section 7. If the office of Chairperson becomes vacant, the Vice Chairperson shall automatically become Chairperson for the existing Chairperson's remaining term of office. Alternatively, the commission, committee, or board may select a successor from its membership to assume the office of Chairperson. The period of time during which the Vice Chairperson assumes the office of Chairperson will not be counted toward the maximum term of office under Section 6, above. If the office of Vice Chairperson becomes vacant, the Commission, committee, or board will select a successor from its membership at the next regular meeting and such election will be for the existing Vice Chairperson's remaining term of office. The period of time during which a Commissioner assumes the role of Vice Chairperson will not be counted toward the maximum term of office under Section 6, above. A minimum of four votes is required for electing each position under this Section.

Article 2. Meetings.

Section 1. Regular meetings. Regular meetings shall be held in the Council Chambers in City Hall, 200 Lincoln Avenue, Salinas, California 93901, unless otherwise designated in advance by the Executive Secretary. Regular meetings shall be held on such days and at such times as may be determined by the commission, committee, or board, unless there is no business to discuss, at which time the Executive Secretary shall post a notice of cancellation as prescribed by the City Clerk, at least seventy-two hours prior. Alternate meeting times and places are encouraged as long as sufficient public notice is given.

Section 2. Special Meetings. Subject to proper notice, special meetings may be called by the Chairperson, or in his/her absence, by the Vice-Chairperson for the transaction of business. Only those matters listed in the agenda notice of a special meeting may be discussed at that meeting and such meetings shall be conducted in full conformity with the Brown Act.

Section 3. Attendance Requirements. Each member will be required to attend a minimum of 75% of all scheduled regular and special meetings held within a calendar year. Further, a member shall be absent from no more than three consecutive regular and special meetings. A violation of either of these attendance requirements will invoke enforcement procedures, which may include the commission, committee, or board making a recommendation to the appropriate City Council member that their appointee be removed from the membership or recommending to the City Council that the member be removed and an alternate appointment be made.

Section 4. Quorum. A majority of the appointed members of the Commission, committee, or board shall constitute a quorum. No action shall be taken except by the affirmative vote of the majority of the members present. In the event any member or members abstain from the determination of an item, said member or members shall be counted as present for the purpose of determining a quorum.

When the Executive Secretary receives notice from individual members prior to the meeting which indicates that a quorum will not be present, the Secretary may cancel the meeting on behalf of the commission, committee, or board.

Section 5. Minutes. All official actions shall be entered in the minutes of each meeting, said minutes to be prepared by the Executive Secretary.

Section 6. Manner of Voting. Voting on matters coming before the commission, committee, or board will be by roll call, and the vote entered into the minutes.

In the event the commission, committee, or board is unable to approve, conditionally approve, disapprove, or make a recommendation to the City Council on an item because a motion on the application fails to receive a majority vote resulting in no action taken by the commission,

committee, or board, the item or application shall be forwarded directly to the City Council with a record of the commission, committee, or board's vote and the proceeding thereon.

Section 7. Rules of Order and Procedure. Robert's Rules of Order, or those rules of order and procedure used by the City Council, will provide guidelines for those aspects of proceedings not specifically provided for in these Bylaws, however, action by the commission, committee, or board will not be invalidated because of a technical violation of these rules. The Chairperson will have the final say on interpretation, subject to override by a majority of the members present if there is a disagreement over a particular procedure.

Section 8. Agenda. An agenda will be prepared by the Executive Secretary who has authority over the scheduling of agenda items, and will be adhered to with the exceptions that items may be taken out of order for the convenience of those in attendance. The agenda will be published and distributed to interested parties at least seventy-two hours in advance of all meetings.

Article 3. Committees.

Committees of the commission, committee, or board may be established to pursue the goals and the programs of the body. No more than three members may serve on each committee. Members of the public may also participate on committees. Subject to the approval of the commission, a committee, or board can set their own rules and meeting schedule. Committees will report to the body regularly with updates and/or recommendations and an accounting of time spent by the members and non-members of the public on work items.