

## **RESOLUTION NO. CC-1111-530**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, REAFFIRMING ITS PREVIOUSLY ADOPTED POLICY PRESCRIBING ROLES, RESPONSIBILITIES AND RULES CONDUCT FOR CITY BOARDS AND COMMISSIONS**

WHEREAS, on September 21, 2010, the City Council adopted a policy addressing the roles, responsibilities and rules of conduct for members of City Boards and Commissions;

WHEREAS, Section 2-9.103 of the Redondo Beach Municipal Code states that each City Board and Commission may prescribe its own rules and regulations so long as such rules and regulations are consistent with the Redondo Beach Municipal Code and any other Ordinances or Resolutions governing the operation of such Boards and Commissions; and

WHEREAS, the City Council desires to reaffirm the above-referenced policy through adoption of this formal Resolution in order to clarify that the terms of this Policy shall take precedence over any rules or regulations adopted by individual Boards or Commissions pursuant to Section 2-9.103 of the Redondo Beach Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the Redondo Beach City Council hereby adopts the following *Commission Roles, Responsibilities and Rules of Conduct*:

### **COMMISSION ROLES, RESPONSIBILITIES AND RULES OF CONDUCT**

#### **Staff Liaison**

City staff members are assigned to act in a technical advisory capacity and to provide professional support\* to a committee/commission. You should feel free to contact the staff liaison if you have any questions about the committee/commission activities. Direction and guidance for City liaisons and staff members in facilitating the work of City Commissions is provided in Administrative Policy/Procedure (APP) 2.12.

#### **The Agenda**

An effective agenda is critical to a smooth running and productive meeting. Agendas are prepared by the staff liaison in collaboration with the Chairman of the Commission. If you wish to have an item placed on the agenda, the Chairman or staff liaison should be contacted in advance of the meeting. Only items appearing on the agenda may be considered at each meeting. All agendas must provide an opportunity for public comment.

Items for the Commission agenda are generated from: a) special matters for consideration as directed by the City Council; b) regular matters for consideration pursuant to the Commission's duties; c) regular matters for consideration consistent with the City Council's Strategic Plan and Annual Budget Work Program; and, d) new matters approved by the Commission pursuant to a majority vote of said Commission for consideration and consistent with the Commission's duties as defined by the Charter and Municipal Code, and the City Council's Strategic Plan, the Annual Budget Work Program and available resources.

All commission agendas must be posted at Door "A" bulletin board as required, and a copy should be placed in the commission binder on the City Clerk's counter. A "Proof of Posting" with a copy of the agenda attached, should be filed in Central Files.

### **Agenda Items from the Chairman or Commissioner**

Upon their own initiative, the Chairman or a Commissioner may identify issues for their Commission's possible attention. A Commissioner will have the opportunity to "introduce" their proposed item(s) in writing on an Agenda consistent with the State Brown Act. However, it is the Commission that decides to refer the proposed item for staff evaluation and placement on a future agenda OR dismiss the proposed item with no further action. Only by a majority vote of the Commission will any item be accepted for the Commission's "consideration" on a future agenda. The Chairman and Commissioners do not have the individual authority to place items on the Commission agenda or direct the staff to take action on their items.

Matter approved by the Commission for the agenda shall be consistent with the Commission's duties, the City Council's Strategic Plan, the Annual Budget Work Program and available resources. Background materials prepared by a Chairman or Commission on an agenda item approved for Commission consideration will be copied and distributed to the Commission as part of the Agenda packet for the meeting. Should a matter not be consistent, a brief memo from the staff describing the reason will be provided to the Commission.

### **Minutes**

Each board and commission shall maintain a true and correct record of all proceedings of such board or commission, more commonly know as "Minutes."

Minutes of the board/commission meetings are the official document for recording board/commission actions. Copies are provided to the City Clerk and are kept on file. Minutes are a record of the actions of the commission/board and not a verbatim review of the meeting.

### **Chairperson**

Each board or commission shall meet as soon after the first day of October of every year to elect one of its members to serve as Chairperson for the ensuing year.

A chairperson is usually elected annually by the board/commission. The chairperson presides at the meetings. It is the responsibility of the chairperson to assure that meetings are kept under control.

No individual should be allowed to monopolize audience discussion time. It is recommended that each board/commission adopt a time limit for speakers and that the limit be strictly enforced. Questions and comments by citizens should be directed to the chairperson and not to staff, consultants, or the audience. **COMMENTS OF A PERSONAL NATURE ARE TOTALLY OUT OF ORDER!**

When a speaker has the floor, no interruptions should be permitted. The chairperson should advise the audience at the beginning of the meeting that cheering, booing, and applause are not appropriate conduct.

If a public hearing is being conducted, the hearing should be closed after all interested persons have had an opportunity to speak. After the hearing is closed, no new testimony may be presented by the audience.

It is frequently helpful for the chairperson to briefly solicit the position of each board/commission member before a motion on any item is made. This will assist in making a motion that incorporates the sense of the majority of the members and will reduce the number of amendments to motions. Except in the case of a conflict of interest, all board/commission members should vote on the item, since that is one of the most important tasks they are appointed to perform.

