

REPORT TO THE CITY COUNCIL

City of Salinas, California

DATE: February 7, 2017

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 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 Councilmember McShane, as well as former Councilmember Lutes, 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 Historic Resources Board will remain in the same form and capacity. 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. The Library and Community Services Department will assume the role of managing the role of youth participation in civic engagement. 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 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 Board of Appeals which is organized to hear and to decide appeals of orders, decisions, or determinations made by the Building Official and/or 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 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 which Resolution will also reset the number of members of the Police Community Advisory Committee from fourteen (14) to seven (7)?

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)

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

**A RESOLUTION OF THE SALINAS CITY COUNCIL IN SUPPORT OF MEASURE T—THE
HARTNELL COMMUNITY COLLEGE DISTRICT’S FACILITIES BOND MEASURE**

WHEREAS, the Board of Trustees (the “Hartnell Board”) of the Hartnell Community College District (the “District”) has determined that certain educational facilities, infrastructure and equipment at each of the District’s campuses need to be constructed, renovated, acquired and equipped in a fiscally prudent manner, to enable the District to maintain Hartnell College as a valuable community resource that provides an affordable, local education, which increases the educational opportunities of all local students, including career and support facilities for veterans who desire to learn in-demand job skills or transfer to four-year universities; and

WHEREAS, the District partners with area employers, K-12 education systems, other higher education institutions, community organizations, and private businesses to train students and save taxpayer money; and

WHEREAS, the costs of attending the University of California system or the California State University system are becoming so expensive, students rely on Hartnell College, and the high quality, affordable college options it provides; and

WHEREAS, many high school students who graduate from Salinas high schools attend Hartnell College after high school graduation and also attend while in high school through concurrent enrollment; and

WHEREAS, in today’s economic times and competitive job environment, the District must continue providing important training and education for local residents entering the workforce for new professions and income opportunities, as well as for local students to earn college credits, certifications and job skills all at a reasonable price; and

WHEREAS, the District has indicated that the State of California is not providing the District with enough money for the District to adequately maintain Hartnell College’s educational facilities and academic programs; and

WHEREAS, the Hartnell Board has received information regarding the feasibility of a local bond measure and the District’s bonding capacity; and

WHEREAS, a local measure will help provide funds that cannot be taken away by the State to support local college transfer and job training; and

WHEREAS, such local measure will include mandatory taxpayer protections, including an independent citizens’ oversight of all funds and mandatory annual financial audits to ensure funds are spent only as authorized; and

WHEREAS, the Hartnell Board and District has solicited stakeholder and community input on priorities from students, faculty, staff, business and civic leaders, and the community; and

WHEREAS, in the judgment of the Hartnell Board, it is advisable to provide additional funding to improve facilities to better prepare local students and military veterans for transfer to four-year colleges and universities, and/or successful jobs and careers, by means of a general obligation bond, issued in a financially prudent manner; and

WHEREAS, pursuant to Education Code Section 15270, based upon a projection of assessed property valuation, the Hartnell Board has determined that, if approved by voters, the tax rate levied to meet the debt service requirements of the bonds proposed to be issued will not exceed the Proposition 39 limits per year per \$100,000 of assessed valuation of taxable property.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Salinas that the Salinas City Council has reviewed and considered the Report and the testimony and information presented at the regular City Council meeting held on October 4, 2016, including Exhibit A and Exhibit B to this Resolution, both of which have been prepared by the District; and

BE IT FURTHER RESOLVED that the Salinas City Council supports the facilities improvements sought by the Hartnell Community College District.

PASSED AND APPROVED this 4th day of October 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

EXHIBIT A

“HARTNELL COLLEGE REPAIR, JOB TRAINING, IMPROVED ACCESS MEASURE. To repair/upgrade classrooms, expand local access to higher education/ training for high-wage jobs, including nursing, agriculture, science, technology/ engineering, by upgrading aging classrooms, technology, science labs, repairing outdated, deteriorating mechanical/electrical systems, improving veterans’ services, safety, security/ disabled access, removing asbestos, acquiring, constructing, repairing sites/facilities/equipment, shall Hartnell Community College District issue \$167,000,000 in bonds at legal rates, requiring citizen oversight, independent audits, all funds used locally?”

