

Agenda Report Reviewed by:

City Manager:



CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: August 3, 2021
To: Honorable Mayor and City Councilmembers
From: Vice Mayor Gurney
Council Member Rich
City Administration
Subject: City Council Created Committees
Recommendation : That the City Council Discuss and Consider Proposed Recommendations
Funding: Currently Budgeted: _____ Yes _____ No XX N/A
Net General Fund Cost:
Amount: \$

INTRODUCTION:

This item is to request that the City Council Discuss and Consider Proposed Recommendations for City Council Created Committees.

BACKGROUND:

The City of Sebastopol is completing its budget process for this fiscal year. That process is underscoring the need to be intentional about allocation of resources, including staff time and City Councilmember efforts. The City Council has a number of City Council created committees that involve use of both of these resources. As the budget process comes to completion, and activities of these City Council created committees are relatively quiet, an opportunity for assessing our committees and their activities presents itself.

Not at issue in this Agenda Item are appointments that place Sebastopol City Council representatives in positions on regional, county-wide, and other boards and commissions (for example the Regional Climate Protection Agency or Sonoma Clean Power). These appointments give Sebastopol a voice in larger discussions that go beyond our City boundaries. These appointments do not require assignment of Sebastopol City staff time.

Also not at issue in this Agenda Item are appointments to City Council created groups that consist solely of community members, such as the Planning Commission, Design Review Board or Public Arts Committee. These committees do not require the participation of City Councilmembers.

At issue in this Agenda Item are solely those committees created by the Sebastopol City Council itself, to serve direct City needs and priorities. These committees include one to two City Council members and often require staff time support. These committees are referred to in this Staff Report as "City Council created committees." It is this last category that presents the opportunity for assessing the City's future committee needs. Please see the attached "City Council Created Committees as of July 20, 2021" for the full list of committees at issue in this Agenda Item.

DISCUSSION:

There is substantial value to City Council created committees. They allow City Council members to take a more in-depth look at the matters before them and to make recommendations to the full Council. It is within the City Council's discretion to assess the continued need for these committees, remove those no longer needed, and

create new committees to assist in meeting the goals and objectives of the Council in an effective and efficient manner. These City Council created committees do not replace the decision-making process of the City Council as a whole. City Council created committees study issues and develop recommendations for consideration by the council. Committees do not take binding action on behalf of the City.

City Council created committees are Standing or Ad Hoc. The distinction between these two categories is explained in the attached document titled "Standing versus Ad Hoc Committees."

The question presented in this Agenda Item is the following: Which City Council created committees are currently needed, and what are their tasks, timelines, membership, and staff needs?

The action tonight is to review the attached list of City Council created committees to make sure it is complete, and to consider next steps for assessing which of these committees are necessary to meet City goals and priorities, specifically in light of the need to carefully allocate staff time resources and City Councilmember efforts. Specific recommendations are provided below under "Recommendation."

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of this item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

FISCAL IMPACT:

There is no fiscal impact to disband committees; however, any staff time support provided to a committee that did not receive staff time support in the past will incur additional department costs for that support. In general, these costs would apply to standing committees (although staff time could be assigned to an ad hoc committee as directed by the City Council).

RECOMMENDATION:

It is recommended that the Council take this opportunity as the new fiscal year begins to assess the various City Council created committees. A suggested approach is as follows:

1. Current Committees with Publicly Noticed Meetings and Agendas: Leave these committees in place, but request that the City Council members appointed to the committees report out as described below at the September 7 City Council meeting, to allow the full City Council to make an informed decision regarding the continued need for and status of the committee. These committees are the Agenda Review Committee, the Climate Action Committee, and the Zero Waste Committee.
2. Other Committees: Direct these committees similarly to report out as described below at the September 7 City Council meeting, to allow the full City Council to make an informed decision regarding the continued need for and status of the committee. Direct these committees to focus their time between now and the September 7 meeting on this "reporting out" task only.
3. Report out for September 7 City Council Meeting: Direct City Council members appointed to each City Council created committee to report out to the full City Council at the September 7 City Council meeting with the following information, in writing, submitted to the City Clerk to be included in a staff report:
 - a. What is the task of the committee?
 - b. What is the timeline for completing that task?

- c. What is the recommended membership of the committee?
- d. What staff support, if any, is needed to complete the committee's task?

The expectation is that the report out will reflect the perspectives of the entire committee, not just the City Councilmember(s) appointed to that committee.