Above all, the chairperson, with the cooperation of the board/commission members, must keep the direction of the meeting on track and avoid having it bogged down by endless discussion of minor details.

Keep in mind that public meetings are the place where most of the work of the board/commission takes place and where its credibility and reputation are established.

### **Attendance**

Board/commission members are urged to make every effort to attend all meetings. *If a member must be absent, he/she should notify the staff liaison as far in advance of the meeting as possible so an excused absence may be requested from the City Council.* Out of respect to fellow board/commission members and to the general public, members should make every effort to arrive promptly at every meeting.

If a commissioner has not attended regular meetings for a period of 60 days consecutively following the last regular Meeting--unless permission of the Council has been granted and expressed in its minutes--and for other limited reasons as stated in the City Charter Sec. 15.8--the commission chairperson or liaison person may notify the City Clerk, in writing, of the absences and request that the Mayor and Council declare the commissioner's seat "vacant." The Clerk's office will prepare the appropriate staff report and will notify the absent commissioner, in writing and prior to the Council meeting, that his or her office will be declared vacant. The commissioner must be given the opportunity to respond to the notice. When the Council moves to "declare vacant" the positions, a notice of an unscheduled vacancy will be posted as required by Government code 54759, and published in the official newspaper of the City as requested by Council.

## **The Brown Act - Open Meeting Law**

The Brown Act, which was passed in 1953, has become a model public meeting law for the country. The opening section of the law states that:

*"In enacting this chapter, the legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."*

The Act extends to any advisory commission, board or body of a local agency. Its relevant provisions include the following: with some exceptions, meetings of advisory bodies must be held within the territory of the local agency, meetings must be open to the public, and notice of meetings must be delivered prior to the meeting to the press and public pursuant to the provisions of the Government Code.

A "meeting" takes place whenever a quorum of the board/commission is present and official business is conducted. A committee or commission member who attends a meeting where action is taken, knowing that the meeting is in violation of the Brown Act, is guilty of a misdemeanor. "Action taken" means a collective decision made by a majority of the members of the body, a collective commitment or promise to make a positive or negative decision, or an actual vote by the majority of the members on a motion, proposal, resolution, order or ordinance.

Any questions concerning the effect of the Brown Act should be directed to the City Attorney and/or City Clerk.

## **Conflict of Interest**

The Government Code provides that "No public official at any level of state or local government shall make, participate in making, or in any way attempt to use an official position to influence a governmental decision in which there is a financial interest." Most members of boards, commissions or committees are subject to the City's Conflict of Interest Code and will be required to file a Statement of Economic Interests with the City Clerk. These statements are required upon assuming office, annually and upon leaving office and are open to public inspection.

Any commission member who has a doubt as to whether or not there is a financial interest in any decision before the commission should contact the City Clerk prior to the time required to make the decision.

Sections 87200-87210, Article 2, of the Political Reform Act of 1974 require members of City Planning Commissions to file a conflict of interests statement (Form 700), disclosing investments, interests in real property, and income received during the period covered by the statement. This statement must be filed with the FPPC and a copy must be filed with the City Clerk's office upon assuming office, annually, and upon leaving office. The Clerk's office will notify these commissioners of their filing requirements in a timely fashion.

The Political Reform Act also requires cities to adopt a conflict of interests code listing those commissions, which are involved in the "making, or participate in the making, of decisions, which may foreseeably have a material effect on any financial interest." At this time, the City's conflict of interest code (Resolution No. 8037) requires certain commissioners to file disclosure statements (Form 700).

Members of these commissions will be required to disclose investments, interests in real property, sources of income, and business positions held. The Clerk's office will notify these commissioners of their filing requirements in a timely fashion and will provide needed forms and instructions to them.

### **Ethics Training Assembly Bill 1234**

Public officials—elected and appointed—wield the power of government and serve as stewards of both the public's resources and trust. For this reason, the public holds public officials to high standards of ethical conduct. The role of public perception makes public service ethics unique. A public official's own analysis of what constitutes the "ethical" course of conduct is only the first step of the analysis. The second is whether the public will perceive a particular course of action as being ethical. Perception is particularly important in the area of public service ethics. Public agency decision-making bodies – which include many advisory committees – must conduct their business in an open and public meeting.

For this reason the City of Redondo Beach is requiring each of their appointed commissioners to complete this training. The goal of AB 1234 training is to acquaint local officials with the laws that govern their behavior and motivate them to comply with such laws.

When local officials receive the training, they will be given proof of participation. Copies of these certificates should be provided to the City Clerk and maintained as public records subject to disclosure to the media, the public and others for at least five years. The training can occur in-person, online or on a self-study basis (read materials and take a test). A variety of organizations offer such training, a list will be provided.