Bonds – Yes

Bonds – No

EXHIBIT B
FULL TEXT BALLOT PROPOSITION
HARTNELL COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION NOVEMBER 8, 2016

“HARTNELL COLLEGE REPAIR, JOB TRAINING, IMPROVED ACCESS MEASURE. To repair/upgrade classrooms, expand local access to higher education/ training for high-wage jobs, including nursing, agriculture, science, technology/ engineering, by upgrading aging classrooms, technology, science labs, repairing outdated, deteriorating mechanical/electrical systems, improving veterans’ services, safety, security/disabled access, removing asbestos, acquiring, constructing, repairing sites/facilities/equipment, shall Hartnell Community College District issue \$167,000,000 in bonds at legal rates, requiring citizen oversight, independent audits, all funds used locally?”

Bonds – Yes

Bonds – No

PROJECTS

The Board of Trustees of the Hartnell Community College District, to be responsive to the needs of its community, evaluated Hartnell College’s urgent and critical facility needs, and its capacity to provide students and Veterans with support facilities, an affordable education and prepare them for success in college and careers. 21st Century job training, enrollment, class size and class offerings, and information and computer technology infrastructure were each considered, in developing the scope of projects to be funded. In developing the scope of projects, the faculty, staff, students and community have prioritized local job training, particularly in nursing, and other healthcare training, as well as facilities available to support an affordable education, so that the most critical needs that will make Hartnell College an effective place for learning, would be addressed. Based on Board, faculty, student and community input, it was concluded that if these facility needs were not addressed now, Hartnell College would be unable to remain competitive in preparing students for jobs in high demand industries and university transfer. The Board concluded that the longer they waited to repair and upgrade Hartnell College, the more expensive it would be. In approving the Projects, the Board of Trustees determines that Hartnell College MUST:

- (i) Improve access to local higher education opportunities; and
- (ii) Improve student access to computers and modern technology; and
- (iii) Upgrade campus facilities that provide job training for a skilled workforce.

The following types of projects are authorized to be undertaken at Hartnell College:

LOCAL FUNDS FOR JOB TRAINING AND COLLEGE TRANSFER:

Academic Facility and Technology Upgrade Projects

To Help Students, Transfer to Four-Year

Universities or be Trained For 21st Century Jobs

- Construct or upgrade classrooms for job training in nursing and other health sciences, agriculture science/technology, teaching and computer/information technology.
- Repair and upgrade classrooms, labs and job training centers for 21st Century jobs.
- Provide adequate libraries, classrooms and labs at District instructional locations for career training and transfer to universities.
- Upgrade computer labs and classroom instructional technology.
- Provide space for universities to offer four-year bachelor's degrees.
- Update campus facilities to provide access for students with disabilities.
- Increase energy efficiency by replacing aging heating, ventilation and air-conditioning systems with energy-efficient models and install energy saving dual pane windows to reduce operating expenses.
- Upgrade and replace existing information technology infrastructure and network systems to improve efficiency and increase capacity.
- Upgrade and construct academic buildings to expand classrooms for job training and career technical education and provide literacy and English language learning centers.
- Construct science, technology, engineering and math (STEM) labs at District instructional locations.

LOCAL FUNDS FOR BASIC REPAIRS:

Projects Needed To Meet Current Safety

Building Codes And Demand for Classes

- Repair or replace leaking roofs.
- Renovate, repair or replace deteriorating and outdated laboratories, classrooms, training centers and support facilities.
- Remove hazardous asbestos, lead paint and other hazardous materials.
- Update classrooms and educational facilities to meet current fire and safety codes.
- Update campus facilities to provide access for disabled students.
- Improve student, staff and faculty safety by upgrading emergency management systems, including video surveillance, emergency communication systems, and security systems.

- Upgrade electrical, mechanical, heating, ventilation and air-conditioning systems.

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FISCAL ACCOUNTABILITY:

This bond measure has strict accountability requirements including:

1. All money will benefit Hartnell College campuses and CANNOT BE TAKEN BY THE STATE.
2. NO MONEY can be used for ADMINISTRATOR SALARIES or administration
3. Require CITIZENS' OVERSIGHT and yearly reports to the community to keep the College accountable for how the funds are spent.
4. NO ADMINISTRATOR SALARIES. Proceeds from the sale of the bonds authorized by this proposition shall be used only for the acquisition, construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, and not for any other purpose, including teacher, faculty and college administrator salaries, pensions and other operating expenses.
5. FISCAL ACCOUNTABILITY. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BY LAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED. THE CITIZENS' OVERSIGHT COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATION OF A BONA FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS ORGANIZATION. NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.

