



Council Agenda Report

Item 7b

Department: Administration
Cost Center: 1021
For Agenda of: 9/21/2021
Placement: Business
Estimated Time: 45 minutes

FROM: Greg Hermann, Deputy City Manager
Prepared By: Kevin Christian, Deputy City Clerk

SUBJECT: 2021 ADVISORY BODY HANDBOOK AND BYLAWS UPDATE

RECOMMENDATION

Adopt a Resolution entitled "A Resolution of the City Council of the City of San Luis Obispo, California, amending the bylaws of certain advisory bodies and adopting a revised Advisory Body Handbook."

REPORT IN BRIEF

In accordance with the Advisory Body Handbook, Section 3B, a review of each Advisory Body's bylaws is to be conducted on a biennial basis. Due to work being carried out to respond to the COVID-19 emergency, this update has been delayed. The City Clerk has reviewed the Handbook and made several amendment recommendations as shown in the legislative draft (Attachment B).

At this time each of the City's advisory bodies have completed a review of its bylaws, as reflected in their minutes (Attachment C), and forwarded them to the City Clerk. The following discussion on updates is broken into two sections, Handbook Revisions and Advisory Body Bylaws. The below listed Handbook Revisions are substantive revision recommendations made by staff. In the Advisory Body Bylaws discussion, the various body recommendations are presented or summarized, followed by a staff analysis and recommendation. Detailed final recommended modifications to the Handbook and Bylaws are included in legislative draft format, including both the substantive changes discussed and minor edits made for clarity or clerical reasons. The final approved Handbook will be included with the final resolution as an Exhibit to the resolution.

The last biennial update was conducted in 2017.

DISCUSSION

Handbook Revisions

1. Added the City Council Vision Statement to the Handbook Introduction.
2. Added a Section to provide a longer description for City and Regional Advisory Bodies for which City Council makes appointments.
3. Modified references of Advisory Body "purpose" to include "purview" where appropriate.

4. Updated information on how to sign up for Advisory Body vacancy notifications.
5. Added the ability to administer the Oath of Office in a manner consistent with other communications accepted during declared emergencies (i.e., via Teleconference).
6. “Term of Office” section: Added clarifying language to reflect term length differences on various Advisory Bodies. Provided clarification for the term start date. Provided details for exceptions to the 2-term standard and added language that allows the City Council to appoint members to more than two consecutive terms if no qualified candidates are found.
7. Set all Advisory Body Officer appointments to one, two-year term, with elections held in April of odd numbered years. In addition to the general Handbook section revision on this topic, references were placed in the Advisory Body Bylaws for each of the body.
8. Added the option for appointments made with less than one year remaining, to be reappointed without application and interview at the Council sub-committee liaison discretion.
9. Added the ability for the City Clerk to suspend a member for failure to file Statements of Economic Interest or failure to complete Ethics training, following at least a 60 day delinquent period and notification thereof.
10. Modified quorum definitions to use consistent language for all Advisory Bodies*, “A quorum is the majority of the total number of established members of the committee.”
*The Mass Transportation Committee and Jack House Committee are exceptions as they contain non-voting members in addition to the “established members”. Non-voting members are not counted towards quorum establishment.
11. Updated the City Organization chart.
12. Updated the general meeting section to include a cut-off time of 11:00 p.m. for night meetings, following the Council Policies and Procedures manual language.
13. Added language limiting applicant speaker time to 10-minutes, consistent with the Council Policies and Procedures.
14. Added language to encourage Advisory Body members to reach out in advance of meeting if they have significant questions concerning the agenda report information.
15. Added process information for “Leaves of Absence” requests.
16. Updated the “Understanding Your Role and Scope of Responsibility” section reference, “useful binder of information about the City” to simply “provide materials.” The intent is to allow supplying information digitally.
17. Added a reference to the City Council Social Media Policy under the “Public Records Act and Public Records Retention” section.

Advisory Body Bylaws

- Active Transportation Committee – No changes recommended at their January 16, 2020 meeting.
- Administrative Review Board – At their November 12, 2019, meeting, the Board recommended a revision to the term appointment to stagger office term appointments in a manner that no two terms start/end in the same year, and to make all terms a length of three years, up from two years.

Staff Analysis: Staff concurs that this would help ensure Board membership continuity. This body has three members. Currently two terms are complete in 2022, and one in 2023. To accommodate the proposed stagger, staff recommends that, of the two seats being completed in 2022; one be reappointed to a two-year term – ending 2024, and one to the recommended three-year term – ending 2025. Thereafter, all terms would be for three years.

- Architectural Review Commission – At their December 16, 2019, meeting, the Commission recommended:
 - Limiting applicant presentations to ten-minutes, to align with City Council meeting policy; and
 - To modify the Compensation section for Commissioner stipend to \$70 per meeting (not to exceed \$280 monthly), to reflect changes made by City Council (Resolution No. 10887 [2018 Series]).