### **RESPONSIBILITIES OF BOARD/COMMISSION MEMBERS**

Selection as an active member of a City board or commission provides an unusual opportunity for genuine public service. Although the specific duties of each of Redondo Beach's advisory bodies vary widely with the purpose for which they are formed, there are certain responsibilities common to all commission and board members. The following is a summary of the important responsibilities of members, and guidelines, which will assist in maximizing one's contribution to the community.

A. Training

All commissioners are required to attend (online or in person) the following training within 90 days of appointment for each new term:

- Commission Orientation
- Ethics Training (AB 1234)

Commission Orientation will be coordinated by the City Clerk's Office. Ethics training may occur in person, online or through a self-study basis. A list of organizations offering ethics training will be provided by the City Clerk's Office.

B. Understanding the Role and Scope of Responsibility of the Board/Commission

Board/commission members should become acquainted with the City programs within their group's scope of interest by consulting with relevant staff liaison. However, the role of the board/commission is to advise the City Council on specific City program areas and related policies, not to establish City policy or administer City programs.

C. Be Careful to Properly Represent the Board/Commission

Individual board/commission members must not represent their own views or recommendations as those of the board/commission unless the majority of the body has officially voted to approve such action.

Board/commission members making recommendations or expressing views not approved by a majority of a board/commission should indicate they are expressing themselves as private citizens. Public statements should contain no promises to the public that purport to be binding on the board/commission, staff or City Council.

D. Be Concerned with the Entire Community

Although board/commission members may be selected in part on the basis of representing clearly defined groups, in order to assure that all interests are voiced and considered, upon appointment each member should represent the overall public good and not that of an exclusive group or interest. The question, "What is good for the entire community?" should take precedence over "What will increase the advantage of my interest group?"

E. Keep the Lines of Communication Open

A board/commission is in the unique position of serving as a liaison between the City and the general public in helping to reconcile contradictory viewpoints and building a consensus around common goals and objectives. Therefore, each member must serve as a communication link between the community and the City, explaining city programs and recommendations, as well as providing a channel for citizen expression.

F. Be Conscious of Your Relationship to the City Council and City Staff

Commissioners serve at the pleasure of the Mayor and City Council. Good relations with the City Council and City staff are necessary for the successful operation of any board/commission. It is important that each board/commission member is accountable to the City Council and respects the authority of those who, in the end, will be charged with the final responsibility for action taken by the City. To avoid placing the City Council and City staff in a compromising position and to facilitate effective communications, it should be clear that your actions as a board/commission are as a body.

G. Establish a Good Working Relationship with Other Board/Commission Members

On many occasions the success or failure of the efforts of a board/commission member is largely dependent upon the degree of cooperation evident among the individual members of the body. In order to build a consensus around common goals and objectives, members will often have to first reconcile contradictory viewpoints and show a willingness to objectively consider the real and/or basic issues.

Another way of developing this cooperation is for each board/commission member to ensure that meetings proceed in an orderly manner. The chairperson is primarily responsible for seeing that consideration of agenda items moves along expeditiously, but with reasonable time allocated to each item. Each member can assist the chairperson by becoming familiar with the basic rules of parliamentary procedure and by adequately preparing any presentation to be made to the board/commission.

Other important points which each board/commission member should consider in the relationship with other members are as follows:

1. Always show respect for each individual's viewpoint.
2. Allow other members adequate time to present their views fully before making comments.
3. Be open and honest at all times.
4. Recognize new members and see that they are made welcome and receive assistance in becoming acquainted with their new duties.

H. Be Prepared to Vote

It is the responsibility of board/commission members to make adequate preparations for each meeting. If necessary, the member may wish to make field visits to locations under consideration prior to the board/commission meeting. Being prepared will greatly assist you when it comes time to vote on an issue. If members do not participate when they do not have a genuine conflict of interest, they are not carrying out the primary job for which they were appointed.

## **CONCLUSION**

The City Council and City Staff hope this policy will assist you in performing your duties as a member of a board/commission. Your job is truly an important one and a valuable community service.

Thank you,  
The Redondo Beach Mayor and City Council

SECTION 2. This Resolution shall take effect immediately upon its adoption.

SECTION 3. The City Clerk shall certify to the passage and adoption of this Resolution and shall enter the same in the Book of Original Resolutions.

PASSED, APPROVED AND ADOPTED this 8th day of November, 2011.

  
Mike Gin, Mayor

ATTEST:

STATE OF CALIFORNIA                     )  
COUNTY OF LOS ANGELES            )  
CITY OF REDONDO BEACH             )       SS

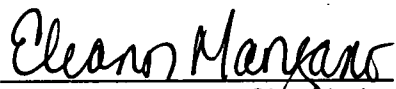
I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. CC-1111-530 was duly passed, approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 8<sup>th</sup> day of November, 2011, by the following vote:

AYES:           ASPEL, BRAND, AUST, DIELS, KILROY

NOES:           NONE

ABSENT:        NONE

ABSTAIN:       NONE

  
Eleanor Manzano, City Clerk

APPROVED AS TO FORM:

  
Michael W. Webb, City Attorney