* * *

The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program/project management, staff training expenses and a customary contingency. In addition to the listed projects stated above, authorized projects also include the acquisition of a variety of instructional, maintenance and operational equipment, including interim funding incurred to advance fund projects from payment of the costs of preparation of all facility planning, facility studies, assessment reviews, facility master plan preparation and updates, environmental studies (including environmental investigation, remediation and monitoring), design and construction documentation, and temporary housing of dislocated college activities caused by construction projects. In addition to the projects listed above, repair, renovation and construction projects may include, but not be limited to, some or all of the following: renovation of student and staff restrooms; replace aging electrical and plumbing systems; repair and replacement of heating and ventilation systems; upgrade of facilities for energy efficiencies, including photovoltaic/solar installations; repair and replacement of worn-out

and leaky roofs, windows, walls doors and drinking fountains; removal of outdated buildings and construction of new classrooms and support buildings; installation of wiring and electrical systems to safely accommodate computers, technology and other electrical devices and needs; replace mechanical units on all campuses; acquire land; upgrade facilities to meet current earthquake safety standards; repair and replacement of fire alarms, emergency communications and security systems; upgrading, resurfacing, replacing or relocating of hard courts, fields, turf and irrigation systems; install artificial turf on ball fields; replace broken concrete walks, replace deteriorating asphalt; upgrade classrooms; build or upgrade facilities for math, physical sciences, fine arts, theatre arts, and agriculture; construct or expand a simulation lab for allied health programs; improve campus signage; upgrade, resurfacing and reconditioning existing parking lots; renovate or construct a facility for multi-purpose/lecture /meeting space for district and community use; repair, upgrade and install interior and exterior lighting systems; replace water and sewer lines and other plumbing systems; construct, upgrade, acquire or expand foreign language, humanities buildings, fine arts and performing arts facilities, physical education facilities, locker rooms, administrative offices, public safety office, maintenance building, student service/campus center and instructional buildings, trades and technology building, library, athletic fields, student services building, turf; acquire transitional portable buildings; improve water conservation and energy efficiency; replace elevators; replace outdated security systems; replace existing window systems with energy-efficient systems to reduce costs; improve insulation, weatherproofing and roofs to reduce costs; improve access for the disabled; install and repair fire safety equipment, including alarms, smoke detectors, sprinklers, emergency lighting, and fire safety doors; replace broken concrete walks, deteriorated asphalt; replace/upgrade existing signage, bells and clocks; demolition of unsafe facilities; install new security systems, such as security (surveillance) cameras, outdoor lighting, fencing, gates and classroom door locks; replace sewer lines and improve drainage systems to prevent flooding; upgrade roadway and pedestrian paths for improved safety and access for emergency vehicles, site parking, utilities and grounds. The project list also includes the refinancing of outstanding lease obligations. The upgrading of technology infrastructure includes, but is not limited to, the acquisition of computers, LCD projectors, portable interface devices, servers, switches, routers, modules, sound projection systems, information systems, printers, digital white boards, upgrade voice-over-IP, communication systems, audio/visual and telecommunications systems, call manager and network security/firewall, Internet connectivity, wireless systems, technology infrastructure, and other miscellaneous IT and instructional equipment.

The Project List also includes the construction of a multipurpose education facility in Soledad to better serve South Monterey County; establishment of a “Center for Literacy and Language Development” in South Monterey County; construction of a multipurpose education facility in North Monterey County to better serve students in North Monterey County; addition of classrooms and labs at the Alisal Campus to improve job training programs in commercial refrigeration, food safety, seed science technology; establishment of an Innovation Center and creation of space for learning support and services and community use in Alisal; expansion of the King City Education Center by adding science labs to support STEM education and construction of areas for learning support and services and community use in King City; partner with area high schools to upgrade science classrooms and labs for joint use and to support dual enrollment of high school students; construct a Center for Nursing and Health Science on the main campus in Salinas, and expand or upgrade Buildings D, E, G, H, J, K and N; establishment of a University Center for completion of bachelor’s degrees.

The allocation of bond proceeds will be affected by the District's receipt of State matching funds and the final costs of each project. In the absence of State matching funds, which the District will aggressively pursue to reduce the District's share of the costs of the projects, the District will not be able to complete some of the projects listed above. Some projects may be undertaken as joint use projects in cooperation with other local public or non-profit agencies. The budget for each project is an estimate and may be affected by factors beyond the District's control. The final cost of each project will be determined as plans and construction documents are finalized, construction bids are received, construction contracts are awarded and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Demolition of existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur, if the Board determines that such an approach would be more cost-effective in creating more enhanced and operationally efficient campuses. Necessary site preparation/restoration may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, relocating fire access roads, and acquiring any necessary easements, licenses, or rights of way to the property. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to bond projects.

Bond proceeds shall only be expended for the specific purposes identified herein. The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.