It is also recommended that to the extent a September 7 report out includes a request for staff support (as would generally be the case for a standing committee), the following options be considered:

1. Does a City Staff Member need to be assigned to the Committee (similar to Planning Commission, Design Review Board, etc.)? This would at minimum involve preparation of the agenda, packet, and noticing of meetings, and could involve taking and posting of minutes, as well as other responsibilities.
2. Will committee members be responsible for all Committee work, with a Staff Liaison assigned to provide direction and guidance, as well as administrative support on an as needed basis. With this alternative, Committee members would be responsible for agenda and packet preparation and taking of minutes/notes. Staff would post the agenda to the City website and would notice the meetings.

It is also recommended that Brown Act training, similar to that provided at the League of CA Cities, be provided to each committee/commission/board yearly.

Attachment:

Attachment Number 1: Standing versus Ad Hoc Committees

Attachment Number 2: City Council Created Committees as of July 20, 2021

Attachment Number 1: City Council Created Committee Staff Report July 20, 2021

Title: Standing versus Ad Hoc Committees

Standing Committees

Standing Committees are more permanent in nature and address on-going areas of interest to the City Council. These committees are formed for matters that require constant attention and are of continuing vital concern to the Council. Standing Committees are subject to the Brown Act. The Act describes a standing committee as one which has "continuing subject matter jurisdiction." This means that a permanent committee that is designed to handle an issue or issues on a continual basis will be a standing committee and is subject to the Act's notice and posting requirements. Standing committees need not establish a "regular meeting time and place" in any operating rules but if they do meet, they must meet in public and post notices of their meetings.

Standing committees exist to make routine and regular recommendations on a specific subject matter; they recommend resolution on any one issue or matter and should report regularly to the City Council. A standing committee can be comprised of Council members only or can also include members of the public. When a City Council has five members, a standing committee would generally include no more than two Council members, but to the extent it included three or more the meetings of the standing committee would be considered City Council meetings,

Ad Hoc Committees:

An Ad Hoc committee is generally understood to be temporary in nature. The Council establishes an Ad Hoc committee to perform a specific issue or project task. Once the task is completed, the committee disbands. The need or question addressed by the ad hoc committee generally originates with the Council. Requests for the creation of an ad hoc committee must be reviewed and approved by the Council at a City Council Meeting.

An Ad Hoc Committee is a temporary advisory committee and should consist of Council Members only; members of the public may not serve on an Ad Hoc Committee. When a City Council has five members, no more than two Council Members may be on an Ad Hoc Committee. Ad Hoc or "temporary" Committees are treated differently under the Brown Act than Standing Committees. Ad Hoc Committees are not subject to the notice and posting requirements of the Act so long as the committee:

1. Consists SOLELY of less than the number of members which would constitute a quorum and shall not include any other persons such as members of other legislative bodies or members of the public; in the case of Sebastopol SOLELY less than a quorum would be no more than two Councilmembers who could be on the Ad Hoc Committee;
2. Has a defined purpose and a time frame to accomplish that purpose; By contrast, a Standing Committee has continuing subject matter jurisdiction extending beyond a period of time (typically a six month period, and generally no longer than one year) and/or a meeting schedule fixed by charter, ordinance, resolution, or official action of the City Council; and
3. Is advisory, i.e., the committee has not been delegated any decision making power and will be returning to the full Council with its recommendation

Although the Ad Hoc committee itself is not subject to the Brown Act, if the Council desires to create an Ad Hoc committee, then the action to create the committee should be done at a publicly noticed meeting under the Brown Act and the item should be placed on the agenda for that purpose. An "Ad Hoc" council committee is by definition one that does not have to allow the public to attend its meetings. However Ad

Hoc Committee meetings in which members of the public are invited to speak or attend must be publicly noticed in the same manner as if it is a Standing Committee.

Although the Brown Act does not specify a time limit for Ad Hoc committees, a long existence may indicate continuing subject matter jurisdiction appropriate to a Standing Committee rather than an Ad Hoc committee. An Ad Hoc committee has limited or a single purpose that is not perpetual, and that will be dissolved once its specific task is completed. Ad Hoc committees (sometimes referred to as Task Forces or Working Groups) are more temporary in nature and focus on a specific topic, typically last less than a year in nature, and are disbanded upon completion of the Ad Hoc committee's work.

BROWN ACT:

The Ralph M. Brown Act, Government Code section 54950 et seq., sets forth certain legal requirements based on the public's right to know how decisions are made. Public agencies, boards, commissions, and committees exist to aid in the conduct of the people's business. Actions of these bodies should be transparent. Transparency promotes trustworthiness in the public body and fosters respect by serving the public's right to be heard and considered in the decision-making process.

