

# **REPORT TO THE CITY COUNCIL**

## *City of Salinas, California*

DATE: December 6, 2016

FROM: Christopher A. Callihan, City Attorney

SUBJECT: **ORDINANCE RELATED TO THE POWERS AND DUTIES OF COMMISSIONS,  
COMMITTEES, AND BOARDS; RESOLUTION ESTABLISHING UNIFORM  
BYLAWS FOR COMMISSIONS, COMMITTEES, AND BOARDS**

### **RECOMMENDATION:**

It is recommended that the City Council adopt an Ordinance related to the powers and duties of its Commissions, Committees, and Boards.

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

### **DISCUSSION:**

#### The Ordinance

The proposed Ordinance reorganizes parts of the existing Chapter 2 and Chapter 3 of the Salinas Municipal Code and re-establishes the City Commissions, Committees, and Boards and clarifies their powers and their duties. The proposed Ordinance is the result of the direction provided by the City Council's Subcommittee, comprised of Mayor Gunter and Councilmembers Lutes and McShane, supported by the City Manager and the City Clerk.

Four of the existing City Commissions continue in essentially their existing capacities: Airport Commission, Library and Community Services Commission, Planning Commission, and Traffic and Transportation Commission. The Affirmative Action Commission and the Youth Commission are formally disestablished through this Ordinance. The Affirmative Action Commission has not existed for quite some time, while the role of the Youth Commission is being refocused into programs that promote civic engagement and which provide greater opportunities for youth participation in civic engagement than were available through the Youth Commission. Additional advisory Commissions, Committees, and Boards may be established by future Resolution of the City Council. The City Council's Subcommittee directed the re-establishment of a Design Review Board, which will be a subcommittee of the Planning Commission, and the establishment of a Senior Commission, which will be a subcommittee of the Library and Community Services Commission. Resolutions establishing the Design Review Board and the Senior Commission will be brought forward to the City Council within the coming weeks once the details regarding their composition and their roles, powers, and duties are confirmed by the Subcommittee.

The powers and duties of the Airport Commission, Library and Community Services Commission, Planning Commission, Traffic and Transportation Commission, and Historic Resources Board remain unchanged. Membership on any of the bodies requires appointment by a Councilmember, with membership subject to confirmation at each general municipal election. With the exception of the Historic Resources Board, Board of Appeals, and Arts Commission (which may be formed subject to separate action of the City Council) which may be comprised of qualified individuals whom either reside in the City or whom own and operate a business in Salinas, membership of the various commissions, committees, and boards will be comprised of residents of the city of Salinas. Members of the Police Community Advisory Committee will be appointed by Councilmembers from among qualified residents of their districts. Members of the other commissions, committees, and boards, including the Planning Commission, may be appointed from among the city's residents, at large. The Mayor's appointments will be made from the resident population, at-large, unless otherwise specified.

The question was recently asked whether appointees must be residents of the United States in order to be considered. As the City Code is currently written, appointees must be made from among those residents with the power to vote. Since non-residents may not vote, they are currently ineligible for consideration to serve on a commission, committee, or board. The City Council has discretion to change this requirement in order to allow non-residents the opportunity to be appointed to a committee, commission, or board.

The Board of Appeals which is organized to hear and to decide appeals of orders, decisions, or determinations made by the Building Official and the Fire Code Official is, through the proposed Ordinance, now incorporated into Chapter 3 (whereas it was previously a part of Chapter 9). The purpose of this reorganization is to consolidate the City's commissions, committees, and boards into one chapter of the Municipal Code for ease of reference.

### Uniform Bylaws

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. Only the PCAC would have continue to have a unique set of bylaws until the same are reviewed and updated by the City Council. The only change to the existing Bylaws would be to reduce the number of members from fourteen (14) to seven (7).

### **ISSUES:**

Shall the City Council adopt an Ordinance related to the powers and duties of its Commissions, Committees, and Boards?

Shall the City Council approve a Resolution establishing Uniform Bylaws for the Commissions, Committees, and Boards.

### **FISCAL IMPACT:**

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

**TIME CONSIDERATIONS:**

There are no time considerations particular to these proposed actions; however, a significant amount of work has been done to develop the proposed Ordinance and bylaws.

**ALTERNATIVES:**

The City Council may choose to not to adopt the proposed Ordinance or to approve the proposed Resolution. In this event, the current City Code provisions would remain and the current status of the City's commissions, boards, and committees would continue.

**CITY COUNCIL GOALS:**

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

**Attachments:**

Proposed Ordinance

Proposed Resolution (with proposed Uniform Bylaws)