Staff Analysis: Staff concurs with the recommendations. In addition, staff recommends that the meetings frequency is changed from monthly regular meetings to, “held as needed.”

- Citizens Revenue Enhancement Oversight Commission – No changes recommended at their December 12, 2019, meeting.
- Construction Board of Appeals – Due to the infrequency of meetings by this body, they have not reviewed their bylaws.

Staff Analysis: For clarity, staff recommends the addition of language confirming that the term length for appointments is the standard of four-years, but that there is no limitation to the number of consecutive terms which may be held. This is already stated in the general handbook section.

- Cultural Heritage Committee – At their June 28, 2021, meeting, the Cultural Heritage Committee (CHC) recommended that the following be added:
 - References to the body as a historic preservation commission of a Certified Local Government and having partnership with the State of California Office of Historic Preservation and National Park Service, be added to the CHC “Purpose” statement; and
 - That Council may select up to two members who are residents of the county rather than the City to fill positions with desired professional expertise; and
 - That the current Article 3 Membership section be replaced and revised to include, “All members must have a demonstrated interest, competence, or knowledge in historic preservation. At least two CHC members are encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related

disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. CHC membership may also include lay members;” and

- Eliminate the current reference for representation from each of the City’s five Historical Preservation Districts; and
- The Chairperson duties be modified to eliminate the roll of appointing subcommittees and submitting a budget report, and add that, “The Chairperson shall submit the annual report to the State Office of Historic Preservation.”

Staff Analysis: Staff concurs with the recommendations with the following caveat:

- Appointment of non-City residents: Concern has been expressed regarding the perspective that non-city residents advising on historic matters could create issues. The appointment of residents who do not live in the City has precedent on the following bodies: Housing Authority Board, Mass Transportation Committee, and the Tourism Business Improvement District Board (and by extension on the Promotional Coordinating Committee via the TBID representative).

- Human Relations Commission – At their December 4, 2019, meeting, the Commission recommended the addition of inclusive language for Advisory Body membership in the Advisory Body Handbook.

Staff Analysis: Staff concurs with the recommendation and has added the City Council Vision Statement to the Advisory Body Handbook, Introduction section.

- “The City of San Luis Obispo is a dynamic community embracing its future while respecting its past with core values of civility, sustainability, diversity, inclusivity, regionalism, partnership, and resiliency.”
- Additional revisions can be considered at subsequent biennial updates as the City brings additional staff with Diversity, Equity and Inclusion expertise and implements actions from the current Major City Goal.

- Investment Oversight Committee – The Investment Oversight Committee (IOC) is a City Committee rather than a City Council Advisory Body, therefore no bylaw review by the committee is directed.

Staff Analysis: Staff has added the Investment Oversight Committee (IOC) to the Handbook for membership and informational purposes. Although the IOC is a City Committee rather than a City Council Advisory Body, the City Council has responsibility for the appointment of the citizen member of the committee. Recruitment is run concurrently and through the same process as the Advisory Body recruitment, and membership rules follow the Advisory Body handbook for the lone citizen member. Providing information on the committee within the handbook serves the public.

- Jack House Committee – At their July 10, 2019, meeting the committee recommended modifying the Chair and Vice Chair office terms from two to one-year terms, with options to hold the office for a second year.

Staff Analysis: Staff does not recommend making the requested changes. As is detailed in the Advisory Body Handbook Revisions section (below), for consistency across all the City Council Advisory Bodies, staff is recommending that officer positions be for two-year terms.

- Mass Transportation Committee – At their November 20, 2019, meeting the committee recommended the removal of on “Alternate Member.” Currently the committee has seven voting members and two (non-voting) alternates. While the alternates are included in committee agenda item discussion, their main function is to ensure a quorum, with voting rights when a regular member is unable to attend. This is the only committee with alternate members and the committee has not been experiencing quorum or absence issues.

Staff Analysis: Staff concurs with this recommendation as it will ease some of the recruitment burden associated with the extended membership of the committee. Further, staff is recommending that the ASI representative term be limited to two years as a more realistic expectation than four years for a student term, and to make that appointment in September to coincide with the standard school year. Additionally, the ASI should be urged to prioritize candidates who expect to be in school for at least one full (school) year following appointment. Note that this position is an ASI appointment with City Council review for acceptance.

- Parks and Recreation Commission – No changes to the bylaws were recommended at their December 4, 2019, meeting.

Staff Analysis: Staff recommends the elimination of the requirement that one Parks and Recreation Commission (PRC) member serve as a representative on the Tree Committee, as most of the Tree Committee business falls outside the purview of the PRC. Additionally, tree-related issues inside City parks are brought to the PRC by the City Arborist as a matter of regular procedure. This recommendation is in concurrence with the Tree Committee recommendation.