The Brown Act applies to "legislative bodies," including standing committees or commissions or a body created by charter, ordinance, resolution or other formal action of a legislative body. Any committee, regardless of its composition, that has either continuing subject matter jurisdiction or a meeting schedule fixed by formal action of the legislative body is a legislative body. A City Council is a "legislative body" within the meaning of the Brown Act, and any standing committee or commission or body created by a City Council is also a "legislative body" within the meaning of the Brown Act.

Under the Brown Act, the term "legislative body" does not include temporary advisory committees (often referred to as "Ad Hoc" committees) composed solely of less than a quorum of members of the legislative body, provided they are not committees that have continuing subject matter jurisdiction or a fixed meeting schedule.

If the advisory ("Ad Hoc") committee membership includes persons other than members of the legislative body, then it is a legislative body subject to the Brown Act. To be an Ad Hoc committee exempt from the Brown Act, the advisory body should have a defined task and be of limited duration. An example would be: Creation of an Ad Hoc committee to refine design guidelines and report back to the Council by a specified deadline.

BROWN ACT APPLICABILITY

To whom does it apply?

- Applies to legislative bodies. Legislative body means a governing board of a local agency, or committees (or commissions) created by formal action of the governing board.
- Does not apply to individual decision makers like department heads and does not apply to committees not formed by an act of the legislative body.

What is considered a meeting?

- A meeting is a congregation of a majority of the members of the legislative body at the same time and place to hear, discuss, or deliberate on any matters within its jurisdiction. This means that a majority may not consult outside an agency-convened meeting.
- A meeting is not individual contact between members and another person, the presence of the majority of the members of a body at a conference open to the public, the presence of the majority of the

members of a body at social or ceremonial occasions, or the presence of the majority of the members of a body at a public meeting on a topic of local community concern.

Attachment Number 2: City Council Created Committee Staff Report July 20, 2021
 Title: City Council Created Committees as of July 20, 2021

Item #	Committee Name	Representative	Alternate	Purpose of Committee (DRAFT) Type of Committee (TBD)
1.	Agenda Review Committee	Mayor Vice Mayor City Manager/Attorney Assistant City Manager/City Clerk		Creation of Council Meeting Agendas
2.	Budget Committee	Mayor Glass Councilmember Hinton City Manager Assistant City Manager/City Clerk Administrative Services Director	Council Member Rich	Meets per approved schedule re Draft City Budget recommended or upcoming Fiscal Year
3.	Climate Action Committee	Councilmember Rich (Zero Water Sonoma Rep) Vice Mayor Gurney (SCTA/RCPA Rep)		Formulate a Work Plan for the Committee Research composition and duties of other cities' committees Update CAP Document for City Prioritize Climate Emergency Resolution Attachment A Create Climate Calendar Create Volunteer Appreciation Events/Ideas for Climate Events
4.	Disaster Council (Sebastopol)	Councilmember Slayter (Position is to be designated by the Mayor)		
5.	Emergency Services (Fire)/Committee --Emergency Preparedness/Review of Ordinances/Policies/Procedures --Fire Department Long Term Staffing Goals and Solutions	Councilmember Slayter Councilmember Rich City Manager/Attorney Assistant City Manager/City Clerk Fire Chief Police Chief (emergency ordinances/policies/procedures)		Fire Staffing Options Update of Ordinances
6.	Financial Sponsorship Committee	Vice Mayor Gurney/Councilmember Slayter Assistant City Manager Administrative Services Director		Creation of City Sponsorship Policy
7.	Housing Committee	Mayor Glass Councilmember Slayter City Manager Planning Director		Housing Issues to include unhoused
8.	Law Enforcement Committee – Polices/Procedures/Best Practices/Social Justice/Police Audit	Mayor Glass Councilmember Slayter City Manager/Attorney Assistant City Manager/Clerk Police Chief		Police Audit Report/Recommendations

9.	Locals Who Make a Difference	Councilmember Hinton Councilmember Rich City Manager Public Works Superintendent		Selection of Quarterly Winner
10.	Park Village/West County Community Services/Group of Advocates	Vice Mayor Gurney Councilmember Hinton City Manager Assistant City Manager/City Clerk Planning Director Engineering Manager Public Works Superintendent		Operations of Park Village
11.	Water Committee	Mayor Glass Vice Mayor Gurney City Manager Public Works Superintendent		
12.	Zero Waste Committee	Vice Mayor Gurney (SCTA/RCPA Rep) Councilmember Rich (Zero Waste Sonoma Rep)		long-term goal in order to eliminate waste and pollution in the manufacture, use, storage, and recycling of materials. This goal can be achieved through action plans and measures that significantly reduce waste and pollution. These measures will include encouragement of residents, businesses, and agencies to judiciously use, reuse, and recycle materials, and motivation of businesses to manufacture and market less toxic and more durable, repairable, reusable, recycled, and recyclable products.