- Planning Commission – At their November 6, 2019, meeting the Planning Commission recommended:
 - That the latest time a new item can be introduced in a meeting be moved from 11:00 p.m. to 10:00 p.m. without consent of a majority of Commissioners present; and
 - To modify the Commissioner stipend to \$70 per meeting (not to exceed \$280 monthly) to reflect changes made by City Council (Resolution No. 10887 [2018 Series]).

Staff Analysis: Staff concurs with the recommendations.

- Personnel Board – At their October 29, 2020, meeting the board approved the following recommended addition to their bylaws: “Personnel Board members are expected to serve in an objective manner when reviewing disciplinary appeal matters or matters of Council censure. If a member has a personal relationship that hinders them from remaining objective, therefore presenting due process concerns, they should state the relationship on the record and recuse themselves from the decision. To ensure compliance, the Chair shall ask each member at the beginning of proceedings, if they are able to be objective (whether that was due to a personal relationship, what they had read in the newspaper about the situation, etc.)” Additionally, they approved draft changes made at their November 7, 2019, meeting.

Staff Analysis: Staff concurs with the recommendations.

- Promotional Coordinating Committee – At their November 13, 2019, meeting, the committee recommended that the Tourism Business Improvement District Board (TBID) member may be any appointed TBID member and that their term of office will be the same as their TBID term of office. Additionally, they recommended dropping the “Events Promotion” subcommittee as a standing subcommittee.

Staff Analysis: Staff concurs with both recommendations. The TBID membership corrects discrepancies in the bylaws, will enhance membership continuity and is in concurrence with the TBID recommendation, and the subcommittee referenced is no longer active.

- Tourism Business Improvement District Board – At their November 13, 2019, meeting, the board recommended that membership appointment to the Promotional Coordinating Committee (PCC) shall become the responsibility of the Chair should no other member be available for appointment, and that the PCC membership term shall be the same as their term on the board.

Staff Analysis: Staff concurs with this recommendation as it corrects discrepancies in the bylaws and will enhance membership continuity for the PCC and is in concurrence with the PCC recommendation.

- Tree Committee – At their December 5, 2019, meeting, the committee recommended that the requirement for one member to be a representative of the Parks and Recreation Commission be dropped, that the need for horticultural expertise in general public members be increased from one to two, and that the meeting times be changed from 5:00 p.m. to 5:30 p.m., along with a few additional clerical non-substantive changes.

Staff Analysis: Staff concurs with the recommendations. The elimination of the PRC representative will allow an additional general public appointment, further allowing the proposed increase of horticultural expertise in general public appointments. The meeting time change will allow easier attendance by committee members as well as the general public to meetings following their personal business day.

Background

Previous Council or Advisory Body Action

The last full review and adoption of the Advisory Body Handbook was done in 2017 by City Council Resolution No. 10804 (2017 Series). A further modification to the Active Transportation Committee was made in February 2018, City Council Resolution No. 10862 (2018 Series). In preparation for the planned 2019 Advisory Body Handbook and Bylaws update, all Advisory Bodies were tasked with reviewing their bylaws and forwarding their recommendations to the City Clerk for inclusion. Minutes of these meetings are located in Appendix B.

Policy Context

In accordance with the Advisory Body Handbook, Section 3B, a review of each Advisory Body's bylaws is to be conducted on a biennial basis and submitted to the City Clerk.

Public Engagement

Agendas for the various City Advisory Bodies notifying the public that they were reviewing their bylaws were published and posted per standard procedure meeting Brown Act requirements prior to the various meetings. Public comment can be provided to the City Council through written correspondence prior to the meeting and through public testimony at the meeting.

CONCURRENCE

The City Clerk and various department staff that assist the Advisory Bodies are in concurrence with the recommendations listed.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act does not apply to the recommended action in this report, because the action does not constitute a "Project" under CEQA Guidelines Sec. 15378.

FISCAL IMPACT

Budgeted: Yes
Funding Identified: N/A

Budget Year: 2021-22

Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund	N/A	\$	\$	\$
State				
Federal				
Fees				
Other:				
Total	\$	\$	\$	N/A

The costs related to this scheduled update is accounted for in the annual budget appropriation in the City Clerk program.

ALTERNATIVES

Council could recommend changes to or reject specific recommended updates as detailed in the Advisory Body Handbook legislative draft.

ATTACHMENTS

A – Draft Resolution Amending the Bylaws of the City Advisory Bodies and Adopting a Revised Advisory Body Handbook - 2021.

B – Advisory Body Handbook – Legislative draft 2021

C – Advisory Body minutes recommending bylaw amendments – 2021.